

QUARTERLY BOARD MEETING OF THE STATE PLUMBING BOARD OF LOUISIANA

BATON ROUGE, LOUISIANA

May 9, 2013

The Quarterly Board Meeting of the State Plumbing Board of Louisiana was called to order by Chairman, James Finley, at 10:02 a.m.

The following persons were in attendance:

BOARD MEMBERS	ADVISORY BOARD	STAFF	GUESTS
James Finley	Richard Paulk	John Barker	Henry Heier – MCA
Rickey Fabra		Lindsey Mayer	Ed Guillory – Home Depot
Keith Bienvenu		John Neal	Roy Young – City of Lake Charles
Kelly Craft		Cliff Slaughter	Janel Mezzic – N.I.T.C.
Larry Reiling		Glen Gremillion	Mike Massey - N.I.T.C.
Carl Bourgeois		Carl Barnum	Jarrod Ferruccio – N.I.T.C.
		Blaine Matte	D.J. Berger – N.I.T.C.
		Chris Bodet	Dana Colombo – N.I.T.C.
		Pat Olivier	Caryn Benjamin – DHH-OPH
		Tommy Wimbley	Jeremy Harris – DHH-OPH
			Shirley Branham – City of Alexandria
			Mitch LeBas – Backflow Prevention Services
			Al Smith – Sears
			Nancy Picard – RUSPC
			Joe Delaune – Office of State Fire Marshal
			Marissa Ruffino – LAPHCC

INVOCATION: *Keith Bienvenu*

PLEDGE OF ALLEGIANCE: *Kelly Craft*

ROLL CALL: *Lindsey Mayer*

PRESENTATIONS

NONE

APPLICATIONS COMMITTEE

NONE

ENFORCEMENT

a) Carl Barnum – Agreement between City of Zachary and Home Owners

Enforcement Officer, Carl Barnum, informed the Board that in February the Administrative Office received a complaint against two employees with the city of Zachary. He explained that the complaint alleges that the two employees were disconnecting injection pumps and reinstalling injection pumps on private property. He told the Board that he met with the Public Works Director and he acknowledged that the two employees were installing, maintaining, and reinstalling the pumps. Mr. Barnum stated that during his meeting with the Public Works Director and the City Attorney, the Attorney contended that they have the right to install and maintain the pumps because the city owns the pumps. He informed the Board that they have a total of 88 (eighty-eight) pumps left in their system and that they have an agreement with the home owners. He stated that in 2011 the city started upgrading their system. Mr. Barnum explained that at that time, they started having problems with the City of Zachary. He informed the Board that at this time, he and John Barker met with the City of Zachary and PEC, the engineering company hired to install the new system. Mr. Barker and Mr. Barnum made PEC aware that a licensed Master Plumber would have to tie the new system in to the home. Mr. Barnum informed the Board that one of the persons that is being complained against was present at this time. He also stated that he has written the other individual citations on several occasions for doing work without a plumbing license. He stated that he wanted to present this situation to the Board and the Board's attorney to see if the City of Zachary can legally install and maintain these pumps. Mr. Barker clarified that the work is being performed on private property and that they want to know if it is legal for this work to be done by unlicensed persons. Chairman of the Board, James Finley, stated that maintaining private property is up to the homeowner, therefore, they would have to hire a licensed plumber. Mr. Finley suggested that the Board's Attorney write a letter to City of Zachary that they will need to have a licensed plumber do this work.

MOTION: to have the Board's Attorney draft a letter requiring licensed plumbers do the maintenance and installation of the pumps.

MOTION: KEITH BIENVENU

SECOND: KELLY CRAFT

MOTION: CARRIED

OTHER GUESTS

a.) Joe Delaune –Office of State Fire Marshal

Joe Delaune introduced himself as Architect and Senior Specialist for the Fire Marshal. Mr. Delaune stated that he wanted to brief the Board on what they have been working on in conjunction with John Barker and Department of Health and Hospitals. He stated that they license, register and train the sprinkler contractors for commercial construction. He informed the Board that there are several different systems that they can install. He explained to the Board that there is a problem with people dying in their home because of fires and that they have no jurisdiction over family dwellings. He stated the only option for home owners is to go through a commercial contractor. Mr. Delaune explained that there are two main options; either a stand alone system where they run a separate line off the main with a backflow and the meter so it becomes an entirely new system, which is the only thing available at this time. He stated that there a very few people who can install a multi-purpose system which ties into the existing plumbing system. He informed the Board that they are trying to come up with an option to create an endorsement for plumbers to be able to understand the provisions of this and allow them to install these systems. Jeremy Harris (DHH) informed Mr. Delaune that there is an American Society of Sanitary Engineers standard 7000 which provides for certification to install these systems. Mr. Delaune stated that he just wanted to let the Board know what they were working on and that he would eventually like to formally present the endorsement to the Board. Mr. Finley informed the Board that he supports Mr. Delaune's opinion about this endorsement and that plumbers should be installing these systems. Mr. Barker stated that he asked Mr. Delaune to come to the Board Meeting to inform the Board that they were working on this matter and they would present a formal plan at the annual Board Meeting in August.

