

QUARTERLY BOARD MEETING OF THE STATE PLUMBING BOARD OF LOUISIANA

BATON ROUGE, LOUISIANA

November 8, 2011

The Quarterly Board Meeting of the State Plumbing Board of Louisiana was called to order by Chairman, James Finley, at 9:06 a.m.

The following persons were in attendance:

BOARD MEMBERS	ADVISORY BOARD	STAFF	GUESTS
James Finley	Terry Smith	John Barker	Bob Urann – RUSPC
Rickey Fabra	Richard Paulk	Katie Ramagos	Carl Bourgeois – Al Bourgeois Plumbing
Jerry Payne		Ashleigh Cambre	Carl Finley
Parker Perot		Bob Hogan	.Keli Williams – LAPHCC (Tatman)
Keith Bienvenu		Pat Olivier	Leon Molinari – PHCC
Kelly Craft		Glen Gremillion	Ed Guillory – Home Depot
Gerald LaCour		Chris Bodet	
Larry Reiling		Blaine Matte	
		Carl Barnum	
		John Neal	

INVOCATION: *Keith Bienvenu*

PLEDGE OF ALLEGIANCE

ROLL CALL: *Ashleigh W. Cambre*

PRESENTATIONS

a.) *New Enforcement Officer*

Robert “Bob” Hogan taking Corky Dwight’s place as Enforcement Officer Region B.

APPLICATION COMMITTEE

a.) Stephen Crowe

Mr. Finley was the Board Member in charge of the Journeyman Exam on October 8, 2011 in the process of checking everyone's book as they do as the applicants enter the building. Mr. Crowe was an applicant at that examination. Mr. Crowe had in his possession copies of our rough-in project. It had been around for a long time because the date on the paper was 2003. Mr. Finley took the papers away from Mr. Crowe and asked him where he got them from and Mr. Crowe stated he was using someone else's book. Mr. Finley's concern and the concern of the State Plumbing Board is the fact that Mr. Crowe had this unauthorized material number one and number two he brought it to the exam not knowing he had it in the book. Mr. Finley asked that his exam results be withheld until he appeared before the Board for questions from the Board. Mr. Finley asked Mr. Crowe if he wanted to make any statements about this how you got these things and where they came from, etc. Mr. Crowe states he borrowed the book 3 months prior to the exam. He looked at it one time and I wasn't trying to hide it. I know I failed my practical. Mr. Finley states he can attest the fact that Mr. Crowe was surprised that it was there and it is the fact that it is very serious. Mr. Barker passed around the copies that Mr. Crowe had at the exam. Mr. Perot and Mr. Payne asked Mr. Crowe, "Who's book was it?" Mr. Crowe states that he doesn't want to get the guy into trouble. Mr. Finley states there is a telephone number on the papers and is apparently belongs to Ponchatrain Mechanical. Mr. Finley states he did not have this information during the exam because it was taken from his book prior to him coming in to take his exam. Mr. Finley states it looks like someone reproduced the drawings because it does not appear to be a copy of ours. Mr. Barker suggests to the Board that we should alter or change the test since this information is in the public domain now. Mr. Finley states that is a good idea and we have missed going this long without doing something about it. Mr. Payne asked if we have Mr. Crowe's test results? Mr. Finley states that they were retained in the office and we have the results. Mr. Perot wants to make a motion that because he came to the test sight with the material, that he forfeit his test and fees. Mr. Finley asked if this is a Motion? Mr. Perot states yes that is in the form of a Motion. Mr. Finley states if he failed the exam then of course that would be forfeiture of fees. He will have to retake the exam anyway.

Motion: Mr. Fabra will make the Motion that Mr. Crowe can be reprimanded if he comes in and violates any rules or regulations of the State Plumbing Board at the next exam date when he applies, his priviledges will be revoked for one year.

MOTION: RICKEY FABRA

SECOND: KELLY CRAFT

MOTION: CARRIED

GUESTS

- a.) Carl Finley representing Jonathan and Callie Walsdorf (Cornelius Johnson)
Mr. Finley recused himself and turned it over to Kelly Craft and he is taking over as Vice Chairman.*

