

QUARTERLY BOARD MEETING OF THE STATE PLUMBING BOARD OF LOUISIANA

BATON ROUGE, LOUISIANA

May 20, 2010

The Quarterly Board Meeting of the State Plumbing Board of Louisiana was called to order by Chairman, James Finley, at 10:03 a.m.

The following persons were in attendance:

BOARD MEMBERS	ADVISORY BOARD	STAFF	GUESTS
James Finley		John Barker	Bob Urann – RUSPC
Jerry Payne		Christina Hymel	Leon Molinario
Kelly Craft		Terry Moore	DJ Berger – Local 60
Keith Bienvenu		Cliff Slaughter	Richard Paulk – Local 106
Gerald LaCour		Pat Olivier	Al Smith - Sears
		Glen Gremillion	David Cloteaux
		Chris Bodet	Russell Tapie – Acadian Plumbing
		Steve Porter	Mitch LeBas – Backflow Prevention Services
		Blaine Matte	Carl Bourgeois
		Katie Ramagos	Heather Gremillion - PHCC
		Corky Dwight	Sal Giardina
			Blaine Heltz – St. John Parish
			Gerard Rinchuso – Rinchuso Plumbing
			Fred Robillard
			Parker Perot – Perot Plumbing
			Ray Tolar
			Jeremy Harris – LA DHH-OPH
			Mathieu Besse – The Pipe Doctor, LLC
			Ricky Shepheard – Shepheard’s Plumbing
			Terry Jennings – Almost There Plumbing
			Charlie Habig – Local 198
			John Sabathe – Local 60

INVOCATION: *Keith Bienvenu*

PLEDGE OF ALLEGIANCE

ROLL CALL: *Christina Hymel*

PRESENTATIONS

- a.) *Mr. Jeremy Harris with the Department of Health and Hospitals briefly addressed the Board regarding the repair of sewer lines and the lines being left open. Mr. Harris expressed his concern for this and the problems that may arise from broken lines being left open and not capped off.*

APPLICATION COMMITTEE

- a.) *Jake Causey*

Mr. Causey was unable to appear before the Board. Mr. Finley requested that the Board bypass it at this time.

GUESTS

NONE

ENFORCEMENT

- a.) *Introduction of new Enforcement Officer*

Christina Hymel introduced the new Enforcement Officers, for Region E, Mr. Cliff Slaughter and for Region D, Glen Gremillion.

SPECIAL REQUESTS

- a.) *De'Andre Trahan*

Mr. Trahan has taken the Journeyman exam three times but has not yet passed the exam. He is scheduled to take the exam again in July. Mr. Trahan is hearing impaired and therefore requires an interpreter at each exam. The cost of hiring an interpreter exceeds the fees that Mr. Trahan pays to take the exam. Mr. Bob Urann, the Board's attorney, stated that he would need to research the handicap laws to see what obligations the Board has. Mr. Finley instructed Mr. Urann to research the matter and inform Mr. Barker of his findings. Mr. Barker could then make a decision on the appropriate action to take.

TRAINING PROGRAM APPROVAL

NONE

COMMITTEE REPORTS

- a.) *Continuing Professional Education (CPE) Committee*

The CPE committee met on March 25, 2010 to discuss various topics. DJ Berger presented the committee's findings to the Board. The committee made the following recommendations:

- 1.) The Board could offer the CPE classes to those that do not take it before December 31 each year. Legal counsel will need to investigate the requirements to allow the Board to be providers for this training.
- 2.) The Board should allow those holding the WSPS endorsement to show proof of re-certification in lieu of attending CPE (must still do every 3 years). The recertifying entity must be one from the list of approved WSPS program providers published by the Board. Legal counsel should advise.
- 3.) Delay Medical Gas CPE for now. The code did not change in 2009 like it was supposed to and the Board should be on the same cycle. Recommend postponing until 2012. Legal counsel should advise.

