

QUARTERLY BOARD MEETING OF THE STATE PLUMBING BOARD OF LOUISIANA

BATON ROUGE, LOUISIANA

December 13, 2012

The Quarterly Board Meeting of the State Plumbing Board of Louisiana was called to order by Vice-Chairman, Kelly Craft, at 10:00 a.m.

The following persons were in attendance:

BOARD MEMBERS	ADVISORY BOARD	STAFF	GUESTS
Carl Bourgeois	Richard Paulk	John Barker	Louis Robein, Jr. – RUSPC
Rickey Fabra	Dirk Payne	Lindsey Mayer	D.J. Berger – N.I.T.C.
Keith Bienvenu	Terry Smith	Steve Porter	Robert Case – Amtek, Inc.
Kelly Craft	Donald Turner	John Neal	J.C . Matt
Gerald LaCour		Cliff Slaughter	Ed Guillory – Home Depot
Larry Reiling		Glen Gremillion	Keli Williams - PHCC
Jerry Payne		Carl Barnum	Marissa Ruffino - PHCC
		Blaine Matte	Jeremy Harris – DHH
		Bob Hogan	Henry Heier- MCA
		Chris Bodet	Rick Moore – Home Depot
		Pat Olivier	Al Smith - Sears
			John Mata - IAPMO

INVOCATION: *Kelly Craft*

PLEDGE OF ALLEGIANCE: *Kelly Craft*

ROLL CALL: *Lindsey Mayer*

PRESENTATIONS

Vice-Chairman, Kelly Craft, informed the Board that there is a new member on the Board, Carl Bourgeois. Executive Director, John Barker, introduced Carl Bourgeois to the Board. He explained to the Board that Mr. Bourgeois was appointed to the Board by Governor Bobby Jindal. Mr. Barker also informed the Board that Carl Bourgeois was previously an Advisory Board member and serves on the Board's Strategic Committee.

APPLICATION COMMITTEE

None

ENFORCEMENT

a.) Informal Hearings

Lindsey Mayer informed the Board that there were five (5) informal hearings scheduled for December 13, 2012 and four (4) of them did not show up. The informal hearings that were scheduled are as follows.

1.) Matthew Oiler - Mr. Oiler was cited by Enforcement Officer, Glen Gremillion, and was scheduled to meet with the Enforcement Committee about this citation on December 13, 2012. Mr. Oiler did not show up to the hearing.

2.) William Richard – Mr. Richard was cited by enforcement Officer, Glen Gremillion, and was scheduled to meet with the Enforcement Committee about this citation on December 13, 2012. Mr. Richard did not show up to the hearing.

3.) Joseph Stalsby – Mr. Stalsby was cited by Enforcement Officer, Glen Gremillion, and was scheduled to meet with the Enforcement Committee about this citation on December 12, 2012. Mr. Stalsby did not show up to the hearing.

4.) Chris Dausat – Mr. Dausat was cited by Enforcement Officer, Cliff Slaughter, and was scheduled to meet with the Enforcement Committee about this citation on December 12, 2012. Mr. Dausat did not show up for the hearing.

Executive Director, John Barker, informed the Board that all violators that did not up for scheduled informal hearings are automatically referred to formal hearings, and they will be addressed as needed.

5.) Bradley Montou – Lindsey Mayer explained to the Board that Mr. Montou was cited by Enforcement Officer, Glen Gremillion. Mrs. Mayer informed the Board that Mr. Montou was present at the scheduled informal hearing and his case was resolved.

b.) Payless Plumbing

Lindsey Mayer explained to the Board that citations and customers complaints are continuously being issued for Payless Plumbing and Dennis Borrigene. Mrs. Mayer then turned the issue over to Executive Director, John Barker. Mr. Barker informed the Board that the consumer that has filed a complaint against Payless Plumbing has been referred to the Attorney General's Office. Mr. Barker explained to the Board that both Enforcement Officers Cliff Slaughter and Glen Gremillion have run across Mr. Borrigene doing work without the proper license. Mr. Barker stated that he has discussed the matter with the Board's legal council and he would like to recommend that the Board file an injunction on Dennis Borrigene. Enforcement Officer, Cliff Slaughter informed the Board that issues with Dennis Borrigene began in late 2011. Mr. Slaughter stated that Payless Plumbing performed several plumbing jobs for consumers that were poorly done and that the consumer had to hire a licensed plumber to fix the errors. He also explained to the Board that Payless Plumbing has changed the name of their company to American Pride Plumbing and Sewer. Mr. Slaughter stated that he has issued several citations for this company. He also stated that Best 4 Less Plumbing has also been associated with Dennis Borrigene. He stated that none of the companies are registered with the Secretary of State's Office. He also informed the Board that Best 4 Less has Master Plumber, William Klesko, listed for the company and that Mr. Klesko's license expired in 2008. Mr. Slaughter informed the Board that he has citations waiting to be issued for Mr. Klesko. Enforcement Officer, Glen Gremillion, stated that he has dealt with previously mentioned, Matthew Oiler. Mr. Gremillion informed the Board that contacting persons associated with the above mentioned companies has been difficult. Vice-Chairman, Kelly Craft, asks the Board if they have any questions about this matter. Mr. Barker requests that we move to injunction. Vice-Chairman, Kelly Craft, clarified that legal council will be taking care of this issue and no motion is needed.

