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**STATE BOARD OF PLUMBING  
BUSINESS MEETING  
MINUTES**

**Date:** January 18, 2024

**Time:** 10:30 a.m.

**Location:** 1100 N. Eutaw Street  
Fifth Floor Conference Room  
Baltimore, MD 21201  
**(In person for Board Members and Staff only)**  
Held via Video Conference  
[meet.google.com/qks-niad-yfo](https://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

**GUESTS PRESENT:** Jonathan Sargeant, Omega Plex  
Derrick Day, 2Day Waterworks

**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**

Mr. Parker moved to approve the minutes of the December 21, 2023, Plumbing Board meeting without amendment. The motion was seconded by Mr. Hinkhaus 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>
24-0033	24-0032		

Upon a Motion by Mr. Parker, and a second by Mr. Hinkhaus, 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 December 2023:

<b>Plumber</b>	<b>Candidates Tested</b>	<b>Passed</b>	<b>Failed</b>	<b>Pass %</b>
Journey Natural Gas Fitter	7	3	4	43%
Journey Plumber/Gas Fitter	32	10	22	31%
Master Natural Gas Fitter	2	0	2	0%
Master Plumber/Gas Fitter	18	6	12	33%
<b>TOTAL</b>	<b>59</b>	<b>19</b>	<b>40</b>	<b>32%</b>

Director Bull provided a written report stating that since January 2023, 791 candidates were tested, 292 candidates passed, 499 failed, for a pass rate of 37%. Since the inception of the test, 11,1175 candidates were tested, 4,041candidates passed, 7,134 failed, for a pass rate of 36%. There are currently 13,555 active licenses.

**CORRESPONDENCE**

There was no correspondence to be reviewed.

**OLD BUSINESS**

Approval for 2Day Waterworks:

Chairman Radtka asked whether each Board member had reviewed the application and supplemental materials submitted by Derrick Day for approval of backflow/cross connection contamination training on behalf of 2Day Waterworks. Each member confirmed that they had reviewed the information. Chairman Radtka opined that the application should be approved and asked the Board members to express and concerns

or comments. Hearing none, Chairman Radtka requested a motion to approve the application submitted by 2Day Waterworks.

Mr. Parker moved to approve the application for 2Day Waterworks to be an approved provider of backflow/cross connection contamination training. The motion was seconded by Mr. Hinkhaus and unanimously approved by the Board.

Chairman Radtka informed Mr. Day that his application had been approved and confirmed with Director Bull that an official approval letter would be sent to him on behalf of 2Day Waterworks. Chairman Radtka thanked Mr. Day for his patience during the application review process.

Derrick Day left the meeting at 10:43 a.m.

#### Discussion to take final action on COMAR 09.20.05.03 – To Amend Board Fees

Chairman Radtka reiterated to the Board that COMAR 09.20.05.03 would increase licensing fees charged by the State Board of Plumbing by 12.5%, and asked if there were any comments. Mr. Bull stated that no public comment had been received during the public comment period. Chairman Radtka requested that the Board take final action.

Mr. Hinkhaus moved that the Board take final action on COMAR 09.20.05.03. The motion was seconded by Mr. Parker and, by a roll call voted, unanimously approved by the Board.

#### Approval of CE hours for MPMIA Annual Training:

Chairman Radtka presented the sign in sheet for the 2023 Maryland Plumbing & Mechanical Inspectors Association Annual Business meeting, requesting that each attendee be granted three (3) hours of continuing education credit.

Mr. Schott moved each of the 30 attendees be credited with three (3) hours of continuing education. The motion was seconded by Mr. Parker and, by a roll call vote, unanimously approved by the Board.

### **NEW BUSINESS**

#### Discussion on House Bill 0772- Maryland Energy Administration- Energy and Water Efficiency Standards- Alterations

Chairman Radtka reported that House Bill 0772 went into effect on January 1, 2024. The Chairman expressed concern that the Board had not been informed of the pending legislation before its enactment. Chairman Radtka stated that, in the past, any pending legislation that could be of interest to or affect the actions of the Board had been brought to the attention of the Board by staff before it was enacted by the legislature.

