

**Texas State Board of Plumbing Examiners
929 East 41st Street
Austin, TX 78751
Board Meeting Minutes
OCTOBER 8, 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
David Garza, Member
Milton R. Gutierrez, 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:

Janet L. Gallagher, Member
Ben R. Friedman, Member
Enrique Castro, Member

Agenda Item 3 – Review and approval of July 9, 2018, Board Meeting Minutes.

Mr. Cerda directed the Board to review the July 9, 2018, meeting minutes under item 3 of the Board Agenda. Mr. Thompson moved to approve the minutes as written. Mr. Garza seconded the motion, and the motion carried unanimously.

Agenda Item 4 - 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 comment:

Jimmy Bibb - Texas State Technical College;
Sam Dowdy – PHCC – Resource only.
Joe Hutchings - Texas State Technical College.
Johnny Kurten – Johnny Kurten Provider – Resource only.
Jerome Mendias – Texas State Technical College.
Amy Noska – PHCC Texas - Resource only.
Robert Stricker – Resource only.
Matthew Winn – President and CEO of Winn's Continuing Education - Resource only; and
Litterio Zinna – A's Plumbing.

**Texas State Board of Plumbing Examiners
929 East 41st Street
Austin, TX 78751
Board Meeting Minutes
OCTOBER 8, 2018**

Agenda Item 5 – Enforcement Committee Activity Report for 4th Quarter FY 2018 – Lisa G. Hill, Chair.

Mr. Cerda, Board Chair asked Ms. Lisa Hill to discuss items 5(a)-(g) of the Board Agenda.

Agenda Item 5(a) - Summary of Complaint Cases reviewed and administrative penalties imposed.

Ms. Hill directed the Board to the report of meetings under items 5(a-c) of the Board Agenda. Ms. Hill reported that the Enforcement Committee met on seven occasions during the 4th Quarter FY 2018 to review 170 complaint cases. Ms. Hill added that there were 101 penalties imposed.

Agenda Item 5(b) – Summary of Complaints Cases pending.

Ms. Hill reported the status of the pending complaint cases.

Agenda Item 5(c) - Summary of approval and denial of applications for registration and/or examination.

Ms. Hill reported that the Enforcement Committee met on four occasions during the 4th quarter of FY 2018 to review applicants for registration and examination who have past criminal convictions. Ms. Hill confirmed there were 197 applications reviewed and 69 approved.

Agenda Item 5(d) - Discussion and possible action regarding Board's response to House Bill 91, 85th Legislature, Regular Session, requiring the Board to review and make recommendations concerning eligibility of persons with past criminal convictions.

Mr. Berry explained the staff's recommendations for report.

Mr. Cerda, Board Chair called for an Executive Session at 9:20 a.m.

Non-critical agency staff and public members exited the meeting area for the discussion on this Agenda item.

The Board meeting reconvened at 9:48 a.m.

Mr. Garza moved to accept the Staff's report of draft HB 91 Report as written, including authorization for the Board Chair to sign the report on behalf of the Board. Mr. Jalnos seconded the motion, the motion carried.

Agenda Item 5(e) - Mr. Cerda called on Staff Attorney, Jerry Lee to present those individuals whose licenses or registrations were previously revoked and are re-applying for registration or examination under Board Rule 365.10:

(i) Brinlee, Sean- Re-applying for registration as a Plumber's Apprentice;

Mr. Lee directed the Board to the application submitted by Mr. Sean Brinlee under item 5(e)(i) of the Board Agenda.

Mr. Brinlee was present and available for questions from the Board. Mr. Brinlee addressed the Board.

**Texas State Board of Plumbing Examiners
929 East 41st Street
Austin, TX 78751
Board Meeting Minutes
OCTOBER 8, 2018**

(ii) Cruz, Antonio Jesus - Re-applying for registration as a Plumber's Apprentice;

Mr. Lee directed the Board to the application submitted by Mr. Antonio Cruz under item 5(e)(ii) of the Board Agenda.

Mr. Cruz was present and available for questions from the Board. Mr. Cruz addressed the Board.

(iii) Lane, Steven - Re-applying for registration as a Plumber's Apprentice; and

Mr. Lee directed the Board to the application submitted by Mr. Steven Lane under item 5(e)(iii) of the Board Agenda.

Mr. Lane was present and available for questions from the Board. Mr. Lane addressed the Board.

(iv) Morales, Jeff - Re-applying for registration as a Plumber's Apprentice.