b.) Anthony Broussard – contest the use of the word "repair" in company name

Administrative Employee, Lindsey Mayer, informed the Board that Mr. Broussard was told that in order to run a repair company as a Journeyman, he would need to include the word "repair" in his company name. She explained to the Board that the issue that the Administrative Staff is having with Mr. Broussard is that he has been renewing his license as Broussard's Plumbing at that that was a mistake on the office's part. Anthony Broussard stated that to change the tax id number and insurance information, it would

cause some added expense on his part. Mr. Broussard informed the Board that his truck and all advertisements say "Broussard's Plumbing", and underneath the company name it says, "For all your service and plumbing repair needs". Enforcement Officer, Chris Bodet, clarified that the company name needs to have the word "repair" in the company name, not just on the side of the truck. Board Member, Keith Bienvenu, stated that he needs to incorporate the word "repair" in his company name. Mr. Bienvenu also clarified that Mr. Broussard could easily call his insurance company to change the name or he could operate as a dba. James Finley stated that Mr. Broussard could have the insurance company fax certificates of insurance with the revised company name to the Plumbing Board's Administrative Office to solve this issue. Mr. Broussard agreed to change his company name to include the word "repair" and have the required insurance faxed to the Administrative Office.

SPECIAL REQUESTS

a.) DHH/OPH – Jeremy Harris and Caryn Benjamin

Caryn Benjamin introduced herself as the Deputy Chief Engineer for Engineering Services with the Department of Health and Hospitals. She explained to the Board that there is an inconsistency between the regulations regarding the minimum Backflow testing recertification requirements. She stated that under the Louisiana State Sanitary Code, backflow prevention assemblies are to be field tested by a Backflow Prevention Assembly Tester who meets the ASSE 5110 Professional Qualification Standards. She informed the Board that ASSE 5110 requires that all certified individuals to recertify every three (3) years by attending a minimum three (3) hour approved Backflow tester recertification course and passing a written and practical exam. Ms. Benjamin explained that regular maintenance and testing plays a critical role in an effective cross connection control program. She stated that ASSE 5110 is a nationally recognized standard and recertification is a nationally accepted practice. She confirmed that proper certification in accordance with ASSE 5110 will help to insure certified individuals are keeping current with changes in technology and advancements in the field of Backflow and Cross Connection Control. She stated that based on their review of the Title 46 Plumbers Section 1003.A.1, every three (3) years, persons holding a Water Supply Protection Specialist Endorsement issued by the Louisiana State Plumbing Board are to show proof of attendance at no less than four (4) hours of the Board's approved CPE training course prior to the three (3) calendar year. She informed the Board that DHH is optimistic that they can work together to resolve this issue. Jeremy Harris with DHH stated that he thinks that this issue can be resolved and he wanted to bring this to the Board's attention so that they can work together to get the regulations aligned. Board Member, Keith Bienvenu, stated that he doesn't see where there would be a major issue with getting the regulations in order because they are done in house. He also stated that the problem will be with the law governing plumbers and the water supply protection specialist endorsement. He stated that the law requires this Board to provide CPE and until that law is changed, the Board's hands are tied on requiring recertification. Mr.

Biennvenu stated that the Board has adopted a policy where if an individual goes through initial training, recertification, or CPE, they qualify for the three (3) year period. Jeremy Harris stated that if it is within the Board's law to ensure that the providers are recertifying, then that would be a step in the right direction. Legal Counsel, Nancy Picard, agreed to look in to this matter to see if a law change would be necessary.

COMMITTEE REPORTS

a.) Strategic Planning Committee – Kelly Craft and Henry Heier

Board Member, Kelly Craft, stated that the Strategic Planning Committee has been negligent in holding a meeting and they are in the process of coordinating a meeting. He also stated that he would like Committee Member, Henry Heier, to update the Board on the Gas Fitters license in the State. Henry Heier stated that the most urgent aspect of this issue is a letter that originated from the Contractors Licensing Board that caused some confusion among local jurisdictions. He stated that currently there is no statewide regulation of Gas Fitting and that Act 12 adopted a code with no statewide mechanism for the licensure and the examination of Journeyman and/or Master Gas Fitters. He informed the Board that the last attempt to get a Gas Fitters license was in 2008 and it was denied by the legislature. He also stated that there is some Administrative rule making that can be done. He informed the Board that the Contractors Board has come up with a ruling that they have been discussing that states that Louisiana licensed Master and Journeyman Plumbers are the only qualified craft occupation to fill the need of Gas Fitting from the point of \$10, 000 and down. Kelly Craft stated that the Strategic Planning Committee feels strongly that the Board should take the appropriate action and not delay. Mr. Craft suggested that the Board turn this issue over to legal counsel to find out what exactly needs to be done.