Counsel replied, stating that, in the past, a legislative liaison had been appointed to the Board to inform staff of any pending legislation that would be of concern to the Board, but that she was unsure why there was not a procedure currently in place. Director Bull stated that the bill was introduced to the legislature before his tenure as Executive Director and that he had not been aware of the legislation prior to this meeting. Director Bull informed the Board that he had begun researching bills using the MD General Assembly's website to search daily to ensure that any legislation that may be of interest to a mechanical board is brought to the members' attention in a timely manner. Director Bull advised the Board that it was possible to search the

General Assembly website using a specific bill number or a keyword search to find any relevant pending legislation. Counsel Kinstler reminded the Board that she had previously sent links to the relevant websites.

The Board discussed the enforcement of the HB0772, regarding its application to work that had been contracted before the contents of the bill went into effect and whether contracts and materials he would have to comply to the standards in place at the time of the contract or at the time the work began in compliance with the legislative changes. Mr. Schott and Chairman Radtka stated that compliance should be based on the date the required permits were obtained and work began. Mr. Schott and Chairman Radtka expressed concerns over the requirements of the law; citing potential confusion over repairs to existing older plumbing work that complied at the time of installation, and the supply industry's ability to provide products that comply with the new law.

Chairman Radtka requested that Director Bull provide a copy of the bill for the Board's review. Director Bull ensured that a copy of the legislation would be provided to the Board before the next meeting. Chairman Radtka questioned whether the Board would be able to petition the legislature to amend the legislation based on the Board's concerns. Director Bull and Counsel Kinstler advised the industry or a private citizen could seek a sponsor of a proposed modification that could be proposed in the 2024 session. However, based on Departmental deadlines, the Board could no longer propose legislation during the 2024 legislative session; any new pursuits would have to wait until the Office of the Secretary began accepting legislative concept proposals for the 2025 session in the spring of 2024. Chairman Radtka requested that, when possible, the Board be advised of any legislation that may be relevant to the Board, especially regarding natural gas legislation or fossil fuel legislation.

Chairman Radtka reminded the Board of the Climate Solutions Act, which requires the State of Maryland to be fossil fuel free by 2045. He expressed concern over the law's impact, especially as it applies to the natural gas industry. He urged the Board to review the law, especially its potential impact on the industry.

Mr. Sargeant agreed with Chairman Radtka's sentiment and stated that he had concerns on the impacts of green legislation to the natural gas industry. Mr. Sargeant informed the Board that current proposed legislation could change requirements regarding gas piping and that he felt it would have a negative impact on the State's plumbing and gas industries. Mr. Sargeant stated that he would forward any information he had regarding the proposed bills to the Board for review. Chairman Radtka thanked Mr. Sargeant for the information and encouraged the Board to search the MD General Assembly site for bills using the keyword "CSST".

## **EXECUTIVE DIRECTOR'S REPORT**

Director Bull did not offer an official report but did update the Board on its vacancies and appointments. He stated that Mr. Horton, at present, would maintain in hold-over status on the Board and that there were still two vacancies: one for a Consumer Member and one for an Industry Member from Baltimore City. Chairman Radtka indicated that it would be a loss if Mr. Horton were to be replaced. Director Bull agreed that Mr. Horton's experience and knowledge had proved valuable to the Board but that it was the Governor's intent to introduce new Board members whenever possible. Director Bull also assured the Board that he would provide any information on pending legislation that affects the Board.

## **COUNSEL'S REPORT**

Counsel reminded the Board of the legal reasons it could meet in a closed session and identified the reasons that a closed session was necessary at this meeting, during which Board would be asked to consider license applications and, 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.

### **CHAIR'S REPORT**

The Chairman did not offer a report but expressed his desire to keep the Board abreast of all pending legislation that may affect the Board.

Mr. Sargeant left the meeting at 11:15 a.m.

### **CLOSED SESSION**

Mr. Parker moved that the State Board of Plumbing convene in a closed session to review license applications pursuant to § 3-305 (b)(2) and (7) of the Gen. Prov. Art., Md. Ann. Code, at 11:16 a.m. Mr. Schott seconded the motion, which unanimously passed.

