

QUARTERLY BOARD MEETING OF THE STATE PLUMBING BOARD OF LOUISIANA

BATON ROUGE, LOUISIANA

August 22, 2013

The Quarterly Board Meeting of the State Plumbing Board of Louisiana was called to order by Chairman, James Finley, at 10:01 a.m.

The following persons were in attendance:

BOARD MEMBERS	ADVISORY BOARD	STAFF	GUESTS
Jim Finley	Richard Paulk	John Barker	Bob Urann – RUSPC
Rickey Fabra	Terry Smith	Lindsey Mayer	D.J. Berger – N.I.T.C.
Keith Bienvenu	Dirk Payne	Dustine Tullier	J.C. Matt
Kelly Craft	Ray Tolar	John Neal	Ed Guillory – Home Depot
Gerald LaCour	Gerard Rinchuso	Cliff Slaughter	Marissa Ruffino - PHCC
Larry Reiling		Glen Gremillion	Jeremy Harris – DHH
Randall McGee		Carl Barnum	Amanda Laughlin - DHH
Carl Bourgeois		Blaine Matte	Caryn Benjamin – DHH
		Chris Bodet	Henry Heier- MCA
		Pat Olivier	Gene Marten
		Bob Hogan	Mitch LeBas – Backflow Prevention Services
		Tommy Wimbley	Al Smith – Sears
		Ashleigh Cambre	Eugene Chauvin, Jr.
			Buddy Guidry
			Robert Depew
			Joseph Stalsby
			Scott Craig
			Joel Rutter
			Alan Holland
			Leon Molinario
			Roy Heyl
			Peter Smith
			Mike Payne
			Jay Aronld

INVOCATION: *Keith Bienvenu*

PLEDGE OF ALLEGIANCE: *Jim Finley*

ROLL CALL: *Lindsey Mayer*

PRESENTATIONS

Peter Smith

Mr. Smith was not informed about the Practical portion on the July 13, 2013 Journeyman Exam. He is a licensed master plumber in other states, so he figured he could get it right. He subsequently failed the practical portion of the Journeyman Exam. He ended up getting into a slight argument with one of the examiners. He says it was because he wanted to know what he did wrong. He was allowed by Mr. Barker to come back and retake the Journeyman Exam on July 27, 2013 for free because of his complaint about the argument with the examiners. Again, his exam was not passable. He is complaining that the practical portion is not explained on the candidate bulletin and feels like he has been disrespected by this testing facility. Mr. Finley explains that there is only one way to pass the practical portion of the Journeyman Exam. Mr. Barker explains the reason he was asked to come to the board meeting was because of the disruptions that happened during the last time he tested. Mr. Craft elaborates on what happened at the first exam. Mr. Craft explains that everything Mr. Smith is saying is not entirely accurate. Mr. Craft says that Mr. Smith was asking why someone would not tell him how to put the rough end together? Mr. Paulk explains that he was not even close to passing on the rough end, and he with the way Mr. Smith's attitude was towards them, Mr. Paulk does not think Mr. Smith should be allowed to retake the Exam. Mr. Bourgeois says that at the July 27, 2013 exam, Mr. Smith approached Mr. Ronald after everything was over and disrupted everyone. That is when he was asked to leave the testing facility.

MOTION: Enter into executive session to discuss this matter

MOTION: RICKEY FABRA

SECOND: KELLY CRAFT

Mr. Finley asked if Mr. Louis Robein Mr. John Barker can join them.

Everyone agrees.

MOTION: CARRIED

Returned from executive session at 10:25 am

MOTION: To allow Mr. Smith to resubmit application and if there are any disruptions then he would be brought formally in front of the board.

MOTION: RICKEY FABRA

SECOND: RANDAL MCGEE

MOTION: CARRIED

APPLICATION COMMITTEE

None

ENFORCEMENT

a.) Informal Hearings

Eugene Chauvin– Mr. Finley saw a trailer installation that Mr. Chauvin did at St. John airport, and unfortunately it was done incorrectly. Mr. Finley and Mr. Chauvin discussed how to hook it up correctly. Mr. Chauvin made an attempt to fix the problem and it was still not correct. Mr. Finley spoke with Mr. Chauvin again this morning and they went over the code regulations for the trailer and he now understands completely the way it needs to be done. Mr. Chauvin assured Mr. Finley that he will go back and make the necessary corrections. Mr. Chauvin thanked Mr. Finley for helping him understand.

