

**STATE BOARD OF PLUMBING
BUSINESS MEETING
MINUTES**

Date: June 16, 2022

Time: 10:30 a.m.

Location: Held Virtually via Google Meet

Joining Info: By Video Conference
meet.google.com/qks-niad-yfo
By Phone via Teleconference
1-414-909-7588 (PIN: 385820141)

Members Present:

Joseph Radtka, Chair
Keith Horton, Vice Chair
Roland Mann Jr., Industry Member
Michael Bowersox, Industry Member
Gregory Schott, Industry Member

Absent: Richard Bowers, Consumer Member
Richard Small, Industry Member

LABOR Officials & Staff Present:

Sloane Fried Kinstler, Assistant Attorney General
LaKissha Thornton, Administrative Officer I
Danielle Anderson, Web Coordinator and Outreach

OTHERS PRESENT:

Diane Kastner, Plumbing Heating Cooling Contractors Associations
Bill Sompayrac, Pipeline Training Institute

CALL TO ORDER

Chair, Mr. Joseph Radtka, called the Business Meeting of the Maryland State Board of Plumbing to order, virtually, at 10:32 a.m.

Chairman Radtka issued a statement regarding the May 19, 2022, Board meeting, explaining that because the meeting Agenda was not posted to Board's web page on the Department of Labor website at least 24 hours in advance of the start of the meeting, the meeting was not compliant with the Maryland Open Meetings Act. Chairman Radkta further explained that business on

which the Board voted on May 19, 2022 should be reconsidered at the meeting today. Counsel Kinstler confirmed that the May meeting was not valid and cited the statutory provisions, General Provisions Article, §§ 3-302 and 3-302.1(a)(3) of the Maryland Annotated Code, that require advance notice to the public at least 24 hours prior to a public meeting.

Chairman Radtka requested a motion to modify the June meeting agenda to consider previously discussed business. A Motion to modify the June 16, 2022 meeting Agenda, to consider business discussed by the Board on May 19, 2022, was made by Mr. Bowersox and seconded by Mr. Schott and was unanimously carried by the Board.

A report of the May 19, 2022 Complaint Committee was provided to the Board. A Motion to approve the report of the Complaint Committee's May meeting was made by Mike Bowersox, seconded by Mr. Mann, and unanimously carried by the Board.

Chairman Radtka introduced a discussion on Senate Bill 259, which pertains to public works contracts. The bill will amend prevailing wages laws to include mechanical systems service contracts on public works jobs. He reminded the Board of Commission Helminiak's request to survey licensees regarding industry practices to develop a current prevailing wage. Chairman Radtka requested that the Board direct Executive Director Bull to send a survey regarding wage rates and service provider duties and titles, to be prepared by the Division of Labor & Industry, to licensees. A motion was made by Mr. Bowersox, seconded by Mr. Schott and unanimously carried by the Board.

APPROVAL OF MINUTES

Chairman Radtka requested a motion to approve the Minutes of the April 21, 2022 Board meeting. A motion was made by Mr. Bowersox, seconded by Mr. Schott and unanimously carried by the Board.

PLUMBING COMPLAINTS

Mr. Schott presented the following report of behalf of the Complaint Committee:

<u>Closed Complaints</u>	<u>Investigation</u>	<u>New Complaints</u>
Plum 22-0008	Plum 22-0015	Plum 22-0042
Plum 22-0012	Plum 22-0037	Plum 22-0043
Plum 22-0018	Plum 22-0038	Plum 22-0044
Plum 22-0021		Plum 22-0045
Plum 22-0034		

Upon Mr. Bowersox's motion and Mr. Mann's second, and by a roll call vote the Board unanimously voted by roll call to approve the Complaint Committee report.

REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS

PSI Exams submitted the following statistical summaries for April 2022:

Plumber	Candidates Tested	Passed	Failed	Pass %
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Journey Natural Gas Fitter	1	0	1	0%
Journey Plumber/Gas Fitter	41	18	23	44%
Master Natural Gas Fitter	1	1	0	100%
Master Plumber/Gas Fitter	24	7	17	29%
TOTAL	67	26	41	39%

Chairman Radtka read the PSI statistical summary for the month of April 2022. Since Jan. 2022, 274 candidates were tested, 98 candidates passed, 176 failed, for a pass rate of 36%. Since the inception of the test, 9988 candidates were tested, 3594 candidates passed, 6394 failed, for a pass rate of 36%. There are currently 12,890 active licensees.