Mr. Carl Finley stated he is speaking on behalf of Jonathan and Callie Walsdorf. They own a piece of property in New Orleans 22628th 14th Street. March 2007 entered a contract with Sylvan Construction, LLC to renovate some flood damage property a duplex near 17th street Canal in New Orleans which suffered Katrina damage and the property had been gutted. Mr. Sylvan came in with his subs and rebuilt the property and restored it to new rentable condition which was the intent of the Walsdorf's. Shortly before construction was complete they discovered water leaks on the property. Upon investigation and after hiring a leak detection company they discovered leaks in the water lines, copper water lines in the attic which caused damage in the attic, and structures, ceiling. They found water leaks in the walls, which caused damage to the laundry room, bathrooms, and the kitchen, floors and other structures. They discovered that the holes cut through the slabs, the waste lines go from the tubs were not filled in and were open to the earth which caused termite issues. They discovered wall studs were removed in order to facilitate repairs and the wall studs were never repaired and the list goes on. Civil litigation was instituted against Sylvan Construction and it was learned through the discovery process that a gentleman named Calvin Johnson, a plumber in New Orleans, All Sufficient Plumbing, had done the plumbing work or reportedly done the plumbing work on the Walsdorf's property. Further investigation we spoke with the cities Permit Office and they have dealt with Mr. Johnson before and through our discovery process we learned that apparently Mr. Johnson did not do the plumbing work, rather, Mr. Sylvan's hired hands did the plumbing work. We have been to the Board office twice now and brought literally the pipes that have been removed from the house. Their copper water lines, poor sautering job. Pipes found to be leaking instead of repairing them properly they took what looks like JB weld or some sort of apoxy mix it up and you can see the hand prints where they squeezed it on the leaking copper water lines. The walls were apparently closed up and they went on their way until of course water started appearing everywhere on the property. The walls had to be torn out again and repairs being made throughout the property, etc. Mr. Johnson, nor All Sufficient Plumbing, candidly may 3rd party them in sometime later, we do not know that yet but as it stands today it is not. We bring it to the Board's attention out of a sense of frustration on my client's part, because obviously they were hoping to get the house back into commerce and then they had to revisit destruction all over again. As you all know once you have water leaks in the attic, gravity does its work, pulls it down, and of course when you start tearing attic out and insulation and everything to repair the leaks, everything below it gets damaged and destroyed as well. The Walsdorf's are terribly frustrated. There is a silver lining the property was finally completed and it is back in commerce now as we stand today. It was a two and a half to three year process before they could get to that. We ask the Board to take the appropriate measures and to the extent of the Board Meeting required from us and we will be more than happy to cooperate. In fact we still have the pipes in our possession and we may or may not use them as an exhibit in a Civil Litigation. Mr. Perot asked if Mr. Johnson is a party to the litigation? Mr. Finley states that he is not a party, nor has he been deposed, no subpoenas have been served. He is strictly a non participant in this litigation. Mr. Perot asked Mr. Finley if Mr. Johnson was contracted with Sylvan to oversee the job. Mr. Finley states that he has no information relative to the relationship between All

Sufficient and Sylvan other than All Sufficient did file the application with the city. We confirmed that by the documents we have obtained by the city. Mr. Bienvenu asked if the City passed inspection on the property? Mr. Finley states that is an answer he cannot give right now because they have not seen a closed wall certificate or anything such as that. He is presuming it must have because the walls went up but again it is post Katrina New Orleans. A lot of things were hurried through in order to get the buildings back in commerce. To the extent I (Mr. Finley) do find out I will certainly be happy to share it with you. Mr. Urann states that if it is his intent to file a complaint with the Board so the Board can act on it, it will have to be done in writing. Mr. Fabra asked the chairman if we can go into an Executive Session to discuss the matter? Mr. Urann states that we need to have the written complaint to start the Board's process. We heard the complaint assentially but to follow the rules of the Board you have to start with the receipt of the signed complaint and then the Executive Director or somebody appointed by the Board can go into an Executive Session and then you have to have an informal conference with the people that are involved or being charged. If then you decide after the informal conference to go to a full hearing then you can do that. At this point you can go into Executive Session but it will not accomplish anything. Mr. Bienvenu asks if our hands are tired until we receive a formal complaint. Mr. Urann states that this is according to the Board's rules. Mr. Barker asked Mr. Finley if a formal complaint was already issued? Mr. Finley states that Mr. Walsdorf contacted the Board some time ago and they met with the Board representatives on two occasions here in the office as I recall. I do not know if a written complaint was made. Mr. Urann states that if there is a written complaint, then the Board needs to vote on whether or not there needs to be an informal conference. Mr. Bienvenu states that if there is a potential for a complaint on file already, I would like to make a motion to bring in Mr. Johnson for an informal hearing. Mr. Barker states that he cannot recall a complaint but knows there are pictures of this particular job. Mr. Craft asked if there is a description of what a written formal complaint consist of? Mr. Urann states it has to be from a consumer. Mr. Craft asked Mr. Bienvenu to repeat his Motion.

MOTION: Mr. Bienvenu states his Motion was to bring the Informal Hearing process in to place right now. He will amend that Motion to starting the process with having Mr. Johnson appear before the Board.

