



**STATE BOARD OF PLUMBING
BUSINESS MEETING MINUTES**

Date: February 15, 2024

Time: 10:30 a.m.

Location: 1100 N. Eutaw Street
First Floor Conference Room
Baltimore, MD 21201
(In person for Board Members and Staff)
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
Gregory Schott, Industry Member
Robert Parker, Consumer Member
Leif Hancock, Industry Member
Hayward Hinkhaus, Industry Member

Absent: Keith Horton, Vice-Chairman, Industry Member
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: Jonathan Sargeant, Omega Plex
Wayne Fishpaw, Pipe Trades Technology

CALL TO ORDER

Chair Joseph Radtka called the Business Meeting of the Maryland State Board of Plumbing to order, virtually, at 10:36 a.m.

APPROVAL OF MINUTES

A motion was made by Mr. Hinkhuas to approve the minutes of the January 18, 2024, Plumbing Board meeting without amendment, seconded by Mr. Parker, 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>
23-0025		23-0014	
23-0026		23-0019	
23-0030	23-0032	23-0020	
23-0033			
23-0034			
23-0037	23-0038		
23-0041			
23-0042			
24-0032			
24-0037			
24-0039			

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

REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS

PSI Exams submitted the following statistical summaries for January 2024:

Plumber	Candidates Tested	Passed	Failed	Pass %
Journey Natural Gas Fitter	6	4	2	67%
Journey Plumber/Gas Fitter	27	6	21	22%
Master Natural Gas Fitter	2	0	2	0%
Master Plumber/Gas Fitter	18	6	12	33%
TOTAL	53	16	37	30%

Director Bull provided a written report stating that since January 2024, 53 candidates were tested, 16 candidates passed, 37 failed, for a pass rate of 30%. Since the inception of the test, 11,228 candidates were tested, 4,057 candidates passed, 7,171 failed, for a pass rate of 36%. There are currently 13,576 active licensees.

CORRESPONDENCE

Calvert Controls

The Board reviewed correspondence from Marco Morales with Calvert Controls-Plumbing Division about potential backflow concerns at a veterans' residential facility in Charlotte Hall, MD and wanted to identify the inspector for the project. The Board requested that staff advise Mr. Morales to reach out to the Charles County Plumbing Board, as their office would be responsible for conducting an inspection. Mr. Schott requested that Mr. Morales confirm that the building was not classified as a State owned and operated facility, as it would no longer be under the jurisdiction of Charles County. Director Bull confirmed that it was not and that he will provide the Board's response.

Fortiline Waterwoks

Mark Bain, Meter Services Manager, Fortiline Waterworks, a North Carolina-based corporation, asked, in an email dated about a Maryland project involving the replacement of existing meters. He sought information about the license classification(s) required for such a project and whether the Board reciprocates licensing Virginia or West Virginia.

The Board requested that staff advise Mr. Bain that a Master Plumber Gas/Fitter license would not be required as long as the company was only servicing the existing meters. If the job required that water be released or that new construction was required to operate the meters, then a licensed master plumber master would have to provide the services. Counsel requested that Board staff also advise that the Board could not provide legal advice regarding any local or business license(s) that might also be required.

EcoLab

Megan Lucas, Regulatory Analyst, EcoLab, Kay Chemical Company, asked, in a December 29, 2023 email about licensing requirements for work on commercial business installations, specifically regarding chemical dispensation for various equipment of restaurant and food retailers and the applicable code(s) for such work. The Board discussed and advised staff on the plumbing license classification requirement, if any, for the individual machine or equipment identified and asked that the response indicate that if a connection to the potable water source is necessary, that a licensed master plumber is required.

Mr. Schott recommended that the Board's reply correspondence to EcoLab suggest that they also contact the local jurisdictions to ensure compliance at the local level.

Counsel suggested that the Board approve, by a vote, their instructions to have staff issue the discussed reply correspondence.

Mr. Parker moved that the Board direct Mr. Bull to send the Board's responses to Calvert Controls; Fortiline Waterworks; and EcoLab, respectively. The motion was seconded by Mr. Hancock and, by a roll call vote, unanimously approved by the Board.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business. A legislative update was provided by Mr. Bull during his report.

EXECUTIVE DIRECTOR'S REPORT

Director Bull thanked the Board for their attendance. He continued, giving an update on staff and Board vacancies. Director Bull reported that Charles Corbin had been assigned to the Board as a temporary investigator. He explained that Mr. Corbin had experience working as an investigator for the Mechanical Licensing Unit and was very excited to have him onboard. Director Bull also stated that he hoped to hire a new investigator as quickly as possible. Regarding the vacancies in the Board, Director Bull reminded the Board that currently, there were two vacant seats: one for a Consumer Member and one for an Industry Member from Baltimore City.

Director Bull went on to inform the Board of the following Legislative Updates:

SB 54 Occupational Licensing and Certification - Criminal History - Prohibited Disclosures and Predetermination Review Process

The Bill would change the period for which a board could deny a license based solely upon a conviction (with exceptions, per the bill) from seven (7) years to three (3) years. He advised the Board to review the bill.

HB 26 Criminal Disclosure - Disclosure of Expunged Records-Alterations

The Bill would no longer allow an application for licensure to be denied based solely upon the applicant not disclosing that they were convicted of a crime that has been expunged.

HB 503/SB 586 Public Safety - Corrugated Stainless-Steel Tubing for Fuel Gas Piping Systems - Requirements and Prohibitions

The bill would require the use of only corrugated stainless-steel tubing "(CSST)" that meets the LC 1027 standard.