### **REVIEW OF LICENSE APPLICATIONS:**

#### **Application .01**

Counsel presented the application for renewal of a master license, which the Board had considered during a prior meeting and asked the applicant to provide additional information regarding satisfaction of court ordered therapy and other industry certifications. Counsel reminded the Board that the applicant had been convicted of a third-degree sex offense, a felony, in 2023, and sentenced to incarceration for 10 years with all time suspended but a few months, followed by supervised probation for five (5) years with special conditions restricting unsupervised contact with a minor. Additionally, the applicant must register as a Tier II sex offender, a 25-year obligation. The applicant maintains that the applicant's teenage child raised false allegations, which were supported by the child's other parent. Court-ordered supervision is scheduled to terminate in May 2028.

The applicant had failed to supplement the application as requested, and at the December meeting, the Board voted to instruct the applicant to submit supplemental material by the January 2024 meeting or the Board would have no choice but to deny the application. Counsel informed the Board that no additional information has been submitted.

Mr. Parker moved to deny the license application for the applicant's failure to provide sufficient information to approve the application. The motion was seconded by Mr. Hancock and, by a roll call vote, unanimously approved by the Board.

#### **Application .02**

Counsel presented an application for a propane gas fitter certificate. Counsel stated that the applicant was convicted of possession of methamphetamine in Arkansas in 2014 and, subsequently, in 2015, both misdemeanors. The applicant was sentenced to incarceration for 30 months, followed by probation for five (5) years for the 2014 offense and 30 months, with all time suspended but 18 months for the 2015 offense. Counsel informed the Board that the applicant submitted court records but offered no explanation or statement regarding activities or employment since release from incarceration. Director Bull notified the applicant in writing to provide a statement explaining the convictions and more information about his work history and activities since the convictions, and that, to date, no information has been received.

The applicant had failed to supplement the application as requested at the December meeting and the Board voted to instruct the applicant to submit supplemental material by the January 2024 meeting or the Board would have no choice but to deny the application. Counsel informed the Board that no additional information has been submitted.

Mr. Parker moved to deny the license application for the applicant’s failure to provide sufficient information to approve the application. The motion was seconded by Mr. Hancock, and by a roll call vote, unanimously approved by the Board.

Application .03

Counsel presented an application to sit for the journeyman plumber/gas fitter license exam. The applicant was convicted of conspiracy to commit murder, a misdemeanor, in 2000 and sentenced to incarceration for 12 years. The applicant had been notified by Board staff that certain supplemental information should be provided regarding supervision, probation compliance status, employment, and activities since release from incarceration.

Counsel informed the Board that the applicant submitted a letter from his employer, stating that he had been a model employee and an asset to the company. Counsel also noted that in 2011 the applicant successfully completed a plumbing apprenticeship program and suggested that the applicant may have grounds to challenge a denial based upon having completed an approved apprenticeship program.

Mr. Hancock moved to approve the applicant to sit for the journeyman license exam. Mr. Hinkhaus seconded the motion and, by a roll call vote, unanimously approved by the Board.

After a motion by Mr. Parker to adjourn the closed session and reconvene the Business Meeting, and a second by Mr. Hinkhaus, the Board reconvened the Business Meeting at 11:23 a.m.

Mr. Parker moved to approve the findings of the closed session on January 18, 2024. Mr. Schott seconded the motion and, by a roll call vote, unanimously approved by the Board.

**ADJOURNMENT**

Counsel Kinstler requested that Director Bull inform the Board of the policies surrounding Board meetings, in case of a weather-related State closure or delay. Director Bull informed the Board that, in the event of a State closure or implementation of “liberal leave,” effective at the time of the start of a meeting, the meeting scheduled for that day would be cancelled. In the event of a delayed opening, provided the State would open or “liberal leave” would end prior to the start time of a meeting, the meeting would take place as scheduled. If State offices open after the scheduled meeting start time, the meeting would be cancelled and rescheduled.

Upon Mr. Schott’s Motion, and Mr. Hancock’s second, and the Board unanimously voted to adjourn the meeting at 11:24 a.m.

**Signature on File**

**February 15, 2024**

\_\_\_\_\_  
**John Bull**  
**Executive Director**

\_\_\_\_\_  
**Date**

**Signed on behalf of the Board as voted and approved on February 15, 2024**