

**IDAHO PLUMBING BOARD  
VIDEOCONFERENCE MEETING**

**Thursday – July 26, 2012 – 9:30 a.m. (MT)**

**Division of Building Safety  
1090 East Watertower Street, Suite 150, Meridian, Idaho  
1250 Ironwood Drive, Suite 220, Coeur d’Alene, Idaho  
2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho**

*NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting,  
but is intended to record the significant features of those discussions.*

Chairman Milford Terrell called the meeting to order at 9:34 a.m. (MT)

**Board Members Present:**

Milford Terrell, Chairman  
Dan Long, Vice-Chairman  
Matt Gardner  
Gilbert Pond  
Debbie Oberhofer

**DBS Staff Members Present:**

C. Kelly Pearce, Administrator  
Steve Keys, Deputy Administrator, Operations  
Ron Whitney, Deputy Administrator, Administration  
Patrick Grace, Deputy Attorney General  
John Nielsen, Plumbing Program Manager  
Rod Freligh, Regional Manager, Region 1  
Chris Jensen, Regional Manager, Region 3  
Terry Blessing, Regional Supervisor, Region 1  
Kathleen Watkins, Financial Manager  
Bill Hatch, Public Information Officer  
Renee Bryant, Administrative Assistant 2/Board Secretary

◆ **Introductions and Recognitions**

Kathleen Watkins was introduced as the Division’s new financial manager.

Along with the responsibilities of DBS region 2, regional manager, Ron Whitney has accepted the position of deputy administrator of administration.

Debbie Oberhofer, at-large representative, was welcomed to the Board.

Milford Terrell presented Terry Blessing, DBS region 1, regional supervisor, with a letter of recognition and certificate from Governor Otter for 20 years of service with the state of Idaho.

Gary Ziegler, city inspector and plumber, was remembered.

Milford Terrell expressed his apology to individuals not given the opportunity to fully voice their concerns/ideas at the May 2012 Idaho Plumbing Board meeting.

◆ **Open Forum**

Public Comments – Russ Goyen, city of Idaho Falls and representative for the Idaho Association of Building Officials (IDABO), expressed a desire to offer input; specifically to the topic “Liquid and Fuel Gas Piping”.

- ◆ **Approval of July 26, 2012 Agenda**  
**MOTION:** Gilbert Pond made a motion to approve the July 26, 2012 agenda as presented. Dan Long seconded. All in favor, motion carried.
  
- ◆ **Approval of May 10, 2012 Minutes**  
**MOTION:** Dan Long made a motion to approve the May 10, 2012 minutes as written. Gilbert Pond seconded. All in favor, motion carried.
  
- ◆ **Administrative Appeals Hearing**  
Two Rivers LLC – NOV PLB1205-0035 – Representatives for Two Rivers LLC were not present when the administrative hearing was introduced. The Division’s invite letter stated the hearing was scheduled (*tentatively*) between the hours of 9:30 a.m. and 12:00 p.m. (MT). To allow the defendant an opportunity to appear before the Board, Chairman Terrell moved the hearing to noon.
  
- ◆ **Update the Administrative Rules to Reflect Adoption of the Idaho State Plumbing Code (ISPC)**  
 John Nielsen provided an update on proposed changes made to the rule AFTER the May 2012 board meeting. The majority of changes are to section 412 “Minimum Number of Required Fixtures”. The International Association of Plumbing and Mechanical Officials (IAPMO) suggested the changes in section 412 match the proposed table 412.1 as they currently coincide with each other.  
  
**MOTION:** Gilbert Pond made a motion to accept the proposal as presented with regard to the ISPC. Dan Long seconded. All in favor, motion carried.
  
- ◆ **Inspection of Gray Water Systems**  
 Clarification with regard to jurisdictions and inspections of gray water systems were discussed under the topic “Update the Administrative Rules to Reflect Adoption of the Idaho State Plumbing Code”.  
  
**MOTION:** Dan Long made a motion to accept the proposal to IDAPA 07.02.06 “Rules Concerning Idaho State Plumbing Code” as presented. Matt Gardner seconded. All in favor, motion carried.
  
- ◆ **Color Definition of Inspection Tags**  
 John Nielsen read the proposed changes to IDAPA 07.02.04.011.04 “Inspection Tags for Unacceptable Plumbing”. The topic “Color Definition of Inspection Tags” corresponds with the topic “Additional Fees and Re-inspection Fees”. Both issues were briefly discussed.  
  
**MOTION:** Matt Gardner made a motion to accept the proposal to IDAPA 07.02.04.011.04 as written. Gilbert Pond seconded. All in favor, motion carried.
  
- ◆ **Additional Fees and Re-Inspection Fees**  
 The topic “Additional Fees and Re-inspection Fees” coincides with the topic “Color Definition of Inspection Tags”. Both issues were briefly discussed.  
  
