

QUARTERLY BOARD MEETING OF THE STATE PLUMBING BOARD OF LOUISIANA

BATON ROUGE, LOUISIANA

August 25, 2011

The Quarterly Board Meeting of the State Plumbing Board of Louisiana was called to order by Chairman, James Finley, at 10:07 a.m.

The following persons were in attendance:

BOARD MEMBERS	ADVISORY BOARD	STAFF	GUESTS
James Finley	Terry Smith	John Barker	Bob Urann – RUSPC
Jerry Payne	Don Turner	Katie Ramagos	DJ Berger – Local 60
Kelly Craft	Richard Paulk	Ashleigh Cambre	Ray Tolar – Care Services
Gerald LaCour		Corky Dwight	Sal Giardina – PHCC N.O.
Larry Reiling		Pat Olivier	Keli Williams –LAPHCC (Tatman)
Rickey Fabra		Glen Gremillion	Leon Molinari – PHCC
Parker Perot		Chris Bodet	David Cloteaux – Laf. Consolidated Gov’t
Keith Bienvenu		Steve Porter	Ed Guillom – Home Depot
		Blaine Matte	W.T. Wolf – Wolf Plumbing
		Cliff Slaughter	Jerry Franklin
		Carl Barnum	Al Smith – Sears
		John Neal	Fred Robillard – Reliable Plumbing
		Lindsey Mayer	Jessie Marr – Central Plumbing
		Dara Wilson	Jim Clark – Central Plumbing
			Jimmy Lockwood - B & D Plumbing

INVOCATION: *Keith Bienvenu*

PLEDGE OF ALLEGIANCE

ROLL CALL: *Ashleigh W. Cambre*

PRESENTATIONS

a.) *New Office Employee*

John Barker introduced Katie Ramagos coming back on a part time basis as Human Resources/Accounting and Ashleigh W. Cambre taking over Enforcement Division

taking Christina Hymel's position. Mr. Finley introduced Parker Perot as New Board Member taking Wendell Guillot's position.

APPLICATION COMMITTEE

a.) Jerry Franklin

Lindsey Mayer, Journeyman Plumber Division, explained that our policies in the office is that when an applicant for the Journeyman Exam whenever they pass one part of the exam they have a year to send in their application to reapply and if they don't do it within the year then that exam score is no longer good and they have to start completely over. Mr. Franklin took the Journeyman Exam July 2008. He passed the written portion and failed the practical portion. He was then rescheduled for January 2009 and rescheduled that date to April 2009. He was only scheduled then for the practical portion of the exam and he failed. We received a re take application June 2009, the application was not notarized. Mrs. Mayer then sent him a letter stating the application was not notarized and he needed to get it notarized before we could schedule him for the exam. He resubmitted the application in 2011. Because it was not within the year that his application was complete so we scheduled him for both parts. He did come to the exam and took both parts. He passed the practical and failed the written. Mr. Barker stated that we do not have the latitude the Board has and we don't have the position one way or the other, whatever the Board decides is fine with the staff. Mr. Franklin stated that he had an accident and tore up his knee for most of 2010 and had him down. He states that he resent his application in 2010 not 2011. Terry Smith Advisory Board Member has known Jerry for years and verifies that his knee was incapacitated for a long period of time. Mr. Smith states that Mr. Franklin is an asset and he cannot speak highly enough about Mr. Franklin. Mr. Finley states there is a reason for the time limitation and if you wait that length of time between exams it will make your original test invalid. Mr. Craft asked Mr. Franklin about his application not being notarized and Mr. Franklin states he didn't know he had to have it notarized.

MOTION: to allow Mr. Jerry Franklin to allow his grades to go through. Does not set a precedence for future applicants and policies of the staff should remain the same. Specific waiver was granted because of medical situation of the applicant during the process of him taking his exam.

MOTION: KEITH BIENVENU

SECOND: RICKEY FABRE

MOTION: CARRIED

b.) W. T. Wolf

Dara Wilson, Master Plumber Division, explained that on July 12, 2011 Gene Richardson, Inspector for City of Shreveport requested a list of restrictions and whenever he received them he found that Mr. Wolf was restricted to Caddo except for the City of Shreveport. He informed us since October 2007 he has been registered with the City of Shreveport. We told Mr. Wolf he was not allowed to work in City of Shreveport because of his restrictions. Mr. Wolf wants his restriction lifted on Shreveport and Bossier City. Mr. Finley states that we face a dilemma when the state exam first came into being there was an exception given