MOTION: To except the explanations with the idea that Mr. Finley will check up on the matter.

MOTION: KELLY CRAFT

SECOND: RICKY FABRA

MOTION: CARRIED

Mark Gouner, Sr. – Mr. Gouner was fined in 2011 for altering his license certificate. He originally set up a payment plan on his \$5000 fine, for \$1000 a month. He only paid \$1740 and he still owes \$3260. He has had repeated NSF's and we do not have a good address for him. His total due as of today are \$4040. The board is asking for an injunction.

MOTION: To do an informal hearing and then file for an injunction

MOTION: KELLY CRAFT

SECOND: RICKEY FABRA

MOTION: CARRIED

Albert Miller – Our enforcement officer, Glen Gremillion, wrote Mr. Miller up and gave him a copy of the certified letter. Mr. Miller told Mr. Gremillion he may have court the same day as the Board Meeting and may be late. Mr. Finley suggested to hold Mr. Miller till the end of the meeting.

Jonathan Abrams- Mr. Abrams was cited for working without a W.S.P.S. endorsement. The certified mail the office sent out was signed for, and he still owes \$500. Mr. Abrams did have an irrigation license the first time Mr. Barnum checked but the second time he could not find him on the roster. Mr. Fabra asked Mr. Robein if the law states that if the unlicensed plumber or W.S.P.S endorsee is doing any work and if the owner files a complaint against them, could they be prosecuted to the full extent of the law. Mr. Robein stated that anyone can file the complaint.

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MOTION: Exercise criminal statue on Mr. Abrams
MOTION: RICKEY FABRA
SECOND: KELLY CRAFT
MOTION: CARRIED

Ronald Brooks- Mr. Brooks was fined for operating a plumbing business without a license. Mr. Brooks had not had any previous fines, so Mr. Barker allowed it to be reduced to \$250. However, Mr. Brooks has not tried to contact the office, since the fine was reduced, to pay the fine. We are asking for the fine to go back to the original fine of \$500.

MOTION: Exercise criminal statue on Mr. Brooks and to bring the fine back up to \$500.
MOTION: RICKEY FABRA
SECOND: KELLY CRAFT
MOTION: CARRIED

Mr. Carl Barnum asked the Board if in the event they hear that there will be criminal charges brought against them and they come and pay will the criminal charges be dropped? Mr. Finley states that yes if they come and pay their fines all will be resolved.

Joseph Stalsby- On Feb. 9, 2012, Glen Gremillion, sited Mr. Stalsby for work with an expired license. Mr. Gremillion knows Mr. Stalsby is going through a hard time and asked the Board if they could lower the fine.

MOTION: To reduce the fine by \$250
MOTION: RICKEY FABRA
SECOND: CARL BOURGEOIS
MOTION: RETRACTED
NEW MOTION: Suspend the fine all together and if he violates the law again, the fine will be reinstated and new fines will be issued.
MOTION: RICKEY FABRA
SECOND: CARL BOURGEOIS
MOTION: CARRIED

William Richard- Enforcement officer, Glen Gremillion, cited him for doing plumbing work with an expired license, but he has since moved back to Texas.

MOTION: If he comes back to Louisiana, we will file an injunction and take criminal action against him.
MOTION: RICKEY FABRA
SECOND: LARRY REILING
MOTION: CARRIED

David LeJeune- Enforcement officer, Glen Gremillion, cited him for Journeyman/Master work without a license. He is doing all the plumbing work and pool systems in Iowa, La. Amanda with DHH/OPH says it took them 3 years to make him understand they need an engineer to design all of the structures in the park. She also explained that he gets the permits, but he is not following the law, and he does not have authority from DHH/OPH to do anything.

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MOTION: To file an injunction
MOTION: RICKEY FABRA
SECOND: KELLY CRAFT
MOTION: CARRIED

Bradley Montou- Enforcement officer, Glen Gremillion, explains Mr. Montou does new home construction. Mr. Gremillion told him that he could not do any of the plumbing without a license. He has been wrote up 3 times for the same reason.

