



**STATE BOARD OF PLUMBING
BUSINESS MEETING
MINUTES**

Date: August 17, 2023

Time: 10:30 a.m.

Location: 1100 N. Eutaw Street
5th Floor Conference Room
Baltimore, MD 21201
(In person for Board Members and Staff only)
Held via Video Conference
meet.google.com/qks-niad-yfo
By Phone via Teleconference
1-414-909-7588 (PIN: 385820141)

Members Present: Joseph Radtka, Chairman
Keith Horton, Vice-Chairman, Industry Member*
Gregory Schott, Industry Member
Robert Parker, Consumer Member
Hayward Hinkhaus, Industry Member
Leif Hancock, Industry Member

Absent: Richard Bowers, Consumer Member

LABOR Officials & Staff Present: John Bull, Executive Director, Mechanical Licensing Unit
Sloane Fried Kinstler, Assistant Attorney General
LaKissha Thornton, Administrative Officer III

OTHERS PRESENT: William Sompayrac, Pipe Trades Technology
Diane Kastner, MPHCC
Jonathan Sargeant, Omniplex
Derrick Day, Today Waterworks
Andrew Calascione, O'Donoghue & O'Donoghue, Complainant

CALL TO ORDER

Chair Joseph Radtka called the Business Meeting of the Maryland State Board of Plumbing to order, virtually, at 10:34 a.m.

A motion was made by Mr. Parker to approve the agenda of the August 17, 2023 Plumbing Board Meeting, which was seconded by Mr. Hancock, and, by a roll call vote, unanimously approved by the Board.

APPROVAL OF MINUTES

Director Bull noted an error in the July 20, 2023, Business Meeting minutes on page 2. He stated that the minutes should reflect PSI Examination statistics for June 2023, not May 2023.

A motion was made by Mr. Parker to approve the minutes of the July 20, 2023, Plumbing Board Meeting with amendment, seconded by Mr. Schott, and, by a roll call vote, unanimously approved by the Board.

PLUMBING COMPLAINT COMMITTEE

Mr. Schott reported the findings of the Complaint Committee as follows:

<u>Closed Complaint</u>	<u>Under Investigation</u>	<u>Sent for A.G. Pre-Charge</u>	<u>Criminally Charged</u>
22-0006	23-00016	23-0040	
23-0036			
23-0039			
24-0002			
24-0007			

Upon a motion by Mr. Hancock, and a second by Mr. Parker, the Board voted unanimously, in a roll call vote, to approve the Complaint Committee’s report.

*Mr. Horton joined the meeting at 10:41 a.m.

REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS

PSI Exams submitted the following statistical summaries for July 2023:

Plumber	Candidates Tested	Passed	Failed	Pass %
Journey Natural Gas Fitter	4	2	2	50%
Journey Plumber/Gas Fitter	39	17	22	44%
Master Natural Gas Fitter	2	1	1	50%
Master Plumber/Gas Fitter	25	11	14	44%
TOTAL	70	31	39	44%

Director Bull reported that since January 2023, 455 candidates were tested, 182 candidates passed, 273 failed, for a pass rate of 40%. Since the inception of the test, 10839 candidates were tested, 3931 candidates passed, 6908 failed, for a pass rate of 36%. There are currently 13,376 active licensees.

CORRESPONDENCE

There was no correspondence for the Board to consider.

OLD BUSINESS

Chairman Radtka asked Director Bull for an update regarding the Board's request for an exemption from the Maryland Department of the Environment, Onsite Wastewater Management Board's registration requirement. Director Bull stated that he had not received any new information. Chairman Radtka informed the new members of the Board of the registration requirement and the Board's request.

There was no other Old Business.

NEW BUSINESS

Fee Increase-COMAR 09.20.05.03

Director Bull presented the Board with a proposal to increase the licensing fees for the State Board of Plumbing. He explained that all mechanical boards had been asked to consider an increase due to the cost of operating the boards, including replacement of current licensing database with more efficient technology, and the relocation of the Board to its permanent space in 2024. Director Bull also explained the law restricting any board increasing such fees to 12.5% per year. He explained that the Board has not increased fees for many years. Director Bull presented the Board with a spreadsheet that reflected an annual increase of 12.5% of the current year's fee beginning in January 2024, with a second increase in January 2025. He also proposed adding fees for the licensing of plumbing inspectors; license reactivation for expired licenses; and a Letters of Good Standing.

Chairman Radtka agreed with the proposed fee increases and stated that he had conducted a survey of the licensing fees across other neighboring states and jurisdictions, and that Maryland had the lowest overall cost to maintain licensure in the area. Mr. Schott agreed with the proposed increases and new fees except for the fee for inspector licenses. Director Bull, noting the Board's objection to that fee, stated that he would remove the fee for licensing inspectors.

A motion was made by Mr. Parker to draft a regulation to increase licensing fees and institute the proposed new fees, seconded by Mr. Hancock and unanimously approved by the Board.