GUESTS

None

SPECIAL REQUESTS***a.) Moises Cook***

Moises Cook explained to the Board that he is an active duty officer with the Corp of Engineers in Fort Polk, Louisiana. He stated that he has a background in engineering and Construction Management. Mr. Cook informed the Board that he has obtained contractor's licenses in other states, including California and Utah, to further his career. He stated that his request is to be able to take the Journeyman Plumber's exam as well as the Master Plumber's exam. Vice-Chairman, Kelly Craft, opened the floor for questioning by the Board. Board Member, Keith Bienvenu, asked Mr. Cook if he is licensed in plumbing in any of the other states. Mr. Cook clarified that he is not licensed as a plumber in other states, he is licensed as a contractor. Carl Bourgeois asked Mr. Cook if he is familiar with any types of Plumbing Codes. Mr. Cook informed the Board

that he is familiar with the International Plumbing Code, and that he is familiar with the 2000 edition Louisiana State Plumbing Code and that he is currently enforcing that code on base.

MOTION: to allow Mr. Cook to be examined on the code.

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

b.) Robert Case

Robert Case informed the Board that he would like to install water and sewer on private property. Mr. Case informed the Board of his experience with plumbing. He that he was in the plumbing business with a partner in the early 80s but has never been examined on the code. Board Member, Keith Bienvenu, informed the Board that he does see where the Board can excuse him from taking the Journeyman exam before taking the Master exam even though he may have the experience.

MOTION : to require Mr. Case to take the Journeyman exam before taking the Master exam

**MOTION: KEITH BIENVENU
SECOND: RICKEY FABRA
MOTION: CARRIED**

c.) Hobbs Mize

Mr. Mize informed the Board that he has a Mississippi State Contractor's license and that he came to Louisiana and got their Mechanical and Electrical licenses. He stated that when he went to Terrebonne parish to get the permits for the job, that no one informed him that he would need a state plumbing license. He informed the Board that in the state of Mississippi, the plumbing license falls under the Mechanical license. Vice-Chairman, Kelly Craft, clarified that Mr. Mize's request was to take the Master exam without taking the Journeyman exam. Board Member, Keith Bienvenu, asked the Staff if has verified the qualifications of the state of Mississippi's plumbing board. Executive Director, John Barker, stated that Mississippi's qualifications are different from Louisiana's. He informed the Board that there is no statewide license in the state of Mississippi, therefore, the license that Mr. Mize has in the city of Ridgeland is a Contractor's license. Mr. Barker asked Mr. Mize how much experience he has in the plumbing field. Mr. Mize stated that he has been doing plumbing since 2002. Board Member, Keith Bienvenu, stated that he would like to make a motion to allow Mr. Mize to take the Journeyman exam before taking the Master exam.

MOTION: to require Mr. Mize to take the Journeyman exam before taking the Master exam.

**MOTION: KEITH BIENVENU
SECOND: JERRY PAYNE
MOTION: CARRIED**

COMMITTEE REPORTS

a.) Extension for new provider applicant

Executive Director, John Barker informed the Board that Kevin Richard is applying to be a provider of continuing education. He stated that he spoke with Chairman, James Finley, about the matter and that Mr. Richard will be the instructor for the class and that he is a licensed Master Plumber. He informed the Board that Mr. Richard submitted the CPE course instructor application but did not realize that he needed to also submit the course provider application and course material provider application. Mr. Barker stated that he would need an extension to get the additional applications in to the office. Board Member, Keith Bienvenu, asked when Mr. Richard would be considered. Mr. Barker clarified that he would be considered at the February Board Meeting. Keith Bienvenu requested that the Board grant Kevin Richard an extension.

MOTION: to allow Mr. Richard an extension

**MOTION: KEITH BIENVENU
SECOND: RICKEY FABRA
MOTION: CARRIED**

b.) Strategic Planning Committee Report

Kelly Craft informed the Board that the Strategic Planning Committee has met three (3) times. Mr. Craft informed the Board that one of the topics of the committee meeting was that there be something that will separate those that are administering the exams and applicants who are taking the exams. He also informed the Board that one of the topics of discussion was a new logo and letterhead for the State Plumbing Board of Louisiana. Mr. Craft then turned the discussion over to Committee Member, Henry Heier. Mr. Heier informed the Board that the mission of the Strategic Planning Committee involve both short and long term issues. He explained to the Board that the Committee has designed a new logo, letterhead, and slogan to fit the new Plumbing Code. Executive Director, John Barker, stated that the Strategic Committee is making a move to change that face of Plumbing. He also informed the Board that he would eventually like to have the logo on each plumber's service vehicle and all signage.