MOTION: to turn this matter over to the Board's attorney

**MOTION: KELLY CRAFT
SECOND: RICKEY FABRA
MOTION: CARRIED**

PREVIOUS MINUTES

(February 7, 2013)

MOTION: to accept the February 7, 2013 minutes as presented

**MOTION: KELLY CRAFT
SECOND: RICKEY FABRA
MOTION: CARRIED**

FINANCIAL REPORT

a.) Financial Disclosure for Board Members due by May 15, 2013

Executive Director, John Barker, informed the Board Members that their Financial Disclosure Reports are due by May 15, 2013 if they have not already completed them.

b.) Financial Report

Secretary/Treasurer, Rickey Fabra, read the Financial Report.

MOTION: to accept the financial report as presented by Rickey Fabra

MOTION: KELLY CRAFT

SECOND: CARL BOURGEOIS

MOTION: CARRIED

ADVISORY REPORT

NONE

INDIVIDUAL MEMBER'S REPORT

NONE

ENFORCEMENT OFFICERS' REPORT

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

Mr. Finley informed the Board that Tommy Wimbley is the Enforcement Officer for Region G.

EXECUTIVE DIRECTOR'S REPORT

Executive Director, John Barker, stated that he would like the Board's approval to engage in a cooperative endeavor agreement with local and municipal government to aid enforcement. He stated that he would like to start with the Louisiana Municipal Association and the Police Jurisdiction Association to see if this is something that they want to pursue. He also stated that the Division of Administration changed some regulations involving the Enforcement Officers and their mileage. He explained that the Division of Administration is now requiring Enforcement Officers to rent a vehicle for trips exceeding ninety-nine (99) miles round trip. He stated that he put in for an appeal

with the Division of Administration because of the rental cost and this appeal was denied so he submitted a second appeal which was accepted. He also informed the Board that Legislative Session is in progress. Mr. Barker stated that he appreciates the help of the Board Members during this legislative session.

MOTION : to accept agreement with municipalities and local governments.

**MOTION : KELLY CRAFT
SECOND : RICKEY FABRA
MOTION : CARRIED**

EXAM REPORTS

1.) JOURNEYMAN EXAMINATIONS

- a.) April 13, 2013 – Kelly Craft – *no problems*
- b.) April 20, 2013 – Kelly Craft – *no problems*
- c.) April 27, 2013 – Gerald LaCour – *no problems*

2.) MASTER EXAMINATIONS

- a.) May 4, 2013 – Rickey Fabra – *one applicant came in with a translator who was a plumber. Mr. Fabra explained to the translator that because he was related to the trade, he could not translate for the applicant.*

OLD BUSINESS

NONE

NEW BUSINESS

a.) N.I.T.C. Contract Renewal

Executive Director of N.I.T.C., Mike Massey, explained to the Board that they would like to extend the contract to the Board. Janel Mezzinc, employee of N.I.T.C., gave all Board Members copies of the contract. Mr. Massey read the contract to the Board. He clarified that they will provide test development based on the Louisiana State Plumbing Code, maintenance of question bank and examinations, and administration which includes providing for N.I.T.C. approved and trained proctors for the Master examination only. He also stated that N.I.T.C. will continue with the examination review sessions per the Board's direction. He informed the Board that

they are asking for an increase in their fees because they have not has an increase since they started working with the Board. He offered the Board an fee increase over time. He stated that at the end of the three year phase there would be a \$5.00 per examination increase. He informed the Board that N.I.T.C. is asking for a three year agreement and that the State Plumbing Board will continue to own the examination.

MOTION : to accept proposal

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

b.) Agreement between Contractor's Board and State Plumbing Board

John Barker informed the Board that he received a request from Michael McDuff, Executive Director of the State Licensing Board for Contractors, for us to help enforce their law. Mr. Barker stated that he is comfortable with this as as there is reciprocity for the Contractor's Board to assist in enforcing the State Plumbing Board's law. He explained to the Board that he and Louis Robein had been discussing this issue and would like permission from the Board to pursue this agreement.

MOTION: to move forward with this agreement

**MOTION: RICKEY FABRA
SECOND: KELLY CRAFT
MOTION: CARRIED**

c.) Ethics Training due May 15, 2013

Mr. Barker reminded the Board that they and all employees of the State Plumbing Board would need to complete the training required by the Ethics Board by May 15, 2013.

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

August 22, 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 11:15 AM

MOTION: RICKEY FABRA

SECOND: KELLY FABRA

MOTION: CARRIED

Respectfully Submitted,

James Finley, Chairman

Rickey Fabra, Secretary/ Treasurer