Mr. Lee directed the Board to the application and documentation submitted by Mr. Jeff Morales under item 5(e)(iv) of the Board Agenda.

Mr. Morales was present and available for questions from the Board. Mr. Morales addressed the Board.

Mr. Thompson moved to approve the Schedule of Applications for Approval including the approval of the applications listed; and authorizing the Board Chair to sign the Schedule on behalf of the Board. Mr. Guerra seconded the motion, and the motion carried unanimously.

Agenda Item 5(f) - Cease and Desist Orders issued under Section 1301.5045 of the Plumbing License Law:

Ms. Hill reported on the Cease and Desist Orders presented in the Board materials and when and how the Enforcement Committee determines the need for them. Ms. Hill confirmed that no action was required on these items. Ms. Hill explained that in many cases the Orders are in addition to other actions taken by the Enforcement Committee.

Ms. Hill announced for the record the following Cease and Desist orders issued:

(i) Cease and Desist Orders, listed alphabetically:

1. Flores, Kevin; Complaint No. 2018-01495;
2. Hale, Robert; Complaint No. 2018-01496;
3. Hampton, Gregory; Complaint No. 2017-02149;
4. Hampton, Pola; Complaint No. 2017-02149; and
5. King, Michael A.; Complaint No. 2018-00045.

**Texas State Board of Plumbing Examiners
929 East 41st Street
Austin, TX 78751
Board Meeting Minutes
OCTOBER 8, 2018**

Agenda Item 5(g) - Consider and possibly take action on Board Order of Administrative Penalties.

Mr. Cerda called on Ms. Hill to present the Board Order of Administrative Penalties.

Ms. Hill directed the Board to the Order for Imposition of Administrative Penalties and explained the adoption of the Order for Administrative Penalties to the Board members. Ms. Hill explained that the Administrative Penalties included in the Order are the result of an agreement made under the Board's Administrative Penalty Schedule between the Respondent and the Enforcement Committee. Ms. Hill then directed the Board to the report of previous violators related to the Order for Imposition of Administrative Penalties.

Mr. Garza moved to approve the Board Order of Administrative Penalties. Mr. Gutierrez seconded the motion and the motion carried unanimously.

Agenda Item 5(h) - Consider and possibly take action on SOAH Proposals for Decision regarding Administrative Penalties:

Mr. Cerda called on Staff Attorney Jerry Lee to present SOAH Proposals for Decision regarding Administrative Penalty issued to:

- (i) Nearn, William J.; SOAH Docket No. 456-18-3549.

Mr. Garza moved to adopt the Final Order adopting the Proposal for Decision as written. Mr. Guerra seconded the motion, the motion carried unanimously.

- (ii) Vela, Teodoro Jr.; SOAH Docket No. 456-18-4025.

Mr. Garza moved to adopt the Final Order adopting the Proposal for Decision as written. Mr. Thompson seconded the motion, the motion carried unanimously.

Agenda Item (5i) - Consider and possibly take action on SOAH Proposals for Decision regarding applicants with past criminal convictions:

Mr. Cerda announced there are no SOAH Proposals for Decision regarding applicants with past criminal convictions being considered at this meeting.

Agenda Item (5j) Consider and possibly take action on SOAH Default Orders regarding applicants with past criminal convictions:

- (i) Nail, Billy Don; SOAH Docket No. 456-18-3744.

Mr. Guerra moved to approve the Default Order. Mr. Garza seconded the motion, the motion carried unanimously.

Agenda Item (5k) - Consider and possibly take action on Final Orders of the Board on a default basis pursuant to Section 1301.704 of the Plumbing License Law:

- (i) Default Final Orders, listed alphabetically:

**Texas State Board of Plumbing Examiners
929 East 41st Street
Austin, TX 78751
Board Meeting Minutes
OCTOBER 8, 2018**

1. Barrow, Michael Lee; 2018-01493;
2. Boling, David Aaron; 2018-01330;
3. Burton Jr., Willie B.; 2018-01679;
4. Daugherty, Will R.; 2018-01331; 2018-01443; 2018-01536;
5. French, Gerald; 2018-01668;
6. Gaines, Marshall Lynn; 2018-01659;
7. Gallegos, Jose R.; 2018-01997;
8. Gamez, Juan A.; 2017-02018;
9. Garza, Jose E.; 2018-01649;
10. Giles, Richard Bojo; 2018-01589;
11. Gonzales, Sergio; 2018-01983;
12. Hall, Stuart; 2018-01059;
13. Hernandez, Jaime Mares; 2018-01597;
14. Hernandez, Omero; 2018-01805;
15. Hertz, Steve; 2018-01978;
16. Hollingsworth, Mark; 2018-01985;
17. Lacy, James R.; 2017-00875
18. Leger, Derick; 2018-01803;
19. Miller, Joshua Myles; 2018-01461;
20. Perez, Israel; 2018-01979;
21. Quintanilla, Clemente; 2018-01993;
22. Ramirez, Armando; 2018-01541;
23. Rehkopf, Andy; 2018-01650;

