**Meeting Minutes for**

**Enforcement Committee**

**MEETING DETAILS**.

Date: 8/1/2024 Time: 1:00pm

Location: Zoom: <https://us06web.zoom.us/j/89617377519>

ATTENDEES.

Trey Giglio - Chair, Mike Joiner, Doyle Solly, Aubrey Brand, Ashley Tullier, Diana Cutrer, Kaci Day, Crystal Carter

**NEW BUSINESS**.

**Item #1**: **Adopt the Enforcement Committee Agenda for August 1, 2024.**

MOTION: MICHAEL JOINER

SECOND: AUBREY BRAND

MOTION: CARRIED

**Item #2**: **Overview of current enforcement practices**

1. **Budget**

The Committee discussed that Board is a non-profit government agency, which means all funds must be allocated to something each year. There are no additional funds available for enforcement. However making changes to the positions and expenditures can provide for funds available to budget in other areas of concern.

There are currently 11 investigative positions approved by Civil Service. While Civil Service allows their position a total 1245 hours worked each year, the Board currently has their contracts set at 480 hours per year. It is undetermined at this time if the Civil Service increased hours at some point in time and the Board never discussed a contract change or if there are other factors that resulted in the reduction in hours worked. The Contract should be supplied to the Committee for further review.

The Investigative Officers have a monthly salary of $ $1343.12.

They also have a mileage reimbursement rate of .67 per mile at a cap of 1000 miles.

The salaries consist of a total of $177, 291, plus mileage at $88, 440, bringing the total expenditures on 11 positions to a total of $265, 731.

The Board’s current revenue on enforcement actions for 2024 is $55, 697.

The expenditures supplied do not include staff or legal fees associated with enforcement.

-- The Board currently hires retired LEO’s. If the Board would like to hire someone who carries a current commission, the Board would need to gain approval from the Commission of administration.

1. **Review of enforceable actions**

There are two types of violations covered by the Statute, a signed consumer complaint that could result in up to a $5000 fine, (specific procedures are required) or any other complaint not submitted by a consumer. By statute all consumer complaints must be responded to in the time frame mandated in the Administrative Procedure ACT.

1. Apprentice plumber work without a registration.
2. Visual evidence of an unregistered person performing the art of plumbing.
3. Journeyman plumber work without a license
4. Visual evidence of an unlicensed person performing the art of plumbing.
5. Residential Plumber Limited
6. Visual evidence of an unlicensed person working in a single family home – up to a duplex performing plumbing work without the supervision of a journeyman but employed by a master
7. Apprentice natural gas fitter work without a registration
8. Visual evidence of an unregistered person performing the art of natural gas.
9. Natural gas fitter work without a license
10. Visual evidence of an unlicensed person performing the art of natural gas.
11. Master plumber work without a license
12. A journeyman plumber or a journeyman repair business operating outside of his/her scope.
13. An unlicensed person engaging in master plumber work.

Evidence should be a quote or bid, invoice, or payment paid for services rendered.

1. Master natural gas fitter work without a license
2. A natural gas fitter who is operating a business.
3. An unlicensed person engaging in master natural gas work.

Evidence should be a quote or bid, permit, invoice, or payment paid for services rendered.

1. WSPS work without an endorsement.

Anyone unlicensed or licensed by the Board that does not hold the endorsement who is installing and repairing backflow devices.

Evidence should be a quote or bid, permit, invoice or payment paid for services rendered OR visual evidence.

1. Medical gas without a license
2. Installer- anyone installing medical gas.
3. Verifier-anyone verifying medical gas.

Evidence should be a quote or bid, permit, invoice or payment paid for services rendered OR visual evidence.

1. Advertising w/o a license
2. Anyone who is unlicensed or not properly licensed soliciting the art of plumbing.

Evidence should include the advertisement and proof of connection to the person being cited.

1. Advertising natural gas work without a license
2. anyone who is unlicensed or not properly licensed soliciting the art of natural gas.

Evidence should include the advertisement and proof of connection to the person being cited.

1. Operating a business without a license
2. Anyone unlicensed operating a plumbing business.

Evidence should be a quote or bid, permit, invoice or payment paid for services rendered.

1. Anyone unlicensed operating a natural gas business.

Evidence should be a quote or bid, permit, invoice or payment paid for services rendered.

1. Use of unlicensed personnel

Who can be cited:

1. Contractor
2. Licensed master or over the ratio (2:1)

1. Expired Insurance

Who can be cited:

1. Master Plumbers
2. Journeyman running a repair business.
3. Service vehicle Advertisement Violation

* Permanent signs or lettering affixed to both sides of the vehicle.
* At least 2” Lettering
* Employing Entities full company name
* Address
* Phone number
* MP/MNGF license numbers

--the law does not require an attachment to the service vehicle such as a trailer, or enclosed utility trailer to be marked as stated above. However, if the employee entity’s name is on the attachment, the above signage is required.