Chairman Radtka expressed opposition to the proposed legislation because the proposed standard, LC 1027, is not mandated by the International Fuel Gas Code, but is a manufacturer recommended standard. Chairman Radtka noted that there only a few companies in Maryland able to provide the materials to comply with the standard. He expressed concern over the potential creation of an unfair monopoly regarding manufacturing. The Chairman also cited ANSI LC1 LCA 626 that comply with the requirements set by the International Code Council (ICC). He questioned whether the Legislature could change the Codes currently in place, which could cause a conflict because the ICC allows for the use of corrugated stainless-steel tubing that does not meet the LC 1027 standard.

Mr. Hancock moved that the Board formally oppose HB 503 and the companion bill SB 586. Mr. Parker seconded the motion and, by a roll call vote, it was unanimously carried by the Board.

HB 642 Apprenticeships in Licensed Occupations Act of 2024

The bill would require that an applicant for a license who has completed apprenticeship program that has been approved by the MD Apprenticeship and Training Council ("MATC") be granted a journey license upon completion of the program. Director Bull explained that MATC standards for successful completion of an approved program include completion of a standard number of classroom hours as well as field working hours, which would be equivalent to or exceed current requirements, and that the applicant must pass a final exam equivalent to the Board's journey license examination. Mr. Bull stated that the process would be similar to that of the State Board of HVACR Contractors.

Chairman Radtka asked that before the Board takes a position on the bill, that a MATC representative explain the proposed pathway to licensure, and their specifications for programs that would be used to grant a journeyman license based on apprenticeship. Mr. Hancock questioned whether completion of an apprenticeship program would become the sole pathway to obtain a journeyman license, to which Director Bull replied that it would not replace the on-the-job pathway to licensure. The Board collectively expressed concern over who would be responsible for overseeing the required field work hours and whether the bill would create a license exam waiver.

Director Bull replied that the tracking, acceptance, and recording of required field work hours would be overseen by MATC. Counsel Kinstler commented that she had interpreted the law to say that if an applicant successfully completed an approved MATC program, that a license would be issued upon completion. Chairman Radtka questioned whether the Board would have the authority to still require that an applicant pass the current journey license examination regardless of having completed the apprenticeship program. Counsel Kinstler and Director Bull both agreed that the proposed legislation would not impact authority to require an individual pursuing journey licensure solely through work experience hours under a master to pass the license examination.

Counsel also advised that the HVACR Board adopted a regulation that a journey license applicant must apply for a license within 2 years of completion of an approved MATC apprenticeship to be eligible for a license exam waiver. This was created to prevent the licensure of an individual based on stale experience and industry knowledge. Counsel suggested that, if the bill passed, the Board could consider a similar provision.

After discussion, the Board decided not to issue an opinion on the proposed legislation.

HB 841 Environment - Plastic Bottle Waste Reduction - Water Bottle Filling Stations and Reporting

The bill would require that water bottle filling stations be required in all new construction beginning October 1, 2024. The Board offered no opinion on the bill.

HB 1241 Polyvinyl Chloride and Chlorinated Polyvinyl Water Piping Prohibition

The bill would prohibit the use of PVC or PCVC pipe in water distribution systems due to concerns of possible chemical contamination to a water system based on use of the piping. Mr. Hancock questioned whether PVC or PCVC piping had been banned in any other jurisdiction, to which Chairman Radtka replied to his knowledge it had not.

After a discussion, Mr. Hancock moved that Mr. Bull notify the Secretary's Office of the Board's opposition to HB 1241. Mr. Hinkhaus offered a second to the motion. The Board unanimously approved the measure.

Director Bull stated that he would draft and send the opposition letter and keep the Board informed of all legislative proceedings regarding the bill.

COUNSEL'S REPORT

Counsel did not offer a report but did remind that Board of an administrative hearing scheduled for 1:00 p.m. She requested that any member who would not be able to stay for the duration of the hearing not attend, as they could not deliberate if they were not present for the entire proceeding.

CHAIR’S REPORT

The Chairman reported that Diane Kastner had passed away and asked the Board to join him in formally expressing condolences to her family, friends, and industry associates.

CLOSED SESSION

The State Board of Plumbing convened in a closed session to review license applications at 11:37 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 the license applications.

REVIEW OF LICENSE APPLICATION:

Application .01

Counsel presented an original apprentice license application of an individual who had reported a prior criminal conviction. The applicant had been convicted as a teen of murder in Washington, D.C. in 1998 and was sentenced to incarceration for 40 years to life. In 2022, the sentence was modified to time served because the applicant had been a youthful offender when originally sentenced and had demonstrated exemplary behavior during incarceration. Counsel reported that on January 31, 2024, Director Bull requested that the applicant provide an explanation of the circumstances resulting in conviction and a letter from a probation official indicating whether the applicant was in complaint status. The applicant provided all materials requested, along with a letter of recommendation from the applicant’s current employer, a construction company. The applicant expressed remorse for their actions. The applicant’s probation officer confirmed that they are in compliance with all terms and conditions of probation.

Mr. Schott moved to approve the apprentice license application. The motion was seconded by Mr. Hancock and, by a roll call vote, unanimously approved by the Board.

A motion to return to the business meeting was made by Mr. Hinkhaus, seconded by Mr. Parker, and unanimously approved by the Board at 11:47 a.m.

A motion to approve the findings of the closed session on February 22, 2024, was made by Mr. Hancock, seconded by Mr. Parker and, by a roll call vote, unanimously approved by the Board.

ADJOURNMENT

Upon Mr. Hinkhaus’ Motion, and Mr. Hancock’s second, and the Board unanimously voted to adjourn the meeting at 11:48 a.m.

Signature on File

March 21, 2024

John Bull
Executive Director

Date

Signed on behalf of the Board as voted and approved on March 21, 2024