for people who worked in various areas for restricted license and the Grandfather clause is expired. The Board does not have the authority to do that anymore. This has come up from time to time within the last few years and we cannot, by law, issue a waiver. Mr. Wolf states he is not looking for a waiver for the whole state just the few cities that he is licensed to work in. Mr. Wolf states that he was told by Don Trailer that if he wanted to work in Shreveport and Bossier he would have to take their Master Plumber Test. They no longer have a Master Plumber Test. Since March 2007 Shreveport has been inspecting everything in Caddo Parish. Their inspectors went back and talked to the Chief Plumbing Inspector and told them about his work. Mr. Wolf states he was called into the Shreveport City Hall Office by Chuck Fagan and was told to write a check for \$200.00 for his license in Shreveport for that year and the next. Mr. Wolf states he explained to Mr. Fagan he had a restricted license and he cannot work in Shreveport. Mr. Wolf was then told they checked his work and he passed the test although they do not have a test. He is waiting for his Grandson to get his Master Plumber license this year so he can retire at the end of the year. Shreveport issued him a license and allowed him to work there. Mr. Finley stated his situation is really unique. The time to have done this was back when the licenses first came out. There was a certain period of time, almost 10 years, the Board could issue and add additional parishes on it if the person could prove they worked there or he had a license. The Grandfather Clause went away and the only way you could get grandfathered in is if you took the State Plumbing Exam and work any place you want to. Parker asked why is this an issue since he has been paying the City of Shreveport \$200.00 a year since 2007 faithfully and also being renewed by Bossier as well? Mr. Finley states this law came in affect in 1991 and the 10 year Grandfather clause is expired. The window of opportunity is gone stated by Mr. Barker. Mr. Payne request that Mr. Wolf take our Master Plumber Test and Mr. Wolf states that if he applies to take it the first test is in November and his Grandson is taking the test in November and if he passes the test Mr. Wolf is retiring. Mr. Finley states he can take a Special Master Plumber Test very soon. Mr. Barker states that if he takes the Master Plumber Test right away, if he does not pass it, it still will not hurt his restricted license. Mr. Perot states given the circumstance that he has been licensed and been working on permit, if he submitted his application would he be allowed to work? Mr. Finley states no he will not. Only as a Journeyman, if he has not taken the test before, he is allowed to work until the next examination with a temporary license and if he fails he cannot be issued anymore licenses until he passes the test. No provisions for the Master Plumber. Mr. Barker states financially its \$100.00 to take the test. In Mr. Wolf's situation with a restricted Master's if he successfully passes the test he will only have to pay \$10.00 for a Master License. Mr. Finley states, I'm sorry but we cannot allow you to work there. Mr. Finley states the Grandson can request to take the Master Plumber Exam soon as a Specials Exam. Mr. Finley states we are addressing here that Mr. Wolf is requesting to the Board to Grandfather him in and we cannot do that. Mr. Finely states there is nothing we can do legally to help him out. David Cloteaux states that Mr. Wolf states he was working in the parish out of the jurisdiction of the city, but the city is inspecting in the parish. If he is licensed by the state to

work in the parish they should not have issued the registration for him to work in the parish. Mr. Perot states Bossier City claims jurisdiction on any structure and property that is tapped into their water main, is how it is claimed. Mr. Cloteaux states the board issued him a license as a restricted Master Plumber to work in the parish even though they are doing inspections that should not have anything to do with his license in the parish in which he was approved for. Mr. Finley states we have no jurisdiction over all of that. We as a Board cannot issue a Grandfather License legally and we are not going to do it illegally either. Request is denied.

c.) Jessie Marr

John Barker, Executive Director, states that he spoke with Mr. Clark and Mr. Marr is here regarding his experience in the service. Mr. Finley asked Mr. Marr if he is here because he does not have the required number of journeyman to sign for him to vouch for his plumbing for passed experience in addition to what his plumbing experience is? Mr. Marr states his past experience is, he was in the Navy for roughly 7 years. Home Maintenance Technician Second Class Petty Officer. Primary job, plumbing, piping systems, carpentry, sheet metal. He believes that his 7 years of time he is trying to get an acceptance. Mr. Finley asked Mr. Marr what sort of back ground did you have in plumbing, what sort of work did you actually do in the plumbing field in the Navy? Mr. Marr states piping systems, gray water, black water, toilets, sinks. Mr. Finley asked if it was land based insulations or ship port? Mr. Marr states it was ship port. Rickey Fabra asked Mr. Marr how long were you in the Military? Mr. Marr states June 22, 2001 and got out March 24, 2008. Mr. Craft asked the experiences you do have in plumbing that you can document how much is that, any at all? Mr. Marr states no sir. Mr. Craft, none at all? Mr. Marr states that in the Navy they keep records on jobs that we do and it is sent somewhere. As far as a program they have not quite gotten a program set up on that side of the world where I was. Mr. Fabra states that he notices that Mr. Marr is working for Central Plumbing. How long have you been employed for Central Plumbing? Mr. Marr states since February of this year. Mr. Finley states from a legal stand point Mr. Payne should excuse himself from the discussion. Mr. Jerry Payne abstained. Mr. Perot asked Mr. Marr how long have you been out of the Military? Mr. Marr states March 24, 2008 so 3 years and some change. Mr. Perot asked Mr. Marr have you been working for Central Plumbing since then? Mr. Marr states no sir I went to work in Abbeville and then Trinity Marine and then after there I went to work for Central Plumbing. Mr. Perot asked, so you have been at Central Plumbing since? Mr. Marr states since February, about 6 or 7 months. Mr. Fabra states based off your years of experience in the Military and your training on the ship getting familiarized with the different types of systems and installing plumbing fixtures, I would like to make a motion that we give Mr. Jessie an opportunity to take the exam.

