

QUARTERLY BOARD MEETING OF THE STATE PLUMBING BOARD OF LOUISIANA

BATON ROUGE, LOUISIANA

November 18, 2010

The Quarterly Board Meeting of the State Plumbing Board of Louisiana was called to order by Chairman, James Finley, at 10:06 a.m.

The following persons were in attendance:

BOARD MEMBERS	ADVISORY BOARD	STAFF	GUESTS
James Finley	Carl Bourgeois	John Barker	Louis Robein – RUSPC
Jerry Payne	Terry Smith	Christina Hymel	Leon Molinario
Kelly Craft	Ray Tolar	Katie Ramagos	DJ Berger – Local 60
Keith Bienvenu	Kerry Brouillette	Corky Dwight	Earl LeBlanc
Gerald LaCour	Don Turner	Pat Olivier	Janel Ellis - NITC
Rickey Fabra	Richard Paulk	Glen Gremillion	David Cloteaux
Larry Reiling		Chris Bodet	Ronnie Causey - Examiner
Wendell Guillot		Steve Porter	JC Matt
		Blaine Matte	Blaine Heltz – St. John Parish
		Carl Barnum	Heather Gremillion - PHCC
		Cliff Slaughter	Sal Giardina
			Jeremy Harris – LA DHH-OPH

INVOCATION: *Wendell Guillot*

PLEDGE OF ALLEGIANCE

ROLL CALL: *Christina Hymel*

PRESENTATIONS

a.) Heather Stefan – Louisiana Workforce Commission

Ms. Stefan was not present at this time, Mr. Finley stated he wanted to move forward with the meeting until her arrival.

APPLICATION COMMITTEE

NONE

GUESTS

NONE

ENFORCEMENT

NONE

SPECIAL REQUESTS

NONE

TRAINING PROGRAM APPROVAL

a.) Continuing Professional Education providers for 2011

1. Louisiana Pipe Trades/ Mechanical Contractors Association

- Instructor Applications

The Board members reviewed the list of instructors. Mrs. Hymel explained that three of the instructors listed were not included on the Course Provider application and that their approval should be contingent upon being added to this application. Mr. Robein verified that Arthur Fabra (whose name was submitted as an instructor) was neither the spouse nor child of Mr. Rickey Fabra because of potential ethics issues. Mr. Fabra stated that Arthur Fabra is neither his spouse nor his child but rather his brother.

MOTION: To approve the instructors submitted by the Louisiana Pipe Trades and Mechanical Contractors Association for continuing professional education for 2011 with the approval of Lance Scott, Jason Fontenot and David Johnson contingent upon their completion of the required documents

MOTION: RICKEY FABRA

SECOND: WENDELL GUILLOT

MOTION: CARRIED

- Course Materials

The SPBLA administrative staff reviewed the materials and recommended that it be approved by the Board. Mr. Fabra suggested that the Board members review them on their own and if they have any questions or concerns to please contact Mr. Barker. Mr. Finley also stated that if any errors are found later, they will need to be addressed before the CPE provider may move forward.

MOTION: To accept the curriculum for continuing professional education for 2011 submitted by the Louisiana Pipe Trades and Mechanical Contractors Association as recommended by the SPBLA administrative staff