MOTION: To file an injunction
MOTION: RICKEY FABRA
SECOND: KELLY CRAFT
MOTION: CARRIED

Eric Martin- Enforcement officer, Glen Gremillion, cited him for use of unlicensed personnel. Mr. Gremillion asked the owner who was doing the work and the owner replied Mr. Eric Martin and also explained the guy working for him is Mr. Roy J. Benoit. Mr. Martin is taking full responsibility for the work done. Mr. Gremillion did not actually see Mr. Benoit working, but Mr. Benoit did tell Mr. Gremillion that he was threading pipe. Mr. Martin's past history is extensive. Mr. Martin stated he felt he was being set up. It is agreed that Mr. Gremillion could not have set him up if he was in accordance with the law. Mr. Martin is asking for his fine to be reduced. Mr. Finley assured Mr. Martin he will not lose his license over a simple citation that is taken care of, but because of Mr. Martin's history we may not be able to lower the fine.

MOTION: To maintain the fine at \$500 and he has to comply with all of the plumbing laws or there will be an injunction hearing for suspension of his license.
MOTION: KEITH BIENVENU
SECOND: RICKEY FABRA
MOTION: CARRIED

Mr. Gremillion asks for him to have more time to pay. Mr. Martin's fine stay at \$500.

MOTION: To allow Mr. Martin to have two months for this day to pay the \$500 fine.
MOTION: KEITH BIENVENU
SECOND: LARRY REILING
MOTION: CARRIED

Roy J. Benoit- Enforcement officer, Glen Gremillion, explains he had many reports of someone doing plumbing work with an unmarked truck. Using the license plate Mr. Gremillion tracked it to Mr. Benoit. Mr. Gremillion explains that Mr. Benoit told him he did the work. Mr. Benoit explains he told Mr. Gremillion that he only put together a toilet. Mr. Gremillion has pictures of his truck, which looks just like a plumbing truck. Mr. Gremillion proceeds to read his report on Mr. Benoit. Mr. Robein asks Mr. Benoit if he will enter into a consensus injunction stating he will not engage in the art of plumbing until he is properly licensed. Mr. Benoit agreed.

MOTION: To enter into a joint consensus injunction stating he will not engage in the art of plumbing until he is properly licensed and his fine will be reduced to \$500.

**MOTION: RICKEY FABRA
SECOND: LARRY REILING
MOTION: CARRIED**

Boone Services- Mr. John Barker explains they have been caught doing plumbing work without proper licensing. Boone Services has been brought into informal hearings before for the same reasons. Mr. Barker recommends we file an injunction to prevent Boone Services from doing any plumbing in the state of Louisiana.

MOTION: To file an injunction to prevent Boone Services from doing any plumbing in the state of Louisiana.

**MOTION: CARL BOURGEOIS
SECOND: KELLY CRAFT
MOTION: CARRIED**

GUESTS

a.) Joel Rutter- Mr. Rutter was here to ask the State Plumbing Board of Louisiana for help with the plumbing inspectors in Tensas, Concordia and other parishes around the state. These plumbing inspectors are not checking for plumbing licenses. Mr. Barker suggest that we get some of our enforcement officers together to go up there and start making people aware of the law. Mr. Finley suggest that we get our lawyer to send letters out telling the permit offices and police juries that they need to check for plumbing licenses if there is any plumbing going on.

SPECIAL REQUESTS

a.) Kenneth Craig- Mr. Craig wants to be excused from taking the CPE 2012 because he had open heart surgery and was in and out of the hospital with recovery.

MOTION: To wave the CPE 2012 as long as Mr. Craig provides documentation of his surgery.

**MOTION: RICKEY FABRA
SECOND: LARRY REILING**

Keith Bienvenu emphasizes that we need to have access to CPE classes available to people who need it all year long.

MOTION: CARRIED

b.) Robert Depew- Mr. Depew wants to be excused from taking the CPE 2012 because he had open heart surgery and was in and out of the hospital with recovery.

MOTION: To wave the CPE 2012 as long as Mr. Depew provides documentation of his surgery.

MOTION: RICKEY FABRA

SECOND: LARRY REILING

Again, Keith Bienvenu emphasizes that we need to have access to CPE classes available to people who need it all year long.

MOTION: CARRIED

COMMITTEE REPORTS

a.) Nomination Committee – Election of officers

Kelly Craft nominated James Finley for Chair.

Carl Bourgeois nominated Kelly Craft for Co-Chair.

Kelly Craft nominated Rickey Fabra for Secretary/Treasurer.