Motion: to allow Mr. Jessie to have an opportunity to take the exam.
MOTION: RICKEY FABRA
SECOND: KELLY CRAFT

MOTION: CARRIED WITH ONE OBSTENTION**GUESTS*****a.) Heather Stefan (LA Workforce Commission)***

John Barker, Executive Director, read letter from Kirk Isaac, regarding two to one ratio. Registered Apprenticeship Programs still stick to their standards. Mr. Perot stated, according to your standards someone who is not in an apprenticeship program is not considered an apprentice? Heather states they do not directly address that in their regulations but not a registered apprentice. A lot of people use the word apprentice loosely. Keli Williams with LAPHCC states that as she recalls she doesn't think they stated the ratio in their guidelines? Heather states yes it is. The ratio now is one to one and it changed in July to two to one. Mr. Perot asks if there is a definition of an apprentice in their standards. Heather states yes there is a definition and they have to be registered through their office to be considered a registered apprentice. Mr. Craft asked who originated the letter? Mr. Barker states Mr. Kirk Isaac, Executive Director of the Louisiana Workforce Commission. Mr. Craft has an issue with the letter itself. Is the idea of the trade referring to the plumbing industry and not really reflected in the letter as much as it is a concern from that agency about getting more people in the field to actually draw a pay check if he understands the letter correctly? Mr. Barker states everybody can interpret this letter to their own liking. Mr. Craft states the 1 to 1 ratio was to keep the state plumbing board from making a statement to the people of the state that would actually get them in a bind on a Davis Bacon job. So I guess my question is now that if we reverse it we are actually doing the same thing we tried to avoid doing the last issue? Mr. Finley states it accommodates the industry Kelly as opposed to the Davis Bacon jobs. Mr. Payne asked will there be an affective date for this because all of the plumbers in the state have been told that the ratio is 3 to 1 as per their last training? Mr. Finley asked Heather is there going to be a problem if we put a date on this as of January 1? Mr. Fabra asked Mr. Payne to amend the Motion to state that it would be affective January 1, 2012? Mr. Payne states he thinks we would get a lot of feed back on this and would like to see it go into affect September 1st. Mr. Finley says it's only a couple of days away. Mr. Payne states there seems to be confusion on what the rule is now. The Boards rule is 1 to 1 and some of the inspectors have been telling the guys 3 to 1. How long has it been since it's been 1 to 1? Heather states last November.

MOTION: to adopt the terms of the letter from Mr. Isaac, Executive Director for LA Workforce Commission, 2 to 1 ratio.

MOTION: JERRY

SECOND: PARKER

MOTION: CARRIED

ENFORCEMENT

John Barker introduced John Neal took Terry Moore's position Region F. Glen Gremillion has a tremendous case in Kinder, LA that has 298 counts on the City of Kinder.

SPECIAL REQUESTS

TRAINING PROGRAM APPROVAL

NONE

COMMITTEE REPORTS

NONE

PREVIOUS MINUTES

(May 19, 2011)

Per Mr. Finley has an issue with the previous minutes. Requirements for Apprenticeship Program to start 2012 and it should be required to start January 2016. Motion to change in minutes by Keith requirements for apprenticeship start in 2012 with an enforcement date 2016.

