



**STATE BOARD OF PLUMBING
BUSINESS MEETING
MINUTES**

Date: April 20, 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
Gregory Schott, Industry Member
Michael Bowersox, Industry Member
Roland Mann Jr., Industry Member
Keith Horton, Industry Member

Absent: Richard Bowers, Consumer Member

LABOR Officials & Staff Present: John Bull, Executive Director, Mechanical Licensing Unit
Sloane Fried Kinstler, Assistant Attorney General
Matt McKinney, MD Dept. of Labor, Occupational and
Professional Licensing
LaKissha Thornton, Administrative Officer I

OTHERS PRESENT: Wayne Fishpaw, Pipe Trades Technology
Diane Kastner, MPHCC
William Sompayrac, Pipeline Training Institute
Dustin Kruger, Kruger Training Academy
Andrew Campbell, TREEO Director
Christopher Impof, WSSC Water

CALL TO ORDER

Chair Joseph Radtka called the Business Meeting of the Maryland State Board of Plumbing to order, virtually, at 10:35 a.m.

APPROVAL OF MINUTES

A motion was made to approve the minutes of the March 16, 2023, Board meeting without correction, by Mr. Bowersox, seconded by Mr. Schott, and by roll call, carried unanimously by the Board.

PLUMBING COMPLAINTS

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>
23-0045	22-0049	22-0049	

Upon a Motion by Mr. Bowersox, and a second by Mr. Mann, 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 February 2023:

Plumber	Candidates Tested	Passed	Failed	Pass %
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Journey Natural Gas Fitter	1	1	0	100%
Journey Plumber/Gas Fitter	43	17	26	40%
Master Natural Gas Fitter	5	2	3	40%
Master Plumber/Gas Fitter	18	4	14	22%
TOTAL	67	24	43	36%

Chairman Radtka reported that since January 2023, 171 candidates were tested, 63 candidates passed, 108 failed, for a pass rate of 37%. Since the inception of the test, 10555 candidates were tested, 3811 candidates passed, 6744 failed, for a pass rate of 36%. There are currently 13,342 active licensees.

CORRESPONDENCE

Chairman Radtka acknowledged that several items were submitted to the Board as correspondence relating to items listed on the agenda under Old Business (specifically regarding the consideration of alternative backflow instructor certification providers) and would be considered as Old Business or New Business, as appropriate.

OLD BUSINESS

Chairman Radtka reintroduced the discussion of the Board's consideration of acceptance of alternative backflow providers. He stated to the Board that several concerned parties were in attendance at the Board meeting. Director Bull introduced Andrew Campbell, TREEO Director, to the Board to address questions and concerns about cross connection contamination and backflow prevention. Mr. Campbell stated that the TREEO Instructor Training program was being changed to ensure that the curriculum being taught was based on or in accordance with TREESO-approved materials and standards. He explained the two options for anyone wishing to obtain backflow instructor certification through TREEO. The first will allow third party education sponsors outside of TREEO to establish 'host sites' would use TREEO course materials and content. He explained an alternative option would allow outside parties to apply to offer their own curriculum to TREEO for review and, if deemed acceptable, TREEO would approve such program.

Chairman Radtka questioned whether persons completing the backflow instructor training needed to be TREEO employees. Mr. Campbell explained that TREEO had in-house instructors, but approved third party instructors were not employees. Mr. Campbell also stated that each instructor must be recertified by TREEO every three (3) years instead of five (5) years and would be overseen to ensure education compliance. Mr. Schott asked Mr. Campbell if, in an instance that materials submitted to TREEO for acceptance were found to be deficient, whether TREEO would notify the sponsor of the problem and give them an opportunity to correct and resubmit for approval. Mr. Campbell confirmed that opportunity would be available.

Questions regarding the roll-out schedule and revenue sharing options were posed to Mr. Campbell by members of the public in attendance, including Ms. Kastner and Mr. Kruger respectively. Mr. Campbell further clarified that TREEO would use a host site to provide training or recertification for backflow instructors, the 'host' would be provided with TREEO training materials; the instructors to offer the training would be vetted by TREEO; and the courses would be audited for compliance. Mr. Campbell reiterated that TREEO would review materials submitted by outside sources for approval by TREEO. Chairman Radtka asked that if approved materials could be taught by a provider to allow a person to obtain a TREEO backflow instructor certification. Mr. Campbell confirmed that those materials would be eligible after TREEO approval. Mr. Campbell also clarified that TREEO In-House Instructors would be vetted and trained by TREEO and then assigned to a host site origination.

Mr. Bowers and Mr. Christopher Imphof joined the meeting virtually during the discussion.

Mr. Fishpaw requested that the Board allow an extension for currently-certified instructors to recertify after the June 30th deadline.

A motion to extend the deadline to recertify for 90 days beyond the deadline was made by Mr. Schott and seconded by Mr. Bowersox. However, Mr. Campbell stipulated to a 3-month extension for rectification. Mr. Schott consequently withdrew the motion.