MOTION: to adopt the new logo and slogan.

**MOTION: RICKEY FABRA
SECOND: JERRY PAYNE
MOTION: CARRIED**

PREVIOUS MINUTES
(October 9, 2012)

MOTION: to accept the October 9, 2012 minutes as presented

**MOTION: KEITH BIENVENU
SECOND: CARL BOURGEOIS
MOTION: CARRIED**

FINANCIAL REPORT

**MOTION: to accept the financial report as presented by Rickey Fabra
MOTION: CARL BOURGEOIS
SECOND: LARRY REILING
MOTION: CARRIED**

Projected Budget for 2013-2014

Secretary-Treasurer, Rickey Fabra, informed the Board that the Plumbing Board has stayed within the perimeters of the previous budget. He informed the Board that he was presenting a projection for the fiscal year that starts July 1st through June of 2014 and within a six (6) month period they will need to do a 5% adjustment to be in compliance with state law. He stated that the Board would need to entertain a motion to approve the budget. Board Member, Keith Bienvenu, stated that all the budget showed was revenue without expenses. Secretary- Treasurer, Rickey Fabra, explained to Mr. Bienvenu that the budget was not itemized. Executive Director, John Barker, informed Mr. Bienvenu that the adjusted budget will be itemized and broken down into more detail. Mr. Fabra stated that the Board can provide him with an itemized budget if he feels it necessary. Mr. Barker stated that he can address this more in his report.

MOTION: to accept projected budget and to provide an itemized budget to Mr. Bienvenu

**MOTION: RICKEY FABRA
SECOND: KEITH BIENVENU
MOTION: CARRIED**

ADVISORY REPORT

Executive Director, John Barker informed the Board that Advisory Board Member, Donald Turner will be retiring in the near future. Mr. Turner stated that he will remain on the Advisory Board until a replacement is found.

INDIVIDUAL MEMBER'S REPORT

a.) Keith Bienvenu

Board Member, Keith Bienvenu, stated that the Board needed to get everything in line for the upcoming mandatory apprenticeship program. Executive Director, John Barker, stated that initially the Board voted to approve the mandatory apprenticeship program. He stated that he was under the impression that this could not be done by vote of the Board and that it would need to go through the rule making process. He also stated that after speaking with the Board's legal counsel that it is more involved than he thought. Louis Robein explained that the statutes of the Board are permissive and that they have always provided that the Board shall recognize a system of qualifications. Board Member, Keith Bienvenu, brought up concerns about the changes to qualifications that when the issue gets out, the rural legislatures will say that you should recognize it but it is not mandatory. Louis Robein explained that the law is somewhat ambiguous on what the Board may do and what it shall do. Board Member, Jerry Payne, stated that the law states that the Board may accept vouchers or may not. Mr. Robein stated that if the Board decided to do away with the vouchers all together, there may be a considerable amount of backlash. Mr. Payne stated that in order to reduce the amount of backlash, is to accept new apprentices, which have no plumbing experience whatsoever, into the required apprenticeship program. Mr. Robein asked about those helpers who have already invested some time in to earning the required experience to qualify for the Journeyman exam. Secretary-Treasurer, Rickey Fabra, stated that there would have to be some sort of direct entry into the apprenticeship program so that they would get full credit for experience earned. Mr. Bienvenu stated that when the Master Plumber was established by the Board there were a few things that were questionable. He stated that for the sake of the Plumbing Board everything needs to be in order before we can proceed with the Apprenticeship program. He also stated that it was his opinion that the Board needed to go through all the necessary steps to make sure that everything was right so the Plumbing Board is not put in jeopardy. Mr. Robein informed the Board that the framework for making change is there. Henry Heier stated that his concern was the programs that do not qualify for an apprenticeship program. He informed the Board about the different types of apprenticeship programs. Board Member, Jerry Payne, stated that the

voucher system currently in place is very dishonest and the way to correct this is to move to the apprenticeship program. Mr. Fabra stated that the deadline to put the apprenticeship program in place keeps getting pushed back and that the Board needs to make sure that the proper notification is being sent out about the transition from the voucher system to the apprenticeship program. Mr. Bienvenu stated that there is no need for a motion to be taken on this matter because the Board has already approved it. Legal counsel agreed to take over this matter.

