

**Texas State Board of Plumbing Examiners
929 East 41st Street
Austin, TX 78751
Board Meeting Minutes**

NOVEMBER 14, 2018

Agenda Item 1 – Call to Order.

Mr. Cerda, Board Chair called the meeting to order at 9:00 a.m.

Agenda Item 2 – Roll Call.

Ms. Dawn Saravia, Executive Assistant called the roll. It was noted for the record that 3 Board Members were absent. Board Members absent from the meeting were excused by the Board.

Members Present:

Julio Cerda, Board Chair
Ricardo J. Guerra, Board Secretary
Milton R. Gutierrez, Member
Ben R. Friedman, Member
Robert Jalnos, Member
Edward Thompson, Member

Staff Present:

Lisa G. Hill, Executive Director
Dawn Saravia, Executive Assistant
Veena Mohan, General Counsel, Office of the Attorney General
Iain Berry, Staff Attorney
Jerry Lee, Staff Attorney
Steve Davis, Director of Enforcement
Mayra Zamarripa, Director of Financial Operations
Richard Herman, Staff Services Officer

Members Absent:

Enrique Castro, Member
Janet L. Gallagher, Member
David A. Garza, Member

Agenda Item 3 - Public Comment.

Mr. Cerda announced speakers and relayed that public comments were limited to 3 minutes. The following individuals, associations, and organizations were available for public commenting:

Richard C. Anderson City of Austin – Resource only
Jimmy Bibb – Texas State Technical College (TSTC) – Resource only.
Greg Bolen – PHCC Texas.
Stanley Briers – TX PAMCA.
Joe Cooper – Plumbers & Pipefitters.
Jody Davila – PHCC – Resource only.
Alicia Dover – PHCC Texas – Resource only.
Sam Dowdy – S & D Plumbing – Resource only.
Johnny Kurten – Resource only.
Jerome Mendias – Texas State Technical College (TSTC).
Robert Stricker – RUS Code Consulting – Resource only.
Kevin Johnson – Town of Little Elm – Resource only.
Kevin Robinson – Town of Little Elm – Resource only.
Dianne Villarreal – A-ACES – Resource only.
Joseph E. Wark – Resource and Public Support.
Matthew Winn – Resource and Public Support; and
Russel Wyman – A-ACES – Resource only.

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Agenda 4 – Examination Committee Report – Ed Thompson, Chair.

- (a) Consider and possibly take action on Texas State Technical College's (TSTC) request for approval of a Plumbing & Pipe Engineer Associate of Applied Science Degree curriculum, for purposes of Texas Occupations Code §1301.354 and Board Rule §363.6.

Mr. Thompson moved to approve the curriculum for purposes of Texas Occupations Code §1301.354 and Board Rule §363.6, contingent upon approval from the Texas Higher Education Board and to enable TSTC to seek such approval. Mr. Jalnos seconded the motion; the motion passed unanimously.

- (b) Discussion of potential new Board rule establishing uniform criteria and procedures for seeking Board approval of an Associate of Applied Science Degree in plumbing, as contemplated by Texas Occupation Code §1301.354. Possibly take action instructing proposed language of the rule for consideration at a future meeting of the Board.

Mr. Thompson moved to table the rule as contemplated by Texas Occupation Code §1301.354 to discussed at a future Board meeting. Mr. Jalnos seconded the motion; the motion passed unanimously.

- (c) Discussion of potential new Board rule establishing the number of work hours afforded an individual receiving a board-approved Associate of Applied Science Degree in plumbing, pursuant to Texas Occupations Code §1301.354, and for purposes of seeking to take examination for a license issued by the Board.

Mr. Thompson moved to table the rule and possibly take action instructing Board staff to prepare proposed language of the rule for consideration at a future meeting of the Board. Mr. Jalnos seconded the motion; the motion passed unanimously.

Agenda Item 5 - Continuing Professional Education (CPE) Committee Report- Robi Jalnos, Chair.

- (a) Discussion and possible action regarding allowing online Continuing Education classes.

Mr. Jalnos moved to have CE providers and staff jointly prepare rule language for online CE courses for review and consideration at a future Board meeting. Mr. Thompson seconded the motion; the motion passed unanimously.

Agenda Item 6 – Rules Committee Report – Rick Guerra, Chair.