MOTION: KEITH BIENVENU

SECOND: JERRY PAYNE

MOTION: CARRIED

Mr. Perot asked Mr. Barker if Mr. Johnson was summoned to an Informal Hearing? Mr. Barker states yes he was summoned. Mr. Perot asked what was the result? Mr. Barker states he did not show up. Mr. Fabra asked through the Chair and Legal, if the Executive Director notified Mr. Johnson did not appear, we went through that process, we ought to be able to make a decision today. Mr. Urann states you can set a Hearing date but you have to notify both parties when the hearing date is going to be. If you scheduled an informal conference, you have service on him, and he didn't attend, then the next step is the Hearing process but you have to notify him for the date of the hearing and give him time to prepare. Mr. Fabra states through the Chair we will have to see if Mr. Bienvenu could amend his motion to change it to a formal hearing. Mr. Bienvenu states that is fine. **Strike the last Motion.**

MOTION: to go with the Formal Hearing Process and since we already notified him of the informal Hearing and he did not show up then go with the Formal Hearing.

MOTION: KEITH BIENVENU

SECOND: RICKEY FABRA

MOTION: CARRIED

Mr. Fabra states through the Chair and Legal, again, since Mr. Johnson has been notified for the Informal Hearing, we do not have a receipt, or that he received the letter, going back to the State Law, State says as long as we made an attempt and we have a record, my question is since we are going to notify him for a formal hearing, can we suspend his license until he appears before this body? Mr. Urann states I don't think you can suspend his license until we have a hearing. Mr. Fabra makes a recommendation that we make a hearing date for the next couple of weeks and have a Special Board Meeting.

MOTION: make a hearing date for the next couple of weeks and have a Special Board Meeting.

MOTION: RICKEY FABRA

SECOND: PARKER PEROT

MOTION: CARRIED

Mr. Finley suggest we use our Enforcement Officers instead of turning it over to the mail officials.

MOTION: Let our Enforcement Officer hand serve the notice for the Formal Hearing on November 22 at 10:00 am.

MOTION: PARKER PEROT

SECOND: RICKEY FABRA

MOTION: CARRIED

MOTION: Mr. Bienvenu makes a motion through Carl's assistance with his clients to start proceedings against the people that actually did the work without a license.

MOTION: KEITH BIENVENU

SECOND: RICKEY FABRA

MOTION: CARRIED

ENFORCEMENT

John Barker stated we had scheduled six Informal Hearings and five of the six participating parties showed up. All of them were fined and found in agreement that they were in violation of some of the plumbing laws. One did not show up and we are requesting a Formal Hearing for the no show. Mr. Finley requests the names of the ones that did appear. Mr. Barker states, Joey Abbott and Ronald Bonneze of Bonneze Plumbing, David Shaddinger of David Shaddinger Plumbing, Michael Melancon, Albert Miller (NO SHOW) of Ken's Building Supply, Johnathan LaPorte, and Leroy LaPorte, Jr. and David Walker and David Daniel showed up for the Informal Hearing. All were fined and in agreement that they were in violation.

SPECIAL REQUESTS

NONE

TRAINING PROGRAM APPROVAL

a.) Approval from the Board for CPE Books and Materials

MOTION: to accept the Continuing Education Books and Materials

MOTION: RICKEY FABRA

SECOND: JERRY PAYNE

MOTION: CARRIED

COMMITTEE REPORTS

NONE

PREVIOUS MINUTES

(August 25, 2011)

MOTION: to accept the August 25, 2011 minutes as amended

MOTION: KELLY CRAFT

SECOND: RICKEY FABRA

MOTION: CARRIED

FINANCIAL REPORT

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

MOTION: KELLY CRAFT

SECOND: LARRY REILING

MOTION: CARRIED

Katie Ramagos discussed the BUDGET and it is not due until December 31, 2011. We are adding in the provider fee and we are adding in the continuing education fee that we are now receiving. We will have an offset in employees because we went from 4 full time employees with benefits to 3. We will not have to pay out as much benefits and there will be salary differences. That will help out the budget as well. We do not have the final paper work yet but that will be submitted December 31, 2011. It will be the same budget as last year. It was amended in May. Mr. Finley states we will receive that as a report and we do not need a Motion.

ADVISORY REPORT

NONE

INDIVIDUAL MEMBER’S REPORT

NONE

ENFORCEMENT OFFICERS’ REPORT

The enforcement officers each gave their individual report. (See attached) Ececutive Director, John Barker, announced that Robert “Bob” Hogan took Corky Dwight’s position as Enforcement Officer for Region B. Mr. Finley welcomed Bob Hogan 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 states that earlier we were going to recommend Albert Miller to a Formal Hearing, but he is not a licensed plumber. I was advised by our counsel that we are going to take another step with that.

Mr. Barker received a letter from Backflow Prevention Services requesting to be allowed to cancel the classes, New Orleans, November 21 and Lafayette, December 5, 2011.