**Texas State Board of Plumbing Examiners
929 East 41st Street
Austin, TX 78751
Board Meeting Minutes
OCTOBER 8, 2018**

24. Richard, William Todd; 2018-01797;
25. Rivas, Justin; 2018-00941;
26. Rodriguez Orduna, Jose Ismael; 2018-01999;
27. Serna Jr., Roberto; 2018-00942;
28. Short, John Damon; 2018-01969;
29. Spadafora, David A.; 2018-01975;
30. Steelman, Chris B.; 2018-01542;
31. Wilson III, Arthur Lee; 2018-01646; and
32. Wise, Jonathan; 2018-01976.

(ii) Consider and possibly take action on Board Schedule of Default Orders.

Mr. Garza moved to approve the Schedule of Default Orders and adopt the Board Orders listed therein, including authorization for the Board Chair to sign all documents on behalf of the board. Mr. Thompson seconded the motion, the motion passed unanimously.

Agenda Item 6 – Continuing Professional Education (CPE) Committee Report – Robi Jalnos, Chair.

(a) Summary of 2017-2018 Annual CPE Provider reports.

Mr. Jalnos reported the numbers of classes given by each provider. Mr. Jalnos also noted the number of correspondence courses provided was 1,704 for FY 2018 and that correspondence courses in FY 2017 were 1,382.

(b) Consider and possibly take action on the 2018-2019 Continuing Professional Education (CPE) Course Instructors submitted by the following 2018-2019 Business or Association CPE Course Providers:

- (i) Associated Plumbing-Heating-Cooling Contractors of Texas (APHCCT):
 1. Albert Ortiz

Mr. Jalnos moved to approve the 2018-2019 CPE Course Instructor application submitted by APHCCT. Mr. Guerra seconded the motion, the motion carried unanimously.

(c) Discussion regarding submittal of Plumber's Continuing Education completed correspondence course work from the student to the Course Provider by electronic means.

**Texas State Board of Plumbing Examiners
929 East 41st Street
Austin, TX 78751
Board Meeting Minutes
OCTOBER 8, 2018**

Agenda Item 7 - Rules Committee Report.

- (a) Consider and possibly take action on Staff's proposed amendments to Texas Administrative Code, Title 22, Part 17, Chapter 363, Section 363.22, Reexamination, in accordance with Texas Government Code Section 2001.023.

Mr. Guerra moved to propose and post on the Texas Register the Texas Administrative Code, Title 22, Part 17, Chapter 363 Section 363.22. Mr. Thompson seconded the motion, and the motion carried unanimously.

- (b) Discussion regarding proposed amendments to the Board's administrative rules concerning the review of applicants with a past criminal history and procedural rules regarding contested cases.

Mr. Guerra moved to direct the Board Staff to continue developing revisions to the Board's rules concerning applicants with a past criminal history as discussed, and specifically, to prepare all documents necessary for publishing the rules in the Texas Register, for review and approval at the Board's next meeting, in January if possible. Mr. Thompson seconded the motion, the motion passed unanimously.

Agenda Item 8 - Examination Department Report – Lisa G. Hill, Executive Director.

- (a) Report of Saturday, September 8, 2018 Medical Gas examinations. Ms. Hill reported 37 were examinees were invited to participate. Seven participants failed.
- (b) Comparison of Master, Journeyman and Tradesman examinations administered and pass/fail rates for FY 2018.

Agenda Item 9 - 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 Engineering Associate of Applied Science Degree curriculum for the Tradesman - Plumber Limited License examination per Board Rule 363.6.

Mr. Thompson moved to approve the Texas State Technical College's (TSTC) request for approval of a Plumbing & Pipe Engineering Associate of Applied Science Degree curriculum for purposes of section 1301.354 of the Occupations Code contingent upon approval of the curriculum by the Texas Higher Education Coordinating Board, and reserving the number of hours conferred by the degree for a later date. Mr. Jalnos seconded the motion, the motion passed unanimously.