ENFORCEMENT OFFICERS' REPORT

The enforcement officers each gave their individual report. (See attached)

EXECUTIVE DIRECTOR'S REPORT

Executive Director, John Barker, informed the Board that violations are now being posted to the State Plumbing Board website. Mr. Barker explained to the Board that the audit report will be emailed to each one of the Board Members. He also stated that the reason for the delay for this is because the auditors sent the Administrative Staff the wrong information. He stated that in the audit, a comparison was done from 2011 to 2012 and the revenue increased by 16.73% in 2012 and expenses were decreased by 9.98%. Mr. Barker also mentioned that there would be a Christmas luncheon following the Board Meeting for anyone who would like to attend. He closed his report by thanking the Board Members for their dedication to the Board.

EXAM REPORTS

1.) JOURNEYMAN EXAMINATIONS

- a.) **October 6, 2012 – Kelly Craft – *no problems***
- b.) **October 13, 2012 – Keith Bienvenu – *no problems***
- c.) **October 20, 2012 – Gerald LaCour – *no problems***
- d.) **December 8, 2012 – Kelly Craft – *no problems***

2.) MASTER EXAMINATIONS

- a.) **November 3, 2012 – Keith Bienvenu – *no problems***

OLD BUSINESS

a.) Backflow Prevention Services

Executive Director, John Barker, informed the Board that there will be a water conference that will be held in March. He stated that Mitch LeBas with Backflow Prevention Services is asking to allow the class to be taught at the conference instead of his lab for that one particular week.

MOTION: to allow Backflow Prevention Services to hold a class at a conference

MOTION: KEITH BIENVENU

SECOND: CARL BOURGEOIS

MOTION: CARRIED

b.) State Plumbing Board to hold late CPE classes

Secretary-Treasurer, Rickey Fabra, addressed this issue. He stated the Board has issued extensions to CPE providers in the past and he would like to see the State Plumbing Board handle any classes for plumber that need a late CPE class. He stated that this will generate Administrative expense to help the Board. Mr. Fabra recommended that this matter be put in the form of a motion that the State Plumbing Board handle any license holders that need the CPE class after the license expiration date of December 31st.

MOTION: to allow the State Plumbing Board to hold late CPE classes

MOTION: RICKEY FABRA

SECOND: LARRY REILING

Keith Bienvenu stated that he would like to amend the motion to make sure that the State Plumbing Board can legally offer late CPE classes. Vice-Chairman, Kelly Craft stated that because there was an amendment to the motion so there will need to be a second on the amendment.

SECOND: CARL BOURGEOIS

MOTION: CARRIED

c.) WSPS Continuing Education or Recertification – Clarification

John Barker informed the Board that there needed to be clarification on the WSPS CPE courses. Mr. Barker stated that he would like to make sure that WSPS endorsement holders can take either a WSPS CPE course or take a recertification course. The Board agreed with this matter.

NEW BUSINESS

a.) Update Master and Journeyman exams with new code

Executive Director, John Barker, introduced Jeremy Harris with Department of Health and Hospitals to give the Board an update on the new Plumbing Code. Jeremy Harris stated that they received four or five public comments and none of them were

negative. He also stated that all comments made at the Public Hearing were all positive. Mr. Harris informed the Board that the effective date of the final rule is February 20, 2013. He thanked John Barker, James Finley and Henry Heier for their participation in the code revision. John Barker stated that with the new code coming out, with permission of the Board, the Journeymen and Master Exams need to be updated to reflect the new code.

MOTION: accept proposal for computer upgrade

MOTION: RICKEY FABRA

SECOND: KELLY CRAFT

MOTION: CARRIED

b.) Motion to register the slogan to the state

Vice-Chairmen, Kelly Craft, informed the Board that Legal Counsel suggested there be a motion to register the slogan.

MOTION: to register the new slogan with the state

MOTION: RICKEY FABRA

SECOND: CARL BOURGEOIS

MOTION: CARRIED

c.) Secretary-Treasurer, Rickey Fabra, stated that the Staff Members have not received a Pay increase in the last four (4) years. Mr. Fabra also stated that he would like to make a motion that the Staff member that are eligible to receive a 4% raise do so. Keith Bienvenu questioned state mandated raises and John Barker clarified that there has been a freeze on those raises.

MOTION: pay increases for Staff Members

MOTION: RICKEY FABRA

SECOND: KEITH BIENVENU

MOTION: CARRIED

**TENTATIVE DATE FOR THE NEXT
QUARTERLY BOARD MEETING**

February 7, 2013 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 11:54 AM

MOTION: JERRY PAYNE

SECOND: CARL BOURGEOIS

MOTION: CARRIED

Respectfully Submitted,

Kelly Craft, Vice-Chairman

Rickey Fabra, Secretary/ Treasurer