OLD BUSINESS

There was no old business to consider.

NEW BUSINESS

Chairman Radtka stated that an email was sent out by Executive Director Bull regarding the Maryland Open Meetings Act (“Act”). He stated that the email contained a link to training on the Act and encouraged all members of the Board to complete the training. Counsel Kinstler offered to provide a link to the training for anyone who had not yet received it.

Mr. Bowersox posed a question to the Board asked by Christie McAndrew. Mr. Bowersox stated that Ms. McAndrew was under the impression that all backflow prevention devices must meet lead-free requirements. Mr. Bowersox stated that, based upon his understanding, that if a backflow prevention device was not being used for potable water, that device could contain up to 8% lead. Chairman Radtka stated the Mr. Bowersox was correct and that NSF/ANSI 372 pertaining to NSF/ANSI 61 concerning lead-free products, address that issue and state that only backflow prevention devices intended for water for human consumption are required to be lead-free. He stated that devices for fire sprinklers, irrigation systems, and shower valves, etc. are not required to meet such standards as they are not associated with water intended for human consumption. Mr. Bowersox asked if that was to the official opinion of the Board, to which Chairman Radtka replied it was not a matter of opinion but rather a reflection of applicable law on the matter.

Mr. Bowersox then posed a question regarding the apprentice license renewal limits set by Business Occupations and Professions Article, § 12-308.1 of the Maryland Annotated Code. Mr. Bowersox asked if there was any exception that could be made by the Board to allow persons who are working part-time in the industry and unable to complete 2000 hours of training per year to renew their licenses more than the two-time license cycle schedule permitted by law. Counsel Kinstler stated that, unless §12-308.1 was modified, amended, or stricken, the Board lacks discretion or authority to waive license renewal requirements set forth in the law. Counsel qualified her statement indicating that during the height of the COVID-19 pandemic, when testing centers were closed and licensing examinations was not available, an exception was made to the law to allow individuals to renew their licenses past the term limits upon the promise that they would be tested immediately once testing was available, so as not to interrupt their ability to work. Chairman Radtka stated that it seems that the Board should be able to make exceptions to the law in extreme cases. Mr. Schott agreed with Chairman Radtka and stated that there are instances such as active military service that may provide an undue hardship for those wishing to continue their licensure. Counsel Kinstler suggested that the Board may wish to ask Executive Director Bull to prepare a legislative concept paper to introduce a change or modification to the existing law during the next legislative session.

Chairman Radtka introduced Danielle Anderson, the new Communications and Web Coordinator for the Division of Occupational and Professional Licensing. Ms. Anderson stated that she is happy to join the team and will be responsible for the creation and distribution of newsletters for the Division of Occupational and Professional Licensing. Chairman Radtka asked which newsletters related the mechanical licensing would Ms. Anderson be involved in creating, to which she replied The Mechanical Lowdown. Ms. Anderson stated that she will be in attendance at all meetings for the mechanical licensing boards and looks forward to working with everyone in the future.

CORRESPONDENCE

There was no correspondence to be considered.

COUNSEL'S REPORT

There was no report from Counsel.

CHAIR'S REPORT

Chairman Radtka thanked the members of the Board for their continued attendance and participation and welcomed Ms. Anderson to the Department of Labor.

EXECUTIVE DIRECTORS REPORT

There was no Executive Director's report.

CLOSED SESSION

The Board did not convene in a closed session.

APPROVAL OF FINDINGS OF CLOSED SESSION

None necessary.

ADJOURNMENT

Upon Mr. Mann’s Motion, and Mr. Schott’s second, and by a roll call vote, with Board members Horton, Mann, and Schott voting in favor and Mr. Bowersox abstaining, the Board voted to adjourn meeting at 11:00 a.m.

Chair, Joseph Radtka

Date

Without Corrections _____

with Corrections _____