Chairman Radtka reintroduced the discussion of Senate Bill 0007, stating that the Board had sent an opposition letter to Secretary Wu, but Board's effort would be moot as the Governor had signed the bill into law. Chairman Radtka reminded the Board of the previously discussed intention request that

the Maryland Department of the Environment (“MDE”) waive the on-site wastewater registration requirement and fee for license plumbers.

Director Bull stated that the Board of Electricians had similar concerns and that he had been in contact with MDE regarding the issue. He reported that he had discussed the matter with Mr. Adam Correy of MDE, who indicated that he expected that a regulation would be proposed to exempt licensed persons from the registration requirement and fee. Director Bull stated that he was awaiting approval from the Secretary’s Office to submit the letter seeking plumber exemption of the registration and/or fee.

There was no other Old Business discussed.

NEW BUSINESS

No New Business was discussed .

EXECUTIVE DIRECTOR’S RERORT

Director Bull reported that he was awaiting responses from Virginia, West Virginia, and Delaware, regarding negotiating new (updated in the case of DE) reciprocal licensing agreements. He stated he would present any information regarding those requests to the Board when it was received.

Director Bull notified the Board that the reappointments for Mr. Bowersox, Mr. Horton, and Mr. Mann had been completed. He stated that they would be officially notified soon and to inform him when they received their reappointment letters. Director Bull informed the Board that Mr. Leif Hancock has been appointed to the Eastern Shore position on the Board. He stated that he would notify the Board as to the date he would officially begin his service.

Director Bull reported that Mr. Small had resigned from the Board, effective March 31, 2023. He stated that he had received a letter from Mr. Small stating his intent. Mr. McKinney commented that he would notify the Governor’s Appointment Office of Mr. Small’s departure from the Board.

COUNSEL’S REPORT

Counsel did not offer a report but did comment on the discussion on backflow training held earlier in the meeting, reminding the Board that COMAR 09.20.04.02B requires that instructors to be recertified at a minimum of every five years, and that the changes being made by TREEO comply with the Board’s requirement.

CHAIR’S REPORT

Chairman Radtka thanked Mr. Campbell for attending the meeting. He also thanked Mr. Small for his service to the Board and wished him well in the future. Chairman Radtka stated that he wished to discuss the Fire Advert system and asked that the matter be placed on the May 18, 2023 meeting agenda.

CLOSED SESSION

Counsel Kinstler explained that it was necessary for the Board to convene in closed session for the purpose of considering two applications. 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.

Chairman Radtka requested a motion to convene in closed session, which was made by Mr. Schott, seconded by Mr. Bowersox, and was passed unanimously at 11:16 a.m.

Application 01:

The Board considered an apprentice license application in which the applicant had been convicted in 1987 of murder and kidnapping as a juvenile (aged 17). The applicant was sentenced to incarceration for life plus twenty (20) years. The sentence was modified in 2022 at which time the applicant was released on probation. Counsel advised the Board of its authorization to approve, deny, or hold the application for additional information because it had not been seven (7) years since the applicant's court-ordered supervision period was completed. Counsel also reminded the Board that, historically, apprentice applicants were considered slightly more leniently than other license classifications, as apprentices cannot work independently but may only assist in the provision of services in the physical presence of a licensed plumber(s). She further advised that, under Maryland law, licensing boards are encouraged to grant licenses to applicants with a prior criminal history under certain circumstances. However, a board has the discretion to deny an application on a finding that there is a relationship between the applicant's offense(s) and the ability to provide the services authorized by the license sought. The Board discussed the applicant's employment history, his activities since his release, and character references.

Mr. Bowersox made a motion to approve the application for licensure, which was seconded by Mr. Schott and unanimously approved by the Board.

Application 02:

The Board considered a request for license reinstatement from an individual whose apprentice license was revoked by the Board in 2016 as a result of charges against him in Case No.: PLUM-14-0024. Counsel Kinstler explained to the Board that the individual had been licensed as an apprentice plumber/gas fitter in 2008. After a complaint alleging that the individual had contracted for a job, accepted payment for the job, and did not complete the work, and a hearing on the matter, the Board also found that the individual had provided services outside of the scope of an apprentice license. After the respondent failed to file exceptions or seek an appeal of the Board's Proposed Order, it became final. The Board also considered the individual's written statement in support of the request for reinstatement.

A motion to approve the application for reinstatement was made by Mr. Bowersox, seconded by Mr. Schott, and unanimously approved by the Board.

Upon a motion to leave the closed session and return to the business meeting was made by Mr. Bowersox, seconded by Mr. Schott, and unanimously approved by the Board at 11:29 a.m., the Board resumed the business meeting at 11:30 a.m.

A motion to accept the findings of the closed session was made by Mr. Bowersox, seconded by Mr. Schott and unanimously approved by the Board.

ADJOURNMENT

Upon Mr. Bowersox's Motion, and Mr. Schott's second, and the Board unanimously voted to adjourn the meeting at 11:30 a.m.

Signature on File

May 18, 2023

John Bull

Date

Executive Director

Signed on behalf of the Board as voted and approved on May 18, 2023