- (a) Consider and possibly take action on Board Staff's proposed amendments to Board rules §§363.4, and 363.5 regarding eliminating educational requirements for applying to take an examination and seek licensure by the Board as a Journeyman Plumber and/or Master Plumber.

Mr. Guerra moved to authorize staff to prepare the proposed amendments and all related documentation required for publication of the proposal, and for review and consideration at a future board meeting. Mr. Jalnos seconded the motion; the motion passed unanimously.

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- (b) Consider and possibly take action on Board Staff's proposed amendments to Board rule §363.2 (General Requirements) concerning instituting the requirement for applicants and licensees to submit fingerprints to allow for a review of their criminal background by the Texas Department of Public Safety and the Federal Bureau of Investigation, pursuant to Texas Government Code §411.122.

Mr. Guerra moved to authorize staff to prepare the proposed amendments and all related documentation required for publication of the proposal, for review and consideration at a future board meeting. Mr. Thompson seconded the motion; the motion passed unanimously.

(c) Iain Berry explained Agenda Item 6(c)

Consider and possibly take action on Board Staff's proposed amendments to Board rule §367.9 (Advertising; Offering to Perform Plumbing) concerning eliminating the existing requirement that Advertisements for plumbing services that are in an audio format only and do not contain a visual component state the license number of the Responsible Master Plumber for the plumbing company.

Mr. Guerra moved to authorize staff to prepare the proposed amendments and all related documentation required for publication of the proposal, and for review and consideration at a future board meeting. Mr. Jalnos seconded the motion; the motion passed unanimously.

(d) Iain Berry explained Agenda Item 6(d)

Consider and possibly take action on Board Staff's proposed amendments to Board rule §367.15 (Investigating Complaints) concerning supplementing the Board's prioritization of complaints with a formal written process for assigning a priority metric while processing complaints, thereby ensuring the prioritization of complaints is documented and to promote tracking of same.

Mr. Guerra moved to authorize staff to prepare the proposed amendments and all related documentation required for publication of the proposal, and for review and consideration at a future board meeting. Mr. Thompson seconded the motion; the motion passed unanimously.

- (e) Consider and possibly take action on Board Staff's proposed amendments to Board rule §367.20 (Informal Conference; Violation of Law, Rule or Board Order), concerning implementing formal processes and procedures for when to utilize informal settlement conferences, and establishing the format and requirements for said conferences.

Mr. Guerra moved to authorize staff to prepare the proposed amendments and all related documentation required for publication of the proposal, and for review and consideration at a future board meeting. Mr. Thompson seconded the motion; the motion passed unanimously.

Agenda Item 7 - Discussion of Sunset Commission's Staff Report concerning the findings of their review of the Board, including the statutory, rules, and managerial directives recommended by Sunset staff and contained in the report.
(A copy of the published report will be available prior to the meeting from the Sunset Commission's website, located at:
<https://www.sunset.texas.gov/reviews-dreports/agencies/texas-state-board-plumbing-examiners>).

The Board members participated in a discussion of this agenda item but ultimately took no action.

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Agenda Item 8 – Discussion of potential legislative amendments to the Plumbing License Law concerning the statutory requirements for taking the Journeyman Plumber examination and set forth in Texas Occupations Code §1301.002(5)(B), to allow the recipient of an Associate of Applied Science Degree to enjoy a shortened wait time before taking the Master Plumber examination, similar to that of a person completing a Department of Labor approved apprenticeship program.

The Board members participated in a discussion of this agenda item but ultimately took no action.

Agenda Item 9 - Discussion of potential legislative amendments to the Plumbing License Law, allowing for some of work hours performed under the supervision of a Responsible Master Plumber (RMP), while not registered as a Plumber's Apprentice, to count towards the minimum work hours required to take an examination for licensure, provided they are properly documented and certified by said RMP.

The Board members participated in a discussion of this agenda item but ultimately took no action.

Agenda Item 10 – Consider and possibly take action on Board staff's draft response to the Sunset Commission Staff Report.

The Board members participated in a discussion of this agenda item but ultimately took no action.

Agenda Item 11 – Future Board Meeting Dates.

Agenda Item 12 - Issues for consideration at next Board meeting.
Refer to the motioned listed above for items to be considered.

Agenda Item 13 – Adjourn



Julio Cerda, Board Chair



Ricardo J. Guerra, P.E., Board Secretary