

Texas State Board of Plumbing Examiners Board Meeting Agenda

Location:

929 E. 41st St.

Austin, Texas 78751

January 18, 2023

10:00 am

This meeting will be held by videoconference call pursuant to Texas Government Code § 551.127. The Board member presiding over the meeting will be physically present at the location of the meeting listed above and will preside over the meeting at that location. The meeting will also be accessible to the public at the physical location listed above. Members of the public may also participate in this meeting by videoconference using the following link:

<https://us02web.zoom.us/j/87349764202?pwd=WEIXdEp6MmtPMDVUYTBkQ1k1Q3oxZz09>

You may also access the board meeting via telephone at: 1 346 248 7799

For individuals planning to physically attend the meeting, masks and social distancing are highly recommended. However, if you are not feeling well or were possibly exposed to COVID-19, please stay at home and view the meeting virtually. An audio-video recording of the meeting will be available shortly after the completion of the meeting at: <http://www.adminmonitor.com/>

An electronic copy of the agenda is now available at <https://tsbpe.texas.gov/> under "Open Meetings."

Members of the public not appearing in person, please email dawn.saravia@tsbpe.texas.gov in advance of the meeting if you know you would like to provide public comment. You may also use the "Raise Hand" feature in Zoom to indicate you wish to speak during the meeting. When the Board reaches the public comment time, the Chair will recognize you by name and give you an opportunity to speak.

The Board will meet at the above-stated time to consider and take appropriate action on the items listed below.

1. Call to Order – 10:00 a.m.
2. Roll Call.
3. Certification of Quorum. *
4. Excuse absent Board Members. *
5. Chairman's remarks including but not limited to Townhall meetings, outreach efforts,

interagency cooperation efforts, and upcoming legislative session discussion.

6. Report and discussion on high school and trade school plumbing programs including but not limited to student education, credit, examination, and tradesman licensure, verification that high schools are teaching approved curriculum, verification plumber's hours for CE exemption, etc. **TAB 1**
7. Discussion and possible action on agency initiatives to deter unlicensed activity, including but not limited to, possible email and/or letter to Responsible Master Plumbers and trade organizations encouraging print, TV, and radio ads to include public service message to employ only licensed plumbers. * **TAB 2**
8. Report and discussion on journeyman licensee reciprocity with other states including but not limited to the Governor's approval of the reciprocity agreement with Arkansas. **TAB 3**
9. Discussion and possible action to publish proposed amendments to 22 Texas Administrative Code (TAC) §§361.1, 361.4, 361.6, 361.10, 361.12, 361.15 for 30 days of public comment in the Texas Register. The proposed rulemaking implements changes originating from House Bill (HB) 636, 87th Legislature, Regular Session (2021), and includes changes resulting from the four-year rule review conducted according to Texas Government Code §2001.039. * **TAB 4**
10. Discussion and possible action to adopt the proposed amendments to 22 Texas Administrative Code (TAC) §§363.2, 363.4, 363.5, 363.6, 363.8, 363.10, 363.11, 363.12, 363.13, 363.14, 363.15, 363.16, 363.17, 363.18, 363.19, 363.24, 363.25, 363.27 and the repeal of rules at §§363.3 and 363.26. The proposed rulemaking implements changes originating from House Bill (HB) 636, 87th Legislature, Regular Session (2021), and includes changes resulting from the four-year rule review conducted according to Texas Government Code §2001.039. * **TAB 5**
11. Discussion and possible action to adopt the proposed amendments to 22 Texas Administrative Code (TAC) §§367.1, 367.2, 367.3, 367.4, 367.5, 367.6, 367.7, 367.8, 367.9, 367.11, 367.12, 367.14, 367.15, 367.16, 367.17, 367.18, 367.19, 367.20, and 367.21. The proposed rulemaking implements changes originating from House Bill (HB) 636, 87th Legislature, Regular Session (2021), and includes changes resulting from the four-year rule review conducted according to Texas Government Code §2001.039. * **TAB 6**
12. Discussion and possible action on the readoption, revision, or repeal of the rules at 22 Texas Administrative Code, Chapter 365 regarding Licensing and Registration as a result of the four-year rule review conducted according to Texas Government Code §2001.039. * **TAB 7**

13. Discussion and possible action to adopt the proposed amendment to the existing rule at 22 Texas Administrative Code (TAC), Chapter 363, §363.9 regarding medical gas piping installation endorsement eligibility. The proposed amendment to the existing rule provides an additional path to endorsement qualification by allowing acceptance of a national certification. * **TAB 8**

14. Executive Director's Report and discussion of agency activities including but not limited to: **TAB 9**
 - a. Personnel changes
 - b. Job postings
 - c. Continuing education program update
 - d. Mobile Testing Unit development
 - e. Outreach
 - f. Staff activities
 - i. New forms for Reciprocity
 - ii. Versa update
 - g. Current statistics on plumber licenses and registrations
 - h. Discussion of continuing professional education and training for apprentice plumbers.