**MOTION:** Debbie Oberhofer made a motion to accept the proposal to IDAPA 07.02.03.06 as written. Gilbert Pond seconded. All in favor, motion carried.
  
- ◆ **Commercial Plumbing--Idaho Code § 54-2602**  
 The original intent of the statute was to allow commercial property owners and/or their maintenance/construction personnel to maintain equipment at commercial sites only. Non-licensed

individuals have been performing plumbing work; thus, the Board expressed a need to refine the statute.

Milford Terrell suggested DBS meet with the Idaho Association of Commerce and Industry (IACI) representatives; outlining the Board's recommended changes.

To simplify the code book, Matt Gardner recommended the sentence "Extensions, new construction or alterations shall be performed by a licensed journeyman employed by a licensed plumbing contractor." be added to the following proposal:

"Work on plumbing systems on premises owned or operated by an employer who regularly employs maintenance or construction plumbers personnel performing alterations repairs, or replacements, provided that such alterations, extensions and new construction repairs or replacements, shall comply with the minimum standards and rules applicable to plumbing practices provided by this chapter."

**MOTION:** Matt Gardner made a motion to add the sentence "Extensions, new construction or alterations shall be performed by a licensed journeyman employed by a licensed plumbing contractor." at the end of proposal 4 (e) as presented in the board packet. Dan Long seconded. All in favor, motion carried.

**ACTION:** DBS will meet with IACI representatives to review the Board's recommended changes with regard to Idaho Code § 54-2602 -- Commercial Plumbing.

◆ **Medical Gas**

The proposed statute change "(1) Medical Gas and Medical vacuum systems" better aligns the statute with the definition of a plumbing system in the new ISPC.

**MOTION:** Gilbert Pond made a motion to accept the proposed change to Idaho Code §54-2604 "Plumbing Systems". Matt Gardner seconded. All in favor, motion carried.

◆ **Continuing Education Unit (CEU) Training for Plumbing Contractors**

One proposal is for DBS to provide a CEU course sufficient to satisfy the licensing/renewal requirements at no charge to licensees. The premise is to offer the course as a baseline alternative, not do away with other programs. This proposal would be more acceptable to the legislators because there would be an alternative where licensees would not have to pay.

Bill Hatch briefly explained the Division's online process; comparing it to the Federal Emergency Management Agency's (FEMA) well-defined system. Mr. Hatch offered and Chairman Terrell agreed to a short presentation of FEMA's self-directed online courses at the October 2012 Board meeting.

**ACTION:** At the October 2012 meeting, Bill Hatch will provide a brief presentation on FEMA's online course.

Kenny Calkins, representative for Treasure Valley Master Plumbers Association, Cloverdale Plumbing, and city of Boise, stated in September a class highlighting the new ISPC will be held in Nampa. There will be no cost to participants.

**ACTION:** Kenny Calkins will report to the Board at the October 2012 meeting the outcome of the class as it pertains to the new ISPC.

◆ **Announcement**

At the request of DBS, Chairman Terrell read the following announcement: “Anyone needing to take or make a phone call do it outside or in the lunch room. We have had some recent cases where people are on their cell phones in the hallways and disturbing our employees.”

◆ **Liquid and Fuel Gas Piping**

Russ Goyen stated IDABO fully supports the proposed amendment to the current HVAC statute that was approved at previous board meetings by the Plumbing and HVAC Boards.

To eliminate possible future conflicts or confusion with regard to permitting of fuel gas and hydronic pipe jobs, IDABO suggested the Board provide clear direction that such work be permitted consistently as a mechanical permit issued by whichever jurisdiction, state or local, that runs the HVAC inspection program where the work is being done. This would be a policy clarification, not a statute change.

Milford Terrell requested Mr. Goyen provide, via e-mail to DBS, his speech for the Board to review and provide a response.

**ACTION:** Russ Goyen will e-mail his speech and policy clarification to DBS for distribution to the Board.

◆ **Administrative Appeals Hearing (Continued)**

Two Rivers LLC – NOV PLB1205-0035 – At 12:05 p.m., the topic was readdressed. The Notice of Violation (NOV) was issued based upon a proposed violation to IDAPA 07.02.07.011.01 “Plumbing Contractor”. There were no representatives for Two Rivers LLC present at the meeting; therefore, the Board voted to take default on NOV PLB1205-0035.

**MOTION:** Dan Long made a motion to move forward with default on NOV PLB1205-0035. Gilbert Pond seconded. All in favor, motion carried.

**ACTION:** Deputy Attorney General Patrick Grace will create a Notice of Intent to Take Default for Chairman Terrell’s signature and provide a signed copy to Two Rivers LLC.