MOTION: RICKEY FABRA

SECOND: KELLY CRAFT

MOTION: CARRIED

2. Louisiana Plumbing, Heating, Cooling Contractors Association

- *Instructors*

The Board members reviewed the list of instructors. Mrs. Hymel explained that two of the instructors listed were not included on the Course Provider application and that their approval should be contingent upon being added to this application. Mr. Jerry Payne requested that his name be added to the list and his approval be contingent upon submitting the appropriate application. Mr. Finley stated that Mr. Louis Bienvenu is Mr. Keith Bienvenu's brother and that Mrs. Bennie Payne is Mr. Jerry Payne's wife. Mr. Robein informed the Board that they needed to discuss Board members and their spouses teaching CPE and being compensated for it. Mr. Payne and Mr. Bienvenu both confirmed that they are compensated for teaching CPE for PHCC. Mr. Robein stated that this could be an issue with the Ethics Board unless they issued an opinion stating that the board members receiving this compensation is not a problem. Mr. Robein stated that the biggest issue with this is that the Board members vote on CPE and even if they were to recuse themselves, they have been involved in it up to this point. He feels that the Board members would be making themselves vulnerable to fines and penalties from the Ethics Board. With that said, Mr. Robein informed the Board that they need to make a decision on whether or not to approve Mr. Payne, Mrs. Payne and Mr. K. Bienvenu. Mr. Payne explained that they are in the process of getting an opinion on this matter so that the Board can vote on it which they should have by the end of the year. He asked that the Board make their approval contingent upon the opinion from the Ethics Board. Mr. Robein, on behalf of the other Board members, asked Mr. Payne to explain how it is not an ethical violation. Mr. Payne explained that all of the instructors are compensated, not just the Board members, and that they are offering a service, so it is not compensation for nothing. Mr. Robein expressed concern that the Ethics code states that you cannot do business with yourself. Board members are enforcing the requirement, approving the content and are about to approve instructors, so indirectly they are doing business with their agency. Mr. Finley did not think that the Board could approve instructors if there is a possible ethics violation and therefore suggested that the Board approve the instructors with the exception of Mr. Payne, Mrs. Payne and Mr. K. Bienvenu until an opinion is received on the

matter. If it is not an issue, then they can be reappointed as instructors at that time. Mr. Fabra seconded Mr. Finley's recommendation that those instructors not be eligible until the opinion is received stating that it is not an ethical violation.

MOTION: To approve the instructors submitted by the Louisiana Plumbing, Heating, Cooling Contractors Association for continuing professional education with the exception of Jerry Payne, Bennie Payne and Keith Bienvenu and with the approval of Louis Bienvenu contingent upon him completing the required documents. Mr. and Mrs. Payne and Mr. K. Bienvenu may resubmit their applications after receiving approval from the Ethics Board.

MOTION: RICKEY FABRA

SECOND: KELLY CRAFT

MOTION: CARRIED

- *Course Materials*

Mr. Fabra asked Mr. Barker if he and/or his staff had reviewed the material. Mr. Barker stated that he and his staff had reviewed it and everything was in compliance. Mr. Fabra again suggested that the Board members review the materials on their own and if they have any questions or concerns to please contact Mr. Barker or the SPBLA staff.

MOTION: To accept the curriculum for continuing professional education for 2011 submitted by the Louisiana Plumbing, Heating, Cooling Contractors Association as recommended by the SPBLA administrative staff

MOTION: RICKEY FABRA

SECOND: WENDELL GUILLOT

MOTION: CARRIED

COMMITTEE REPORTS

NONE

PREVIOUS MINUTES

(August 19, 2010)

MOTION: to accept the August 19, 2010 minutes as presented

MOTION: KELLY CRAFT

SECOND: WENDELL GUILLOT

MOTION: CARRIED

FINANCIAL REPORT

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

Mr. Fabra explained that the audit had been completed to close out the fiscal year. He also explained that the audit was summarized and a copy of this report was given to each Board member. Mr. Fabra then gave a brief overview of the audit.

MOTION: to accept the audit and the budget
MOTION: KELLY CRAFT
SECOND: WENDELL GUILLOT
MOTION: CARRIED

ADVISORY REPORT

Mr. Finley informed everyone that some of the Advisory Board members met prior to the meeting. Mrs. Hymel explained that they briefly discussed the enforcement procedures and their duties.

INDIVIDUAL MEMBER'S REPORT

NONE

ENFORCEMENT OFFICERS' REPORT

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

EXECUTIVE DIRECTOR'S REPORT

Mr. John Barker began by reading a letter from the Board's CPA, Steve Yost on the Board's current financial status and budget. Mr. Yost stated in the letter that income has been declining, there are fewer applicants for the exams and renewals are not coming in as rapidly as in previous years. The decrease in renewals could be attributed to non-completion of the required continuing education hours and also ACT 725. While reviewing the 2011-2012 budget, it was very difficult to balance the revenue versus the expenditures. Mr. Yost expressed in the letter that the Board must take the appropriate steps to cut expenses and/or increase revenue by whatever means necessary. Mr. Barker stated that he read the letter to make sure everyone had a clear understanding that revenue is a problem at this time and that we are a victim of the economy like several other state agencies.