Mr. Urann stated that he received a memo from Mr. Robein regarding WSPS recertification in lieu of CPE. He distributed a copy of the resolution proposed by Mr. Robein to each of the Board members. Mr. Urann explained that in Mr. Robein's opinion the Board needed to adopt this resolution to allow him to publish a notice of intent with the Louisiana Register to amend the law to allow and endorsee or licensee to substitute proof of appropriate recertification in his/her respective specialty by ASSE or NITC for the currently stated CPE requirement of 4 or 6 hours. Mr. Finley felt that it should not be limited to ASSE and NITC but rather all nationally recognized training facilities. Mr. Bienvenu made a motion to change the language.

MOTION: to change the language in the resolution from "ASSE or NITC" to "a nationally recognized training facility"

MOTION: KEITH BIENVENU

MOTION: JERRY PAYNE

MOTION: CARRIED

Following discussions concerning the issue of CPE training for Medical Gas Installers and Water Supply Protection Specialists, upon motions duly made and seconded, the Board resolved as follows:

To authorize its attorney, Louis L. Robein, to publish a notice of intent with the Louisiana Register to amend §1003 and §1005 of Title 46 to allow an endorsee or licensee to substitute proof of appropriate recertification in his respective specialty by a nationally recognized training agency for the currently stated CPE requirement of 4 or 6 hours.

PREVIOUS MINUTES

(February 23, 2010)

MOTION: to accept the February 23, 2010 minutes as presented

MOTION: KEITH BIENVENU

SECOND: KELLY CRAFT

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

a.) Approval of Advisory Board nominations

Mr. Barker stated that the nominations to the Advisory Board are as follows:

Dirk Payne	Donald Turner
Terry Smith	Richard Paulk
Gerard Rinchuso	Lee Fox
Carl Bourgeois	Kerry Brouillette
Ray Tolar	Kerry Dixon

MOTION: to accept the recommendations for the Advisory Board members
MOTION: KEITH BIENVENU
MOTION: JERRY PAYNE
MOTION: CARRIED

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 updated the Board on the 2010 Legislative Session. He informed the Board that House Bill 1099 by Representative Erich Ponti created a residential plumbing license. House Bill 1099 was deferred by the Commerce Committee by a vote of 10-2. Since that time, Senator Robert Adley has proposed a bill that would raise the threshold enacted by Act 725 from \$10,000.00 to \$25,000.00. Mr. Barker stated that he was pleased that House Bill 1099 was defeated.

Mrs. Christina Hymel stated that the Governor, at the request of the Board, declared March 11, 2010 Plumbing Day in Louisiana. She then read a letter from the Chairman of the World Plumbing Council, Robert Burgon, thanking the Board for its participation in World Plumbing Day. Mrs. Hymel explained to the Board that plans are already being made for Plumbing Day 2011. Mr. Finley asked that PHCC and the Louisiana Pipe Trades also be included in the activities for Plumbing Day.

Mr. Finley informed the Board that Mr. Bienvenu was appointed to fill the remaining term for the PHCC National Vice-President.

EXAM REPORTS

1.) JOURNEYMAN EXAMINATIONS

- a.) **February 17, 2010 (*Special*) – John Barker – *no problems***
- b.) **April 10, 2010 – Rickey Fabra – *no problems***
- c.) **April 17, 2010 - Keith Bienvenu – *no problems***
- d.) **April 24, 2010 – Keith Bienvenu – *no problems***

2.) MASTER EXAMINATIONS

- a.) **February 6, 2010 - Keith Bienvenu – *no problems***
- b.) **March 25, 2010 (*Special*) - Rickey Fabra - *no problems***
- c.) **May 4, 2010 – Jerry Payne – *no problems***

OTHER BUSINESS

a.) Advisory Board Duties

Mr. Barker explained that the staff will compile a list of duties and responsibilities for the Advisory Board Members. The list will be provided at the August Board meeting for Board approval.