MOTION: To except Nomination Committee reports

MOTION: CARL BOURGEOIS

SECOND: LARRY REILING

MOTION: CARRIED

b.) Continuing Education Committee-D.J. Berger-CPE Topics

Continuing Education Committee met on July 31, 2013 to discuss the up coming topics. They also discussed some language in Title 46 that suggest 6 hours of CPE for backflow. The Continuing Education Committee recommends for it to be changed to 4 hours of CPE for backflow, and if the Board agrees, all of the documentation needs to reflect the new hours.

MOTION: To except the committee’s recommendations

MOTION: KEITH BIENVENU

SECOND: KELLY CRAFT

Mr. Fabra questions why is there a topic about natural gas safety when natural gas is not relevant to our plumbing code. Mr. Bienvenu explained that even though it is not part of our plumbing code, the Continuing committee agreed that it was a viable topic for the class because most plumbers have to deal with it on a regular basis. He also explains it is meant for only safety awareness, not to teach sizing of pipes.

MOTION: CARRIED

Mr. Finley asks Mr. Bienvenu if he wants to address the CPE hours for backflow changing from six hours to four hours.

MOTION: Due to the ASSE standard, to change the WSPS hours back to four hours.

MOTION: KEITH BIENVENU

SECOND: CARL BOURGEOIS
MOTION: CARRIED

PREVIOUS MINUTES

(May 9, 2013)

MOTION: to accept the May 9, 2013 minutes as presented
MOTION: RICKY FABRA
SECOND: CARL BOUGIOUS
MOTION: CARRIED

FINANCIAL REPORT

MOTION: to accept the financial report as presented by Rickey Fabra
MOTION: KELLY CRAFT
SECOND: LARRY REILING
MOTION: CARRIED

ADVISORY REPORT

a.) Gerard Rinchuso- WSPS Landscape Irrigation

He wants to know if the code we follow is taught in the WSPS 40 hour initial class? He says that in Shreveport and Bossier City they allow plumbers and other people to make there own taps. They are going by a letter we sent them with R.S. 3808 many years ago. He says they are allowing landscapers to do their own tie ins even though they are not licensed to do so. Mr. Finley states that it is definitely against our law. Mr. Barker and Robein are going to revisit this issue before the next meeting. Mr. Benivenu states that in Jefferson Parish they are allowed to apply for a permit without a license and do the work for the meter to the backflow device, however, it can only be new service. Mr. Finley says we will rework this situation and get more information on it. We will have a report on this matter at the next meeting.

INDIVIDUAL MEMBER’S REPORT

a.) Jim Finley

Mr. Finley would like to let the Board Member's know we are going to change the times for the Exams from 8:00am to 7:30am. This was requested by the examiners. To allow enough time for instruction before handing out the exams at 8:00am. Mr. Finley also wants to recognize Mr. Payne for his service to the board. Mr. Payne was unable to make to make it to the Board meeting due to his brother being ill.

Hopefully, at the next board meeting Mr. Payne will be able to make it. Mr. Finley would also like to recognize the new Board member Mr. Randall McGee. Mr. Payne was replaced by Mr. Randall McGee.

ENFORCEMENT OFFICERS' REPORT

The enforcement officers each gave their individual report. (See attached)

EXECUTIVE DIRECTOR'S REPORT

Mr. Barker will get together with NITC and get the Candidate Bulletins together for the new exam. The State Plumbing Board of Louisiana has been approved by the Attorney General to be allowed to do late CPE Classes. This is to encourage plumbers to take the CPE Classes during the year. The State Plumbing Board of Louisiana will be modeling the late CPE Classes with the TEXAS Late booklets. It will alleviate all the problems of people that have excessive amounts of people who do not take the class in the year they are supposed to. Mr. Barker would also like to mention that the strategic planning development committee has been meeting on a regular basis and moving forward with the image, education, notification and situation process. The test development committee has been meeting to update the written portion of the Journeyman exam and then they will move on to the Master Exam. There was an incident in east Feliciana about public employees doing plumbing work, gas work and water supply line on private property. Mr. Barnum and Mr. Barker met with the police jury to let them know the case is under investigation by our office. Finally, Senate Bill 171 sponsored by Senator Donahue, in regard to water supplier turned in to Act 292. There will be one meeting a month for the next 12 to 16 months at DHH. Mr. Barker would like us to support DHH in not allowing anyone to amend the Title 51, in order to better their own business. He believes we need to fight to keep what we have and keep Louisianans safe from more relaxed laws. Lastly, Lindsey will be leaving us in January to go to nursing school. Today will be her last full day at the State Plumbing Board of Louisiana. Mr. Barker wants everyone to know that we appreciate everything she has done for this industry and our office. Mr. Barker also says that Dustine Tullier will be taking over as office manager and over the Journeyman Department, and Ashleigh Cambre will be taking Dustine's place with the Master's Department.