Mr. Barker also states that Renewals are out in full swing. Our office staff Lindsey and Dara are caught up and our renewals so far are up to date. Mr. Barker states that there will be a Notice with the Renewals that states the correct Ratio of helpers to Journeyman Plumbers. Also, the website will be updated with the correct information.

Mr. Barker states that he would like the Board to pursue a Statewide Gas Fitters License. Mr. Finley states that Mr. Barker can unofficially take charge in this section.

Mr. Barker states that Mr. Fabra and Katie Ramagos will be meeting with the Auditors in December to finalize the Budget. Mr. Finley states that we do not need a Motion to accept the Executive Director’s Report.

****MOTION:** Mr. Urann makes a Motion to the Board to go into Executive Session

MOTION: KEITH BIENVENU

SECOND: RICKEY FABRA

Mr. Finley has been recused from the meeting and Mr. Barker is included in the Executive Session**

11:02 am

****Back to Order 11:19 am****

Mr. Finley recused himself and Mr. Craft is acting as Vice Chairman

MOTION: Mr. Perot resented his motion on the Formal Hearing for Mr. Johnson. Mr. Perot makes a Motion to proceed with the formal complaint filed against Mr. Johnson by the Board and use personal service to deliver.

MOTION: PARKER PEROT

SECOND: RICKEY FABRA

MOTION: CARRIED

EXAM REPORTS

1.) JOURNEYMAN EXAMINATIONS

- a.) September 20, 2011 (Special) – John Barker – no problems
- b.) October 1, 2011 – Gerald LaCour – no problems
- c.) October 8, 2011 – Jim Finley – Stephen Crowe had copy of exam
- d.) October 15, 2011 – Parker Perot – no problems

2.) MASTER EXAMINATIONS

- a.) September 27, 2011 (Special)- Rickey Fabra – no problems
- b.) November 5, 2011 – Parker Perot – no problems

3.) APPRENTICESHIP PROGRAM

a.) Wording for Apprenticeship/Helper Notices

Mr. Barker states he spoke with Mr. Urann about our 2 to 1 Ratio and we are not sending out the licenses until we have the proper wording so it will be included in each persons license. Everyone that is licensed will know about it. We are targeting unlicensed people but at least everybody will know about it. Once we have the wording we will have it on the website. Mr. Finley asked when does the mandatory requirement to be in a program take effect? What year are we going to start this? Mr. Barker states five years. Mr. Payne states it is an 8,000 hour program and it is a 4 year apprenticeship program. It begins January 1, 2012 and the 4 years would be January 1, 2016. Mr. Finley states that he would recommend that you go 5 years to give a person a year to realize that all of this exists and then get into the program. Mr. Finley states that he believes that 2017 would be a better time to do it and notify everyone in this renewal period that it is effective 2017. Mr. Barker suggests that the Board request legal counsel to put this into proper language. Mr. Finley states that in 2017 the voucher system is gone.

MOTION: All of the notifications goes out with this years renewals and the deadline is set for 2017 for the voucher system. At that time all applicants will have to have a letter of certificate showing that they have completed the approved apprenticeship training program.

MOTION: LARRY REILING

SECOND: JERRY PAYNE

MOTION: CARRIED

c.) Journeyman Test: Responsibilities and Training Classes

Mr. Finley states that anytime a rough-in project is done, an examiner grades it and if the examinee fails, it is required that you get another examiner to verify that the person did not put it together correctly. We have 3 examiners at the examination. Their responsibilities are: grading this project, grading the copper project, grading the galvanized pipe project, and monitoring the test exam, the written part, at all times. Mr. Finley makes a suggestion to the Board to allow the Board Member to proctor the written examination. That would allow 3 examiners out on the floor which will make the flow of the projects a lot faster. Mr. Finley wants to give the custodian the authority to request a Board Member.

Mr. Finley states that we need to re-train our examiners and our New Board Members and anyone else that has not been re-trained in awhile. Mr. Barker states we do training classes annually. The next class is scheduled in January. Mr. Finley states that Mr. Barker will schedule a training class and everyone will show up.

OLD BUSINESS

NONE

NEW BUSINESS**COMPLAINTS/TEST**

Mr. Finley states that all complaints should be directed to John Barker, Executive Director, not Ashleigh or Inspectors. They should all go to John. Once a complaint has been made, have Ashleigh follow up with whoever filed the complaint in a timely manner.

Mr. Finley states that the Advisory Board will modify the Exam and make proper changes and include the Custodian in this process. The work will be done at the State Plumbing Board of Louisiana's Office.

TENTATIVE DATE FOR THE NEXT

QUARTERLY BOARD MEETING

February 16, 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 12:00 pm

MOTION: JERRY PAYNE

SECOND: RICKEY FABRA

MOTION: CARRIED

Respectfully Submitted,

James C. Finley, Chairman

Rickey Fabra, Secretary/ Treasurer