



STATE OF WASHINGTON
ADVISORY BOARD OF PLUMBERS

Mail correspondence to: PO Box 44470 □ Olympia, Washington 98504-4470

Meeting Minutes July 21, 2015

Board Members

Jake Tapani, Journey Level Plumber
Dave Weisbeck, Public Member
Evan Conklin, Plumbing Business
Ed Holmes, Journey Level Plumber
Mike Brewer, Specialty Plumbing Business
Dave Weickum, Specialty Plumber

Attorney General's Office

Pam Reuland, Assistant Attorney General

Department of Labor & Industries

Dean Simpson, Chief, Contractor Registration/Plumber Certification//FAS
Bruce Springer, Plumbing Technical Specialist
Jesse Jameson, Contractor Technical Specialist
Jackie Lemons, Plumber Certification Supervisor

Guests

G. F. Scheuermann, IAPMO
Tim Downes, UA Local 26 Plumbers & Pipefitters
Bill Buckingham, South West Plumbing, PHCC
Connie Buckingham, South West Plumbing
Randy Scott, Washington Pipe Trades
Brad Moore, Local 32
Russ Thompson, Local 26

Call to Order

The Advisory Board of Plumber's meeting was called to order at 9:30 a.m. on July 21, 2015.

Approve Minutes

The April 21, 2015 meeting minutes were approved as written.

By-Laws

Dean said that we were planning on bringing in the Detection Tracking Unit (DTU) for this meeting, but because we had the opportunity to have Pam Reuland, Assistant Attorney General (AAG) attend, we would schedule DTU for the next meeting.

Pam said that she and Dean talked because a couple of issues came up, as well as how the board is supposed to function in the absence of a chair. She added her role is to provide legal advice to the board as opposed to the department. She stated that the chair had retired and advised that the board needs to have some procedures in place as to how they should operate. She said that she sent sample by-laws for the board to review and in the absence of formal rules of procedures; most boards follow Robert Rules of Order. She suggested that the board take some time to review the by-laws, consider any additions or deletions, and then vote on them. She added that if they would like more samples of by-laws, she would send them. Pam advised that the board meetings are subject to the Open Public Meetings Act.

Pam said she reviewed the statutory frame work in regards to the by-laws and suggested:

- Article II (a) – Pam noted that the by-laws state “advise the director of the department”, but the statute says advise the department.
- Article II (b) – the board hears appeals under Chapter 18.106.100 (2) RCW. All other appeals go to the Office of Administrative Hearing (OAH)
- Article III (c) – change “recommended to the Director and the Department” to “recommended to the Director”
- Article IV – Pam said there’s some duplication between c & d. She added you need to consider whether you want a Vice Chair and what that person’s role should be
- Article X - clarify the sentence “or the laws of the State of Washington, the law shall prevail”

She suggested that the board, at a minimum, elect a temporary chair to run the meeting. A motion was made, seconded, and passed to elect Evan as a temporary chair until the next meeting. Evan accepted.

Evan suggested that in determining what our by-laws should be, we need clear direction on what the board’s functions and authority are.

Pam said the boards duties consist of:

- Carrying out all functions and duties enumerated in the chapter, as well as generally advise the department on all matters relative to the chapter.
- The department must consult with the board regarding the criteria for an applicant’s eligibility for examinations
- The department must consult with the board regarding the written examinations
- The department, with consent of the board, may enter into a contract for a testing agency to administer examinations

- If a certificate of competency is suspended or revoked, the individual may request a hearing before the board

A motion was made, seconded, and passed to review the by-laws and place them on the agenda for the next meeting.

Evan and Jake both requested Pam attend the next meeting. She said she would do some further research on the board's authority and report back to them.

Mike asked if there is any liability in serving as a board member or is there something we could put into the by-laws that might mitigate individual liability. Pam responded that she would look into it, but she didn't believe it would be appropriate to put it into the by-laws.

Randy asked if everyone had received training on the Open Public Meetings Act. Pam added that the training is required within 90 days of appointment and the department must track it. Mike motioned that all board members review the Open Public Meetings Act training prior to the next board meeting. The motion was seconded, and passed.

Mike suggested that we appoint a temporary vice chair. Ed volunteered. A motion was made, seconded, and passed to elect Ed Holmes as a temporary vice chair.

Advisory Board Appointment

Dean stated that Ed Holmes had been appointed to the journey level plumber seat, replacing Steve Menne.

Plumbing Infractions

Bruce reported there were 129 infractions amounting to \$44,000.00 for the second quarter of 2015. Ed asked if there is a record of contractors that have been fined. He added that when we go to the legislature and ask for changes to penalty amounts, we can present a record of contractors with multiple infractions. Bruce replied that we can get that information.

Dean added that there is a new webpage on our website that shows what areas of the state the compliance inspectors cover and their contact information for consumers to report uncertified plumbers, trainees, and fraud.

Discussion followed.

Fiscal Update

Dean stated the fund balance is \$365,369.00 as of May 2015. He added the fund is increasing and healthy. He said the dedicated account for compliance did not move through legislation this past session. He said the agency will be requesting legislation for a dedicated account for Contractor Compliance, Elevator, and Factory Assembled Structures next session.

WAC Rules

Jackie stated the CR102 is scheduled for August. The proposed rule hearing date is September 2015. She said proposed adoption date is scheduled for November with a proposed effective date of January 2016.

Plumbing Legislation

Dean said there is no new legislation for plumbing. Ed asked what three or four things does the board want to look at for legislation for the next session. He asked Bruce what would help eliminate some of the problems he deals with every day.

Bruce suggested:

- Owners performing plumbing work on spec houses for sale
- Taking the authority away from the Administrative Law Judge to reduce penalties
- Increase penalties
- Contractor registration – disconnect between the contractor registration and plumber certification
- Increase audit authority – he can only audit records through an affidavit
- Supervision – increase to 100%

Randy said the political reality is, unless there is a plumbing disaster; the legislators are not going to step in and add further regulations. He added you may find support from the legislature to increase the fines for the habitual lawbreaker. Ed requested that the department compile a report listing the top violators.

Pam told the board they can formulate questions for the department to address issues, make a motion and then vote. She said that way you have it on your agenda for the next meeting and it is reflected in your meeting minutes. She said the board is then sending a clear message to the department and you can expect Dean to come back to the next meeting with a response. Pam added if you have a formal question, then you get a formal answer. She said that is why she advocates the motion and resolution process.

A motion was made, seconded, and passed to find out what would it take to increase the penalties amounts listed in RCW 18.106.270 (1).

New Business

Randy said that SB 5139, concerning building code standards, passed and takes effect on July 24th. He added if anyone is telling you there is more than one plumbing code in Washington it is not true.

Motion to adjourn.

