



**STATE BOARD OF PLUMBING
BUSINESS MEETING
MINUTES**

Date: July 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
Robert Parker, Consumer Member
Hayward Hinkhaus, Industry Member
Leif Hancock, Industry Member

Absent: Keith Horton, Industry Member
Richard Bowers, Consumer Member

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

OTHERS PRESENT: Shelly Fishpaw, Pipe Trades Technology
Diane Kastner, MPHCC
Roland Mann, Master Plumber

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 by Mr. Schott to approve the minutes of the June 15, 2023 Plumbing Board Meeting without amendment, seconded by Mr. Hancock, 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>
23-0021	23-0014		23-0007
23-0022	23-0019		23-0026
23-0017	23-0020		
23-0023	23-0025		
23-0028			
23-0029			
22-0006			
23-0016			

Chairman Radtka mentioned discussing the addition of another member to the Compliant Committee at the next meeting.

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.

REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS

PSI Exams submitted the following statistical summaries for June 2023:

Plumber	Candidates Tested	Passed	Failed	Pass %
Journey Natural Gas Fitter	4	2	2	50%
Journey Plumber/Gas Fitter	50	26	24	52%
Master Natural Gas Fitter	2	0	2	0%
Master Plumber/Gas Fitter	28	7	21	25%
TOTAL	84	35	49	42%

Ms. Thornton reported that since January 2023, 385 candidates were tested, 151 candidates passed, 234 failed, for a pass rate of 39%. Since the inception of the test, 10769 candidates were tested, 3900 candidates passed, 6869 failed, for a pass rate of 36%. There are currently 13,366 active licensees.

CORRESPONDENCE

There was no correspondence for the Board to consider.

OLD BUSINESS

Discussion on non-refundable fees:

Director Bull resumed the discussion of proposed action to make licensing fees non-refundable. He explained that the Board is funded through a joint special fund comprised of all of Mechanical Boards. *See* Md. Ann. Code, Bus. Reg. §§ 2-106.9, 2-106.10; COMAR 09.20.05.01. Mr. Bull explained that the other Mechanical Boards have approved proposed action to make their fees non-refundable. He cautioned that if the Plumbing Board did not do so it could be removed from the joint fund and may not be able to sustain its operating costs. He stated that making its fees non-refundable would be the first step in determining if licensing fees warranted a raise to cover the expenses of the Board, as the Mechanical Licensing Unit is operating at a deficit. Director Bull emphasized that if the Board was removed from the joint special fund, it would have to drastically increase its licensing fees to meet its obligations. Counsel Kinstler stated that the Board members had been sent a copy of the proposed language for a regulation and that the only change to the existing language in the current regulation would be the addition of the words “non-refundable”. Staff and Counsel confirmed for the Board that the regulation would have no impact on license examination fees; such fees are paid directly to PSI, Inc., which has already established that its fees are non-refundable. Mr. Schott stated that he felt the Plumbing Board should remain in-line with the other Mechanical Licensing Boards.

Mr. Schott moved to approve proposed action to amend COMAR 09.20.05.03 to provide that the Plumbing Board fees are non-refundable. The motion was seconded by Mr. Hancock and was unanimously approved by a roll call of the Board.

Discussion of the statues and regulations regarding Backflow Instructor Certification

Chairman Radtka confirmed that the Board members had received the COMAR regulatory and statutory provisions pertaining to cross connection and backflow training provided by Board Counsel. He stated the currently, TREEO, ASSC and USC (USC program is no longer available) were the approved certification providers. Chairman Radtka stated that the Board intended for programs that provided instructor certification not also be approved to issue backflow certifications, due to the potential conflict of interest. He continued stating that the Board would not make any changes to the approved certification providers at this time, as no new programs had been proposed that would ensure that the backflow instructor certifier would not also issue a backflow certification.

Code Review Committee:

Chairman Ratka stated that the 2021 versions of the State Building Codes, Maryland Rehabilitation Codes, and Maryland Energy Codes were being adopted. As a result, the 2021 State Plumbing Code should be adopted. He stated that he would like the new members to review the proposed 2021 Plumbing Code. He further stated that he did not anticipate many changes and felt that the new code could be adopted as it was written.

Counsel Kinstler advised the Board that when the 2021 codes are adopted, the Board had the option to introduce a regulation that states that the Board is adopting the newest version of the code(s) “as it may be amended from time to time,” which, she explained, would alleviate the Board from having to review and adopt a new code every cycle.

The Board discussed the time frame to adopt the State Plumbing Code(s). Counsel advised that there was no statutory deadline to do so, but that the Board did have a statutory obligation to adopt a code(s). Chairman Ratka questioned whether the Board should await publication of the 2023 edition. Counsel advised that, as

the Board is required to adopt a plumbing code, it should generally try to avoid being delinquent in doing so, however, if the 2023 code(s) would be published soon, it might make sense to await to the most recent edition(s). Mr. Schott suggested that the Board should adopt the 2021 Plumbing Code before the 2023 Code, as the plumbing code is tied to the other codes and skipping an edition could cause inconsistencies and conflicts.

Chairman Radtka stated that the Board would determine which code edition(s) it would adopt at an upcoming meeting. In the interim, he will inquire with the ICC on their progress in developing the 2023 Codes.

There was no other Old Business.

NEW BUSINESS

Mr. Hancock introduced himself as an Industry Member who is based out of Salisbury, MD. Mr. Hinkhaus stated that he was based out of Carroll County. Mr. Parker stated that he was based out of Howard County. Counsel questioned if the new Board members were Industry or Consumer members. Chairman Radtka confirmed that all three were industry members.

EXECUTIVE DIRECTOR'S RERORT

Director Bull introduced the Mr. Parker and Mr. Hinkhaus to the Board and welcomed them.

COUNSEL'S REPORT

Counsel did not offer a report.

CHAIR'S REPORT

Chairman Radtka welcomed Mr. Parker and Mr. Hinkhaus to the Board and thanked them for joining. He continued stating that he felt the Board would continue to be productive and impactful with their addition. He informed the new members that while most meetings were held virtually, there would be some in-person meetings throughout the year.

CLOSED SESSION

The Board did not convene in a closed session.

ADJOURNMENT

Upon Mr. Parker's Motion, and Mr. Schotts' second, and the Board unanimously voted to adjourn the meeting at 11:14 a.m.

Signature on File

8/17/2023

John Bull
Executive Director

Date

Signed on behalf of the Board as voted and approved on 8/17/2023