MOTION: to accept the May 19, 2011 minutes as amended
MOTION: KEITH BIENVENU
SECOND: RICKEY FABRA
MOTION: CARRIED

FINANCIAL REPORT

MOTION: to accept the financial report as presented by Rickey Fabra
MOTION: KELLY CRAFT
SECOND: JERRY PAYNE
MOTION: CARRIED

ADVISORY REPORT

NONE

INDIVIDUAL MEMBER'S REPORT

NONE

ENFORCEMENT OFFICERS' REPORT

The enforcement officers each gave their individual report. (See attached)
Executive Director, John Barker, announced that John Neal took Terry Moore's position as Enforcement Officer for Region F. Mr. Finley welcomed John Neal to the State Plumbing Board. Mr. Finley stated we do not need a MOTION to accept the Enforcement Officers' Report.

EXECUTIVE DIRECTOR'S REPORT

Mr. Barker stated that the State Plumbing Board received an anonymous letter from someone complaining about Home 360/Homecare 360 and it went through the news but it was anonymous. He also stated we do not have all the information but it is forthcoming and just wanted you to be aware of it. We cannot answer the reply because we were not given enough information, but we do have an invoice and at this time and they are licensed and in compliance with our State Law.

Mr. Barker also stated that Glen Gremillion who works in the Kinder area got a contract with 298 violations. He also stated we are going to handle this with our attorney, because this is a tie-in issue and the law is in our favor and we are going to move forward with it.

Mr. Barker states that our Cooperative Endeavor Agreement is going through the final stages for the registry. Mr. Barker wants the Board to take some action on HB 418 that has successfully passed both chambers with the required 2/3 vote for us to civilly fine unlicensed people in the State of Louisiana doing plumbing work. It was signed in July but our Enforcement Officers have not enforced it because Mr. Barker thought it would be proper for the Board to acknowledge the law and bring it in and incorporate it under our umbrella so we can start doing that immediately. Mr. Barker asked Mr. Finley if we need a Motion? Mr. Finley stated we do not need a Motion to recognize the minutes. Mr. Barker stated effective immediately today we are going to start enforcing the law. The complaint has to come from the consumer who has the trouble with the unlicensed person. Mr. Barker thanked PHCC, UA, and MCA for carrying the ball for helping to get the Legislation passed. Thank you to everyone.

MOTION: To accept the Executive Director's Report as presented
MOTION: KELLY CRAFT
SECOND: LARRY REILING
MOTION: CARRIED

EXAM REPORTS

1.) JOURNEYMAN EXAMINATIONS

- a.) **May 24, 2011 (Special) – John Barker – no problems**
- b.) **July 9, 2011 –**
- c.) **July 16, 2011 – Keith Bienvenu – no problems**
- d.) **July 23, 2011 –**
- e.) **August 15, 2011 (Special) – John Barker – no problems**

Mr. Barker said we had some issues and we are going to call each Board Member within 10 days of the exam and remind everyone of their day. If you have any issues with your scheduled day call a Board Member and see if they can take your day, if not then call the Board. Keith Bienvenu had an issue with the July 16, 2011 Exam the original Board Member didn't show up and he did not have a problem showing up for him. Mr. Finley stated that we really need to be more cognizant of these things.

2.) MASTER EXAMINATIONS

- a.) **June 8, 2011 (Special)- Rickey Fabra – no problems**
- b.) **August 6, 2011 – Jim Finley**

3.) APPRENTICESHIP PROGRAM

2012 Requirements become affective in 2016

Mr. Payne said he would like to see a letter put in the mail out. Mr. Finley acknowledged the staff committed to do it and it will go out with renewals. Staff will put it on the website but it is still not on the website. Ms. Ramagos stated we needed clarification on the actual date and now that we know the date we will put it on the website.

4.) PROCESSING CHARGE

Since 1990 the Board has not been able to raise fees at all. Contractors Board has a fee attached to their application. Fees have to be approved by the Legislature so we cannot say fees. It is going to be called a processing adjustment. Mr. Barker states we are going to take different stages for different licensees and this will affect the Master and the Journeyman if it is an individual license. We are not going to triple process a guy with a Journeyman/Med Gas/WSPS, he will just pay the one processing assessment. Mr. Barker suggests the Master a \$20.00 assessment and the Journeyman a \$10.00 assessment. Mr. Finley states our Legal Advisor is not present during this discussion. He has left the room and will return after this discussion. Keith makes a recommendation to make it a flat \$15.00 processing assessment across the board so it will be less confusing for the office staff. Katie Ramagos states it makes more sense to make it a flat processing charge across the board. Rickey Fabra states there are two pieces to this process. One as a Master Plumber you have to process the license and you have to process the certificate. There is two parts for a Master Plumber to renew his

license. The \$20.00 would be adequate for that assessment. On the Journeyman Renewal the \$10.00 would be fair due to the fact of the economic situation that is taking place right now and the hardships, if you raise it to \$15.00; you are going to find that a lot of people are going to let their license laps. Rickey makes a recommendation to go \$10.00 across the board.