15. Examination Department report and discussion regarding department activities including but not limited to: **TAB 10**
 - a. Pending Plumber Exams and Retakes Report
 - b. Examination Pass Fail Report
 - c. Computer Based Testing update

16. Financial Department report and discussion regarding department activities including but not limited to: **TAB 11**
 - a. Preliminary Post Payment Audit Report
 - b. Annual Financial Report (AFR) Fiscal Year 2022
 - c. Annual Report on Non-Financial Data
 - d. Budget and Revenue update

17. Enforcement Department Report, discussion, and possible action regarding enforcement activities including but not limited to: **TAB 12**

- a. Summary of complaint cases reviewed, and administrative penalties imposed, including but not limited to, unlicensed activity statistics.
- b. Summary of applications approved or denied for registration and/or examination.
- c. Report of recent Field Activities.
- d. Summary of Cease and Desist Orders issued under §1301.5045 of the Plumbing License Law. **TAB 13**

- i. Benavides, Sergio; Complaint No. 2022-01747
- ii. Bryer, Jerry; Complaint No. 2022-00887
- iii. Castillo, Crespín; Complaint No. 2022-01747
- iv. Chavez, Antonio; Complaint No. 2022-01096
- v. Espiricueta, Horacio; Complaint No. 2022-01789
- vi. Garcia, Antonio; Complaint No. 2022-01505
- vii. Lippard, Jay; Complaint No. 2022-01307
- viii. Long, Deyana; Complaint No. 2022-01209
- ix. Lovelace, Alan; Complaint No. 2022-01407
- x. McLellan, Jonathon Allen; Complaint No. 2022-00971
- xi. Mora, Enrique; Complaint No. 2022-00972
- xii. Raynor, Rashad K.; Complaint No. 2022-01661
- xiii. Rodriguez, Mike Allan; Complaint No. 2022-01370
- xiv. Sadat, Sayed Zamanuddin; Complaint No. 2022-01798
- xv. Solano, Misael; Complaint No. 2022-01155
- xvi. Spencer, Dwayne; Complaint No. 2022-01747
- xvii. Strunk, Christopher Michael; Complaint No. 2022-01177
- xviii. Strunk, Christopher Michael; Complaint No. 2022-01177
- xix. Stults-Crisp, Johnathan Allan; Complaint No. 2023-00040
- xx. Zhang, Jian; Complaint No. 2022-00894

e. Board Order of Administrative Penalties paid by agreement. * **TAB 14**

f. Default Final Orders imposing penalties under §1301.704 of the Plumbing License Law. * **TAB 15**

- i. Castro, Joel Arnaldo; Complaint No. 2022-01439
- ii. Garcia, Joshua J.; Complaint No. 2022-00936

- iii. Garcia Jr., Juan Armando; Complaint No. 2020-00619
- iv. Johnson, Patrick Knud; Complaint No. 2022-01731
- v. Maltos, Nathanael Enrique; Complaint No. 2022-01435
- vi. Mata, Juan; Complaint No. 2022-01226
- vii. Naranjo Lopez, Lazaro; Complaint No. 2022-01532
- viii. Steele, Michael; Complaint No. 2022-01673
- ix. Torres, Saul; Complaint No. 2022-01676
- x. Zavala, Fidencio; Complaint No. 2022-01434

g. The Agreed Final Order resulting from the contested case docketed with the State Office of Administrative Hearings Case/Docket No. 456-23-02695.TSBPE, Texas State Board of Plumbing Examiners v. Eric Nava. **TAB 16**

- 18. Public Comment – Comments will be limited to three minutes per person.
- 19. Discussion regarding the date for the next board meeting. **TAB 17**
- 20. Recommendations for future board meeting agenda items **TAB 18**
- 21. Adjourn

The Texas State Board of Plumbing Examiners may go into a closed meeting after first convening in an open meeting and stating the authority under which the closed meeting will be held in accordance with §551.101 of the Open Meetings Act.

If you need auxiliary aids or services, please contact Dawn Saravia, Executive Assistant, at (512) 936-5226, at least 72 hours prior to the meeting so that appropriate arrangements are made.