OLD BUSINESS

EXAM REPORTS

1.) JOURNEYMAN EXAMINATIONS

- a.) July 13, 2013– Kelly Craft – *Issues already discussed***
- b.) July 20, 2013 – Carl Bourgeois - *Issues already discussed***
- c.) July 27, 2013 – Jerry Payne – *no problems***

2.) MASTER EXAMINATIONS

- a.) August 5, 2013 - Jim Finley – *The proctor told the class that he could not start the second exam without the other students who may or may not have shown up yet. This is when the examiners asked if we could move the test back to 7:30 am.***

VIOLATION REPORTS

a.) Violation report on new website - The State Plumbing Board of Louisiana would like to know what we can and can not put on the website, as far as the violations list is concerned. It is agreed, once a violation is resolved we can put the final outcome and then it is to be posted to the website.

b.) Ratio 1:1- Rickey Fabra would like to bring to everyone's attention that we are not following the law on the ratio. We should go back to the 1:1 ratio. Mr. Barker informs the board that it is already in the statute, so basically we just need to enforce the 1:1 ratio. He will get with the Enforcement Officers, to see that they start enforcing the ratio.

c.) Felony Questions on form - Mr. Finley noticed that two of the guys that came into the test had sex offender on their license. Mr. Robein states that our law only states that it can only be a conviction that is connected directly with plumbing.

NEW BUSINESS

a.)*Registration of Apprentices- Keith Bienvenu-* Mr. Bienvenu says that he would like the State Plumbing Board of Louisiana to look into registering apprentices like the Electrical Board does. He believes that registering apprentices will help us keep up with them especially in the rural areas of Louisiana. Also, with new law about people having to be an apprentice in 2017 to take the Journeyman Exam it will help us keep track of all the apprentices. Mr. Bienvenu says they could get a specific type of license from us with a letter from the union or employer, stating they will be helper/apprentice with them until they have enough time to take the exam. This is only up for discussion not for a motion. Mr. Bienvenu would like to propose a committee to go through the motions legally and

legislatively of finding out what we can do to get helper/apprentices registered. Keith Bienvenu will be the chair, Kelly Craft, Randall McGee, and John Barker will be on this committee.

b.) Approval of renewal forms- APPROVED

c.) Kelly Craft- Mr. Craft asked the Board if we can check into a billboard for the State Plumbing Board of Louisiana in Lake Charles area? Mr. Craft mentions that there is a lot of work being done in that area, so it could help us by getting the word out that every plumber in the state needs to be licensed

MOTION: To check into billboard prices in Lake Charles area with our LOGO and have quote ready for next board meeting.

**MOTION: KELLY CRAFT
SECOND: LARRY REILING
MOTION: CARRIED**

d.) Louis Schwall- Louis Schwall with Computer Network Consultants informed the Board that the Administrative Office is in need of a new card printer because the new system the office has, does not comply with the new system . He reviewed the total cost for new equipment and stated that the office's last card printer lasted us 9 year. Mr. Schwall presented the Board with three prices on the card printer. A low price, medium price and a high price, but believes he can get some of those prices to come down Mr. Fabra asked which one does Mr. Schwall recommend? Mr. Schwall says that the middle one will do more than the one we currently have, but the office can print more licenses with the more expensive one. Mr. Finley says that he can go with the most expensive one for a cheaper price, then go with that one. Mr. Finley also states that this is something for the office to handle.

e.) Mr. Benvinue wants the staff to let Mr. Richard, with MPS Plumbing and Training know that he must have a class in Monroe, Louisiana.

TENTATIVE DATE FOR THE NEXT QUARTERLY BOARD MEETING

December 12, 2013 is the tentative date of the next Quarterly Board Meeting of the State Plumbing Board of Louisiana.

EXECUTIVE SESSION

(NONE)

ADJOURNMENT

MOTION: to adjourn the Quarterly Board Meeting of the State Plumbing Board of Louisiana at 12:33 AM

MOTION: CARL BOUGIOUS

SECOND: LARRY REILING

MOTION: CARRIED

Respectfully Submitted,

James C. Finley, Chairman

Rickey Fabra, Secretary/ Treasurer