1. Job-Site Violation.

If the employing entity is the sole employing entity for a multi-site project where employees are performing work, the company may do the following:

* One sign, plainly visible from the street
* At least 4” Lettering
* Employing Entities full company name
* Address
* Phone number
* MP/MNGF license numbers

---multi-site may mean an apartment complex, residential new construction, or neighborhood where the plumber or Natural Gas business is the only business on site.

If not the sole employing entity, then the company shall display a sign at every site where work is being performed the following:

* At least 2” Lettering
* Employing Entities full company name
* Address
* Phone number
* MP/MNGF license numbers

1. All public advertising solicitations, customer invoices, and business correspondence issued by or on behalf of an employing entity shall set forth the following information.

* Employing Entities full company name
* Address
* Phone number
* MP/MNGF license numbers

--this also includes social media, and newspapers. Anything that is subject to the public eye.

The Committee reviewed a list of enforceable actions. The Committee further discussed possibilities of instructing investigators not to write certain citations under certain circumstances. It is an item that will need to be further discussed and have legal render an opinion.

1. **complaint reporting**

The Committee reviewed the current processes for reporting complaints which can be submitted online through the SPBLA website, via email either directly to the Investigator or directly to the division, by way of social media, and text messages.

Depending on how the complaint is submitted, changes the wat in which the staff can maintain the records. The only access that the staff has that can maintain the complaint process from start to finish is if the complaint is submitted via online or directly through the enforcement division.

Any investigation that is started in the field without submission through the office first, text, anonymous complaint or Facebook message will not receive a case number until the Enforcement Division receives the report in-house.

1. **complaint processing**

The Committee reviewed the complaint process provided by staff. All complaints are submitted to the appropriate investigator and a case number is assigned if the complaint is filed through the office. Once the investigation is completed, there is a reporting process that the investigators must complete to be submitted to the office.

1. **other areas of concern not addressed in items a-d**

**n/a**

**Item #3**: Committee Goals and Deliverables

1. **Personnel qualifications/compensation/vehicles/time/quantity/special enforcement**

**Personnel Qualifications/compensation**

The Committee and staff discussed that the Board had some options when reviewing the personal qualifications of each investigator.

The Board could hire retired licensees to ensure that the Board gives back to the trade. There was some discussion regarding if a plumbing/gas background was necessary of the Board’s scope is only that of licensure. There was further discussion that investigators that have little to none background in trades struggle with determining what type of work they are looking at in order to determine if there is a license needed. Medical gas and backflow practices seem to be the top two trades that are difficult to identify and once they are investigating larger projects it becomes increasingly difficult to understand what work is being done.

The Board could continue to hire retired LEO’s but set better parameters for employment.

The Board could hire commissioned officers. The commissioner’s office would need to approve, and pay adjustments may need to be discussed.

The Committee also discussed whether there was a need for a full time lead enforcement agent in office and what their capacity could be.

**Vehicles /time/quantity/special enforcement**

The Committee discussed that the Board is currently paying the enforcement officers mileage at a total of $88, 440 annually and would it be cheaper to lease vehicles or possibly a vehicle for a lead officer. The Committee will need to get with the Louisiana Property Division to determine the cost on leasing vehicles once the Committee determines how many total positions the Board should employ.

The Committee previously reviewed the hours worked and again will need to further review.

The Committee further discussed special enforcement officers and will review who has the authority to do so.

1. **Focus of enforcement**

The Committee discussed if the Board could direct enforcement officers to be attentive to certain alleged violations, legal would need to render a decision. It was further discussed that this committee would have many items that would need to be reviewed by legal and could the Board approve the committee to have legal review items of concern as they arise. Ashley Tullier will determine and report back to the committee.

1. **Complaint reporting process (industry/consumer/partner agencies/officer)**

The committee agreed that they should determine how to consolidate the complaint process. There was discussion about an enforcement number that may receive calls and texts but it was also addressed that the Committee needs to keep in mind economic hardships to a complainant. The Committee should ensure that all persons have feasibility in reporting complaints.

The Committee would like to review the online complaint form.

1. **Investigative Process**

The committee discussed meeting with various agencies such as the Wildlife & Fisheries to better understand their complaint and investigative procedures.

**e)    Appeals Process**

The appeals process is mandated under the Administrative procedure act and is in alignment with requirements.

The Committee discussed that this was a meeting to provide an overview and allow everyone the opportunity to see current functions and revenues/expenditures to provide a division change to the Board for recommendation at a later time.

**ADJOURNMENT**

MOTION: MICHAEL JOINER

SECOND: AUBREY BRAND

MOTION: CARRIED