Mr. Barker then read a letter from Mr. Donald J. Berger to Mrs. Hymel regarding a complaint that was filed alleging that two CPE course offered by the UA/MCA did not last them minimum

number of required hours. Mr. Berger's letter stated that after his investigation, he does not believe that the complaints have any merit. He

Mr. Barker updated the Board on the gas fitters bill that will be pursued in the upcoming legislative session. He stated that a bill for this has been drafted but it still needs to be fine tuned and they need to make sure that the bill does not conflict with any other agency. Mr. Barker plans to have this done sometime in January or February.

Ms. Heather Stefan arrived at this point of the meeting. Mr. Finley decided to hear from Ms. Stefan at this time. Ms. Stefan is the State Director of Apprenticeship for the Louisiana Workforce Commission. She stated she was present to discuss the ratio of apprentices to journeyman plumbers. The law states that the ratio is 1:1; however, the Board is currently allowing 3:1. She met with Mr. Barker regarding this and he explained that the Board enacted the 3:1 ratio after Hurricane Katrina. Mr. Finley reiterated what Mr. Barker said, that the Board made the decision after Hurricane Katrina and they never thought about undoing this change. He deferred to Mr. Robein for his opinion on what can and should be done. Mr. Robein stated that he and the Board had previously met with Ms. Stefan's predecessor multiple times to discuss changing the ratio officially in the law from 1:1 to 3:1. However, Mr. Robein did remind the Board that the Administrative code does require the 1:1 ratio. Ms. Stefan also stated that the enforcement of this is the responsibility of the Board. Mr. Pat Olivier asked Ms. Stefan if laborers are included in this ratio. She stated that in her opinion, no, laborers are not included in this ratio. Mr. Finley stated that the Board needed to undo the action allowing the 3:1 ratio. Mr. Fabra stated that there needed to be a grace period after notice is given to the plumbers because many businesses have already bid jobs that will continue into next year.

MOTION: To eliminate the emergency action taken by the Board after Hurricane Katrina and return to the law the way it is written as 1:1. To also allow a 6 month grace period after which time issues will be looked at on an individual basis by the Administrative staff

MOTION: RICKEY FABRA

SECOND: JERRY PAYNE

MOTION: CARRIED

Mr. Fabra suggested that sometime in the new future, the Board meet with Ms. Stefan to discuss possibly changing the 1:1 ratio.

Mr. Barker continued with his report. He informed the Board that the administrative staff would be removing the contact information field from the CPE course evaluation forms so that the Board might get more honest evaluations.

In regard to the transaction fee, Mr. Barker stated that he, Mr. Robein, Mr. Michael McDuff and the attorney for the Louisiana Licensing Board for Contractors would meet to discuss it to see if it's feasible and legal for the SPBLA to do that.

Mr. Barker explained that there are a few issues with CPE and the rosters. He reminded the Board that it was previously decided to switch to the roster system instead of inputting the

information from the certificates because a certificate was submitted that was thought to be fraudulent. Entering the information from a roster would eliminate this problem. The problem that arose was that during renewal time, people are sending in their renewals but are being delayed because we are waiting on rosters from the ongoing classes. Therefore, Mr. Barker suggested that there be a 10 day due date. Mr. Payne and Mr. Bienvenu both expressed their concern for not issuing certificates and strictly using a roster. Mr. Barker said that if the Board chose to still use the certificates, that there needed to be a way to authenticate them. Mr. Finley reminded the Board members that while he agrees with everything everyone is saying, they are Board members and their staff is expressing troubles that they are offering a possible resolution to and they should do their best to help resolve the issue. Mr. Fabra stated in his opinion that if the roster is what is the easiest for the staff and causes the fewest problems, then the Board should support what the staff is asking. Ms. Ramagos informed the Board that the roster system has been working better than the certificates but that the problem has arisen lately because it is renewal time and the staff has been waiting on rosters to verify CPE credit in order to issue licenses. Ms. Heather Gremillion with the Tatman Group asked if the suggestion made was 10 days or 10 business days and she was told business days. She also asked if they would still be required to issue certificates at the end of the class and Mr. Barker told her yes, they would still need to. Mr. Guillot made the following motion:

MOTION: To require a 10 day period in which time the course providers must submit a complete roster of attendance and certificates to the SPBLA staff

MOTION: WENDELL GUILLOT

Mr. Bienvenu asked if they would be required to submit copies of the certificates as well as the roster or just the roster. Mrs. Hymel stated that the staff is asking that they submit a roster to the office and certificates to the individuals. Mr. Guillot said that is what he meant in his motion. Mr. Bienvenu then stated that he did not feel that 10 business days was long enough and that it should be 15-20 days. Mr. Barker stated that when he discussed the issue with Mr. David Tatman of the Tatman Group, Mr. Tatman suggested the 10 day period so that is where the 10 day period came from. Mr. Berger stated that he was in favor of the rosters mainly because the Board would have a record of attendance which would eliminate the need for the providers to have to print duplicate certificates for those that misplace theirs. Ms. Gremillion stated that after discussing the matter with their accounting department, they are the ones that told them that a 10 day period may not be long enough. Mr. Guillot asked to amend his motion. He stated that he did not see any reason why 10 business days was not long enough. Mr. Guillot does not want to include certificates in his motion. Mr. Fabra asked the staff to make sure that the proposed motion will satisfy their request. Mrs. Hymel stated that the proposed motion would suffice.

MOTION: to withdraw the previous motion and amendment

MOTION: WENDELL GUILLOT

SECOND: RICKEY FABRA

MOTION: to require CPE providers to issue a certificate to those that attend the class but to not require the individual to submit the certificate to the

SPBLA office and to require the CPE provider to submit a complete roster of attendance to the SPBLA office within 10 business days

MOTION: WENDELL GUILLOT

SECOND: RICKEY FABRA

Mr. Payne stated he believed that the Administrative Code requires the plumber to submit the certificate to the Board and that it should still be required. Mr. Terry Smith asked when this would become effective and Mr. Finley stated that upon passing of the motion it would become effective.

MOTION: CARRIED

5 YAYS – 2 NAYS (Jerry Payne & Keith Bienvenu)

Mr. Barker deferred to Mr. Robein to discuss the notice of intent that was filed with the Louisiana Register regarding the continuing education for medical gas and the water supply protection specialist (WSPS) endorsement. Mr. Roebin stated that the notice of intent is to accept recertification in these two fields in lieu of continuing education. This will take affect in January 2011 for WSPS and January 2012 for medical gas provided there is no opposition in which case a hearing would be held. A copy of this notice was given to each of the Board members

EXAM REPORTS

1.) JOURNEYMAN EXAMINATIONS

- a.) **October 2, 2010 – Gerald LaCour – *no problems***
- b.) **October 9, 2010 – John Barker – *no problems***
- c.) **October 16, 2010 – Gerald LaCour – *no problems***

2.) MASTER EXAMINATIONS

- a.) **September 13, 2010 (*Special*) - Rickey Fabra – *no problems***
- b.) **October 5, 2010 (*Special*) – Rickey Fabra**
- c.) **November 6, 2010 – Wendell Guillot – *no problems***

NEW BUSINESS

Mr. Bienvenu suggested including a check box on the renewal form that the plumber attended continuing education in the previous year. This would be effective for 2012 renewals.

MOTION: to include a check box on the renewal forms indicating whether or not the license holder attended the required continuing education

MOTION: KEITH BIENVENU

SECOND: RICKEY FABRA

MOTION: CARRIED

Mr. Craft inquired about listing violators in the local newspapers. Several suggestions were made, mostly to list these people electronically. The staff will look into this further.

Mr. Barker asked that anyone that has an enforcement issue that needs to be addressed, to please contact the office, not the enforcement officer directly. Mr. Finley seconded this so that the enforcement officer is not bombarded and so that it will be better controlled and monitored through the office.

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

February 10, 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 11:42am

MOTION: RICKEY FABRA

SECOND: KELLY CRAFT

MOTION: CARRIED

Respectfully Submitted,

James C. Finley, Chairman

Rickey Fabra, Secretary/ Treasurer