Counsel informed the Board that, once drafted, the proposed regulation would require approval of the Office of the Secretary, after which it could be submitted for publication in the Maryland Register and was subject to a 30-day comment public period, during which public comments may be submitted to the Board. After the comment period has passed, the Board must consider any comments submitted. It is not obligated to modify the regulation based on a comment, but if it chooses to do so, it may, or it can consider final action on the regulation. Counsel explained the reproposal process if a board elects to make a substantive modification to a proposed regulation after consideration of public comments submitted.

There was no other new business.

EXECUTIVE DIRECTOR'S RERORT

Director Bull informed the Board that Mr. Klausing was no longer employed with the Department of Labor and that he had begun the process to hire two new investigators. He stated that staff would continue to assess cases as they were received to determine if they could be handled without a full investigation, and act on those cases.

Director Bull reminded the Board that there are still two vacancies on the Board, one for a consumer member and one for an industry member who represents Baltimore City. He stated that while the positions have been

advertised and asked that Board members advise anyone they know with an interest in serving to contact the Appointment's Office for consideration.

Chairman Radtka asked Director Bull how a person would apply for one of the investigator positions and what their qualifications should be. Director Bull replied that the application can be found on the MD State Jobs webpage and that applicants should have at least four (4) years of experience with administrative investigations.

COUNSEL'S REPORT

Counsel Kinstler stated that while she did not have a report to offer that she would like to remind the Board of the procedures regarding meeting in a closed session. She stated that the Board can convene in closed session to discuss certain issues as permitted by Maryland law. She explained that, generally, this Board convenes in closed session for a limited number of reasons, typically to discuss an application for an individual for a license or certificate, and pending or potential litigation matters, including recommended administrative decisions. The reason an application may be discussed in closed session is to protect the privacy of an applicant. The Board can convene in closed session to discuss such matters and to receive advice from counsel. Counsel continued, stating that the Board is expected to convene today to discuss a license application. She explained that the Board will be asked to convene in a closed session, and, at the conclusion of the session, the Board will return to the open session of the meeting simply to adopt the findings of the closed session and then immediately adjourn. She stated that after the reports the Board would vote to enter closed session. Counsel explained that members of the public could remain in the business meeting while the Board met in a closed session if they so wished.

CHAIR'S REPORT

Chairman Radtka offered no report but thanked the Board for its vote on licensing fees.

Chairman Radtka allowed Mr. Calascione to address the Board. Mr. Calascione stated that while he understood that the Board could not discuss a pending complaint submitted to the Board, he felt that the Board should be doing more to stop unlicensed persons from working in the state. He contended that the issue his client was facing was happening to many citizens in the State. Mr. Calascione was advised to submit any comments regarding the complaint in writing for review by the Complaint Committee of the Board. He indicated that he understood and planned to attend more meetings in the future.

CLOSED SESSION

Upon a motion by Mr. Parker, seconded by Mr. Hinkhaus, and unanimously carried, the State Board of Plumbing convened in closed session at 11:43 a.m., via Google Meets, pursuant to § 3-305 (b)(2) and (7) of the Gen. Prov. Art., Md. Ann. Code, to protect the privacy and reputation of license applicants and to obtain advice provided by Counsel regarding license applications.

Master License Renewal Application

Counsel, Sloane Fried Kinstler, presented an application for the renewal of a master plumber/gas fitter license. The applicant had been recently convicted of a third-degree sex offense in 2023, for which the applicant had been sentenced to incarceration for 10 years with all time suspended but 117 days, followed by supervised probation for five (5) years, during which time the applicant may not have unsupervised contact with a minor. Additionally, the applicant has an obligation to register as a Tier II sex offender for 25 years.

After consideration of the information submitted by the applicant in support of the application, the Board determined that the applicant should be asked to provide a true-test copy of the statement of charges or indictment from the court clerk that lists the facts and the allegations that constituted grounds for the conviction; a written certification of treatment and prognosis from a therapist or counselor familiar with the court-ordered treatment or therapy the applicant; and whether the applicant holds a plumber or gas fitter credential in another jurisdiction, or an industry-related or professional certification.

A motion to require that that the applicant supplement the renewal application with information about the specific allegations; court-ordered treatment or therapy; and licensure in other jurisdiction or industry certifications was made by Mr. Schott, seconded by Mr. Hinkhaus, and unanimously approved by the Board.

A motion to return to the business meeting was made by Mr. Parker, seconded by Mr. Schott, and unanimously approved by the Board. The Board returned to the open session of the meeting at 12:18 p.m.

A motion to approve the findings of the closed session was made by Mr. Parker, seconded by Mr. Hancock and by a roll call vote unanimously approved by the Board.

ADJOURNMENT

Upon Mr. Schott’s Motion, and Mr. Parker’s second, and the Board unanimously voted to adjourn the meeting at 12:20 p.m.

Signature on File

September 21, 2023

John Bull
Executive Director

Date

Signed on behalf of the Board as voted and approved on September 21, 2023