b.) WSPS CPE

Mr. Mitch LeBas with Backflow Prevention Services explained that he has scheduled the CPE classes for WSPS throughout the state as required and has advertised these classes. However, some of the classes are not economically feasible for Mr. LeBas (class scheduled in Lake Charles less than one month away has one person registered for it). Mr. LeBas requested that the Board advise him on the protocol for cancellation procedures. Mr. Bienvenu reminded the Board that the Administrative Code does allow for the Board to grant exceptions to the requirement of offering the class throughout the state if it is not cost effective for the provider. Mr. Bienvenu then made the motion to not require Mr. LeBas to offer the class in Lake Charles if registration does not warrant having the class. Mr. Bienvenu requested the Mr. LeBas reschedule the class at a later date if the need warrants it. Mr. LeBas suggested that the Board set a time requirement on how far in advance the cancellation must be made. It was decided that it should be 14 days in advance the class should be cancelled.

MOTION: to allow Backflow Prevention Services to cancel its WSPS CPE class scheduled for June 2010 in Lake Charles at least 14 days in advance if registration does not warrant having the class

MOTION: KEITH BIENVENU

MOTION: JERRY PAYNE

MOTION: CARRIED

It was also suggested that the provider should note in their advertisements for the classes what the minimum class size is and that the class may be cancelled if the required number of participants do not register.

NEW BUSINESS

a.) Gas Fitter License

Mr. Barker discussed proposed legislation to have a statewide gas fitter license as we do a plumbing license. He informed the Board that this legislative session was not the appropriate time for this bill and therefore it will be proposed next legislative session.

b.) Amended Budget

MOTION: to amend the 2009-2010 budget

MOTION: KEITH BIENVENU

MOTION: KELLY CRAFT

MOTION: CARRIED

c.) Mr. Payne explained that a group approached him informing him that they plan to bring a class action lawsuit against the Louisiana State Licensing Board for Contractors. Mr. Payne requested that Mr. Robein request an attorney general's opinion on ACT 725. Many parties have approached the Board with concerns about Act 725 since it appears to be double licensing. Mr. Finley stated that the attorney general's opinion request should inquire about double licensing and the legality of it.

d.) Mr. Al Smith with Sears needed clarification on whether or not it is legal for an unlicensed person to replace a garbage disposal. Mr. Finley informed Mr. Smith that at this time, it is illegal for an unlicensed person to replace it, it has to be done by a licensed person. Mr. Smith requested that the Board take under advisement not requiring a licensed person to replace garbage disposals. The other issue Mr. Smith brought before the Board was a previous employee. Mr. Smith explained numerous problems he has had with a previous employee, including but not limited to theft and fraud. The Board suggested Mr. Smith file a formal complaint in writing and the Enforcement Department will look into it.

e.) Mr. Terry Smith with American Plumbing Mechanical & Maintenance appeared before the Board to discuss contractors rerouting drain lines from homes. Mr. Smith feels that something needs to be done to address the issue of contractors not capping the line in the slab when they reroute the drain lines. Mr. Smith suggested that Mr. Barker meet with Mr. Craig Blanchard to discuss the matter. It was suggested that a letter be sent to each permit office bringing the issue to their attention.

- MOTION:** to send a letter to each permit department explaining that it is illegal to reroute a drain line and leave the old broken drain line open
- MOTION:** JERRY PAYNE
- MOTION:** KEITH BIENVENU
- MOTION:** CARRIED

Mr. Fred Robillard explained that in California with a change of occupancy an occupancy inspection is done and a hydrostatic test is required. This test will find any of these errors.

Mr. Finley suggested that each Board member get a coat to wear for the Board meetings and the staff can have the seal embroidered on them.

Mr. David Cloteaux suggested that a letter be sent out with renewals informing plumbers about the apprenticeship requirements that will go into affect in 2015.

TENTATIVE DATE FOR THE ANNUAL BOARD MEETING

August 19, 2010 is the tentative date of the Annual 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 11:29am
- MOTION:** JERRY PAYNE
- SECOND:** KELLY CRAFT
- MOTION:** CARRIED

Respectfully Submitted,

James C. Finley, Chairman

Jerry Payne, Board Member