Motion: Mr. Fabra suggest we charged a flat assessment to process the renewals \$10.00 across the board for Master Plumber Renewals and Journeyman Plumber Renewals on Med Gas, if the license holder carries a Med Gas License the endorsement to his plumbing license and a plumbing license, that flat rate will be \$10.00 to process those two license and the endorsement. Mr. Bienvenue wants clarification: any license processing, if they hand in their endorsement for WSPS, that's included? Mr. Fabra states that is included in his Motion. Mr. Bienvenu states Med Gas is a separate license so that is a \$10.00 charge. No matter if they have a plumbing license or not that is 2 \$10.00 charges. Mr. Fabra states the way his Motion would be if the license holder that carries a Louisiana State Plumbing License, a Louisiana State Med Gas License and the endorsement to his plumbing license for the Plumbing staff to process those two licenses and the endorsement would be a charge of \$10.00. Mr. Bienvenu states it would be less confusing if every license carrier has a processing charge. Mr. Fabra says he will retract his Motion to state that it would be just \$10.00 based on license renewals only and the endorsement will be no fee. Mr. Fabra states that we are going to lump everything together. Mr. Fabra's Motion is there would be a \$10.00 flat rate on a processing assessment on all applications submitted to the Board for examinations whether it is Journeyman Exams or Master Exams. That would be \$10.00 processing assessment. On renewals, State Plumbing License would be a \$10.00 processing assessment, on a state Medical Gas License would be a \$10.00 processing assessment, and the endorsements would be no processing assessment to the endorsement to the plumbing license. Mr. Fabra states that would be in a form of a Motion for the third time. Mr. Perot asks does that include a \$10.00 application fee for new applicants? Mr. Bienvenu wants clarification anytime the staff has to process a piece of paper is there a \$10.00 charge assessment? Any transaction that you have to process whether it be applications for new exams or any licenses or endorsements, the only endorsement effective is going to be the WSPS or Horticulturist but we don't license Horticulturist but they do have to apply to us but their endorsement will have a transaction fee. Mr. Fabra states that would apply to WSPS.

**MOTION: RICKEY FABRA
SECOND: LARRY REILING**

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OLD BUSINESS

NONE

NEW BUSINESS

a.) Approval of 2012 Renewal Mail-Outs

Mr. Uran just re-appeared. Ms. Ramagos states that in one of the past meetings the Board discussed to put on the application circle yes or no if they attended continuing education. We added that to those forms. We will add the processing charge after the meeting. We would like to start printing these and getting everything set up for the renewals can start going out.

MOTION: to approve the form that is submitted by staff

MOTION: RICKEY FABRA

SECOND: KELLY CRAFT

MOTION: CARRIED

b.) Continuing Education Topics

Mr. DJ Burger states that the committee met prior to the board meeting to discuss the suggested topics for 2012 continuing education.

Motion: to accept

MOTION: KEITH BIENVENU

SECOND: KELLY CRAFT

Post poning Med Gas requirement continuing education 2013 to 2014 to align with WSPS requirement continuing education.

MOTION: to accept

MOTION: KELLY CRAFT

SECOND: LARRY REILING

c.) ELECTION OF OFFICERS

Rickey Fabra chairman wants to turn it over to the co-chair Mr. Payne. Mr. Finley apologized. Mr. Payne states that the Nomination Committee would like to nominate Chairman Jim Finley, Vice Chairman, Kelly Craft, and Secretary/Treasurer Rickey Fabra.

MOTION: to accept Nominating Committee's Report

MOTION: KEITH BIENVENU

SECOND: PARKER PEROT

MOTION: to accept the Nominations by Acclamation

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MOTION: LARRY REILING
SECOND: KEITH BIENVENU

d.) Lease for Building

Lease for Building is up for renewal

Motion: Jim Finley Chairman of the Board to sign the Lease

MOTION: RICKEY FABRA

SECOND: KELLY CRAFT

TENTATIVE DATE FOR THE NEXT
QUARTERLY BOARD MEETING

November 17, 2011 is the tentative date of the next Quarterly Board Meeting of the State Plumbing Board of Louisiana.

ADJOURNMENT

MOTION: to adjourn the Quarterly Board Meeting of the State Plumbing Board of Louisiana at 11:40am

MOTION: KELLY CRAFT

SECOND: PARKER PEROT

MOTION: CARRIED

Respectfully Submitted,

James C. Finley, Chairman

Rickey Fabra, Secretary/ Treasurer