◆ **Renting of Contractor Licenses**

Originally, the issue was about health and safety and individuals with little or no experience performing plumbing services through the rental/lease of plumbing contractor licenses.

Suggestions to resolve the matter were: 1) Create a master plumber license; tying more closely to the owner/company of the contractor license; or 2) create a civil penalty to the licensed contractor; making him more accountable to who he rents to.

The topics “Renting of Contractor Licenses” and “Master License” are interrelated. It was decided the master license should be a separate topic.

Gilbert Pond brought forth a recent problem where red tags were issued, inspections were completed, but corrections were not made. Mr. Pond will meet with Steve Keys and John Nielsen to further discuss this issue; coming back to the October meeting with the outcome.

**ACTION:** DBS staff will follow-up with Gilbert Pond on the red-tag issue; bringing results to the October 25th Board meeting.

Milford Terrell requested the committee meet to further discuss the issue “Renting of Contractor Licenses”; coming back to the October meeting with new ideas and/or verbiage.

**ACTION:** The committee will come back to the October 25th meeting with ideas and/or verbiage on how to correct the problem of non-qualified individuals renting plumbing contractor licenses.

◆ **Master License**

At a previous meeting, the topic “Master License” was discussed as a possible way to prevent the renting of licenses. It was later determined the license would not fix the issue.

Given the option to pursue, remove or table a master plumber license, the Board chose to remove the topic “Master License” from the agenda.

**MOTION:** Matt Gardner made a motion to remove the topic “Master License” from the agenda until further notice. Dan Long seconded. All in favor, motion carried.

◆ **High Density Polyethylene (HDPE)**

At the July 2012 meeting, questions were raised as to the proper use of HDPE and whether joints would be allowed under slab.

The topic “High Density Polyethylene (HDPE)” was an informational item only. With no additional questions, Chairman Terrell stated no further action was required.

◆ **Contractor Licensing Requirement for “Big Box” Vendors**

Retailers; i.e., Lowe's and Home Depot offer package deals to include installation with the purchase of industry-related equipment. The vendors advertise and sell products; however, use licensed individuals for the installation.

Recently, an HVAC contractor working with a box vendor sought a letter from the HVAC Board stating they were in compliance with state law.

◆ **Plumbing Program Manager Report**

AWWA Manual – John Nielsen received a new American Water Works Association (AWWA) manual on backflow prevention from United Water.

Unlicensed Contractor Flyer – The Division has created a public service announcement with regard to the risk of hiring unqualified/unlicensed plumbing, HVAC, and electrical contractors.

Cross-Connection Devices – Milford Terrell asked John Nielsen and Daryl Spivey, city of Boise inspector, to create a report; comparing the type and quality of cross-connection devices.

**ACTION:** John Nielsen and Daryl Spivey will bring a report to the October 2012 meeting on the type and quality of cross-connection devices.

◆ **Operational Report**

Meetings – In July, Steve Keys attended the National Fire Protection Association (NFPA) meeting in Boston, MA, and US Department of Housing and Urban Development (HUD)/Manufactured Housing meeting in Seattle, WA.

The issue of handyman/unlicensed individuals performing plumbing, electrical, and HVAC work was discussed. Several states have had great success with sting operations. Their agencies do not have “enforcement” authority; however, are executing the stings in an investigative capacity.

◆ **Administrator Report**

Code Updates – Ron Whitney discussed the decisions made by the Idaho Electrical Board and Idaho HVAC Board with regard to their current and future codes.

At the August 20th Idaho Building Code Board meeting, a proposal will be presented to the Board to adopt the 2009 code with amendments to the International Residential Code and International Energy Conservation Code and the 2012 code with amendments to the International Building Code and Existing Building Code.

Financial Report – The Idaho Plumbing Board fund FY 2012 financial statement, as of May 31, 2012, was reviewed by Kathleen Watkins.

Legislative Audit – An article on the Division of Building Safety and its 2012 legislative audit was published in the Idaho Statesman. Kathleen Watkins explained the steps being taken to correct the issues identified in the audit.

Changes in Workforce – Kelly Pearce made a PowerPoint presentation titled *Changes in Workforce*. The presentation consisted of charts comparing the average number of individuals working in residential and commercial construction, as registered with the Idaho Department of Labor (2007-2012); DBS budget-personnel reduction (2007-2012); and expenditures to appropriations (2005-2012).

◆ **Old/New Business**

There was no old/new business to discuss.

◆ **Adjournment**

Chairman Terrell adjourned the meeting at 2:43 p.m. (MT).

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DAN LONG, ACTING CHAIRMAN  
IDAHO PLUMBING BOARD

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C. KELLY PEARCE, ADMINISTRATOR  
DIVISION OF BUILDING SAFETY

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DATE  
10/15/12rb

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DATE