Agenda Item 10 – Enforcement Department Report – Stephen P. Davis, Director of Enforcement.

Mr. Cerda called on Mr. Davis to present the Enforcement Department Reports.

- (a) Summary of Field Department activities for 4th Quarter FY 2018.

**Texas State Board of Plumbing Examiners
929 East 41st Street
Austin, TX 78751
Board Meeting Minutes
OCTOBER 8, 2018**

Mr. Davis directed the Board to the Field Activity Summary Report in the Board materials and provided updates and statistics for the 4th Quarter of FY 2018, and in comparison to the periods in previous years. Mr. Davis also explained the Field Department's continued activity in the Hurricane Harvey damaged areas. Mr. Davis also described a career day he attended and the results of a recent sting performed by the Enforcement Department. No action was required on the Field Department Activity Report.

Agenda Item 11 - Financial Department Reports - Mayra Zamarripa, Director of Financial Operations

Mr. Cerda called on Ms. Mayra Zamarripa, Director of Financial Operations to present the Financial Department Reports to discuss Item 11 of the Board Agenda.

(a) FY 2018 appropriation balances.

Ms. Zamarripa discussed appropriation balances and agency expenditures and explained staff had spent conservatively during the 4th Quarter of FY 2018.

(b) FY 2018 4th Quarter revenues as compared to FY 2017 revenues.

Ms. Zamarripa reported that the Board has done well with FY 2018 revenues compared to the same period last year. Ms. Zamarripa explained the report contained the number of licenses and registration fees received in the 4th Quarter of FY 2018 and that the fees are up compared to FY 2017. Ms. Zamarripa added that the number of examination fees received to date are also up, compared to last year.

(c) Review of Annual Financial Report.

Ms. Zamarripa explained the Annual Financial Report and directed the Board to the hard copies provided to the Board Members.

Agenda Item 12 – Discuss Submittal Of Agency Strategic Plan For Fiscal Years 2019-2023.

Mr. Cerda struck this agenda item as this item was taken care of at the July 2018 Board Meeting.

Agenda Item 13 – Executive Director's Report – Lisa G. Hill.

Mr. Cerda asked Ms. Hill to discuss item 13 on the Board's Agenda.

(a) Staff additions, retirements, and job postings.

Ms. Hill described the current postings of open positions and that we had high hopes for the possibility of a new investigator and accountant. Ms. Hill commented that the employment rate was much lower and at this time there are only a few candidates.

(b) Staff activities and communications.

Ms. Hill described the large number of walk in customers and the types and needs of the individuals that staff assist on a monthly basis. Ms. Hill added that 744 individuals were assisted at the counter here in Ausin.

(c) Sunset Advisory Commission updates.

**Texas State Board of Plumbing Examiners
929 East 41st Street
Austin, TX 78751
Board Meeting Minutes
OCTOBER 8, 2018**

Ms. Hill explained the continued process for the Sunset Review and the remaining meetings scheduled and that will be scheduled.

- (d) Current Health Professions Council (HPC) project to display Plumber's exam results and Continuing Education courses taken in their online account.

Ms. Hill directed the Board to the HPC recommendations which will provide the licensees with examination results and education courses that will be taken to be visible in the licensee's online account. Ms. Hill added that staff is pending an update to implement this item.

- (e) New Voice over Internet Protocol (VoIP) Telephone system.

Ms. Hill announced she is working toward getting the building and staff ready for the new phone VoIP telephone system and that much of the work had already begun. Ms. Hill added that staff will have a date on which the new system would be fully implemented soon.

- (f) Current statistics on licenses and registrations through 4th Quarter FY 2018.

Ms. Hill referred the Board to the handout of current and renewable license and registration numbers. Ms. Hill explained that in 2003 the Board had 14,396 Journeyman Plumbers and at present day there are 17,880 Journeyman Plumbers. Ms. Hill added that she expects the number of all licenses and registrations to continue to rise. Ms. Hill added that one of the most dramatic changes is in the number of Plumbing companies. Ms. Hill explained there are approximately 7,200 plumbing companies currently operating across the state.

Agenda Item 14 – Future Board Meeting Dates.


Mr. Cerda announced the remaining board meeting dates for fiscal year 2019:

Agenda Item 15 - Issues for consideration at next board meeting.


Agenda Item 16 – Adjourn

Mr. Thompson moved to adjourn the meeting and Mr. Jalnos seconded the motion, and the motion carried unanimously.

Minutes adopted by the Board on this 14th day of January, 2019.



Julio Cerda, Board Chair



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

