



**STATE BOARD OF PLUMBING
BUSINESS MEETING
MINUTES**

Date: September 21, 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
Keith Horton, Vice-Chairman, Industry Member
Gregory Schott, Industry Member
Robert Parker, Consumer Member
Hayward Hinkhaus, Industry Member

Absent: Leif Hancock, Industry Member
Richard Bowers, Consumer Member

LABOR Officials & Staff Present: John Bull, Executive Director, Mechanical Licensing Unit
Sloane Fried Kinstler, Assistant Attorney General
LaKisha Thornton, Administrative Officer III

OTHERS PRESENT: Lawrence Fishpaw, Pipe Trades Technology
Darrack Day, 2Day Waterworks (joined meeting at 11:31 a.m.)

CALL TO ORDER

Chair Joseph Radtka called the Business Meeting of the Maryland State Board of Plumbing to order, virtually, at 10:34 a.m.

A motion to adopt the agenda of the September 21, 2023 Business Meeting was made by Mr. Schott, seconded by Mr. Parker, and unanimously approved by the Board.

APPROVAL OF MINUTES

A motion was made by Mr. Schott to approve the minutes of the July 20, 2023, Plumbing Board Meeting with 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>
23-0044			
23-0045			
24-0001			
24-0008			
24-0011			
24-0014			

Upon a motion by Mr. Parker, and a second by Mr. Hinkhaus, 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 August 2023:

Plumber	Candidates Tested	Passed	Failed	Pass %
Journey Natural Gas Fitter	4	3	1	75%
Journey Plumber/Gas Fitter	45	16	29	36%
Master Natural Gas Fitter	1	0	1	0%
Master Plumber/Gas Fitter	21	9	12	43%
TOTAL	71	28	43	39%

Director Bull reported that since January 2023, 526 candidates were tested, 210 candidates passed, 316 failed, for a pass rate of 40%. Since the inception of the test, 10910 candidates were tested, 3959 candidates passed, 6951 failed, for a pass rate of 36%. There are currently 13,376 active licensees.

CORRESPONDENCE

There was no correspondence for the Board to consider.

OLD BUSINESS

Joint Meeting of the Mechanical Board Chairs

Chairman Radtka reported that a joint meeting of the Mechanical Licensing Board chairs and vice chairs was held on September 8, 2023. Director Bull reported that the intent of the meeting was to discuss common issues arising across the mechanical licensing units and that the initial meeting was productive. He stated that

all chairmen and vice chairmen present expressed an interest in meeting in the future as common issues arise, and with the members of the relevant licensing boards or units.

Onsite Wastewater Registration Requirement

Chairman Radtka asked Director Bull whether any new information regarding the Board's request to the MD Department of the Environment ("MDE") seeking an exemption of the On-Site Wastewater Management registration fee requirement. Director Bull reported that, while both the State Boards of Plumbing and Electricians have submitted similar requests for an exemption, his counterpart at MDE, Adam Corry, did not feel that the request could be granted. Mr. Corry stated that he did not see anything in the existing law that would allow for an exemption from the requirement.

Counsel Kinstler stated that approval of the Office of the Secretary would be required for any further action the Board may wish to take regarding this matter. Counsel suggested that industry members may wish to reach out to the local plumbing and trade organizations to advise them of the matter and pursuit of a potential regulatory or legislative exemption. Director Bull informed the Board that any proposed Board or Departmental legislation would not be able to be introduced until 2025. Chairman Radtka agreed with Counsel and stated that he would reach out to the industry; Mr. Schott echoed the statement. Chairman Radtka stated that unless a new development regarding the registration requirement occurred, the Board would table this issue.

Chairman Radtka stated that the matter may be discussed at the upcoming meeting of the Maryland Plumbers and Mechanical Inspectors Association ("MPMIA") in Annapolis. The Board also considered the WSSC's interest in this matter. Mr. Schott advised that the Maryland Department of Health would not likely allow an unregistered individual to provide such services.

Fee Increase

Director Bull informed that Board that Counsel Kinstler had prepared the language for the proposed regulation that would increase the current licensing fees for the State Board of Plumbing in 2024 and 2025. He stated that the Board would have to propose action on the regulation before any further action could be taken. The Board reviewed and discussed the list of the proposed fees and the 12.5% increase reflected.

Mr. Parker moved that the Board take proposed action on COMAR 09.20.05.03, pending approval of the Secretary. Mr. Hinkhaus seconded the motion. By a roll call vote, the majority voted in favor of the motion with Messrs. Hinkhaus, Parker, and Horton voting to approve and Mr. Schott abstaining.

There was no other Old Business.

NEW BUSINESS

Application for Cross Connection/Backflow Course and Instructor Approval

Chairman Radtka referred the Board to application, submitted by Darrick Day on behalf of 2Day Waterworks, for approval as a cross connection/backflow instruction provider. Chairman Radtka led the Board discussion of the applicant's materials related to the application, including reference materials and manual to be used; the course instructor's plumbing license status; and the facility at which the training will be offered. The Board concluded that Mr. Day would have to supplement his application to demonstrate compliance with COMAR .09.20.04.01—.02. Specifically, the Board concluded that the course instructor must hold a master plumber/gas fitter license issued by the Board; identify and describe the feature of the Maryland location where the instruction would be offered; and that the applicant submit a manual, syllabus, and reference materials with in-depth information on the course materials.

Counsel Kinstler advised Mr. Bull that any correspondence advising Mr. Day of the Board's determination state that Mr. Day would need to comply with the requirements of Business and Occupations Article §12-306(c) Annotated Code of Maryland and COMAR 09.20.04.01 and .02.

Chairman Radtka stated that the Board should review the current list of approved backflow providers to ensure that they were still meeting the requirements of the statute. He stated that he did not feel it necessary to form a committee to review the existing backflow providers, but that if a committee were to be formed for this purpose, its focus should be based on a review of the current backflow registration requirements and whether it is necessary to update the process to approve or deny applications if necessary.

Director Bull stated that he would reach out to Mr. Day to have him provide the requested information. Counsel Kinstler stated that she would distribute the statutes and regulations related to backflow instruction to any members of the Board who may need them.

Reciprocal Licensing Agreements:

Director Bull informed the Board that he had been contacted by the District of Columbia regarding establishing reciprocal licensing agreements with all Mechanical Licensing Boards, including master and journey plumbers. He stated that he was working to prepare agreements. Chairman Radtka asked if he had an approximate time frame as to when the agreements would be completed, to which Director Bull estimated that it would take at least six (6) to eight (8) months.

Code Update

Mr. Schott suggested that the Board consider whether it should include in the State Plumbing Code adoption of the International Private Sewage Disposal Code.

Chairman Radtka stated he did not believe it necessary establish a code adoption committee at this time, as the Board had decided to adopt the 2021 IPC as written to include any administrative changes proposed by Counsel. The Board discussed whether it would be more prudent to skip the adoption of the 2021 IPC and instead adopt the 2024 IPC when it was published. Mr. Fishpaw questioned how long it would take for the PSI exams to be updated to reflect testing on the new code. Counsel indicated that, in the past, PSI implements 6-month period during which a test candidate can opt to sit for a license exam based on either the older code edition or the new code edition.

Counsel reminded the Board the under COMAR 09.20.01.01, several codes published by Labor and Industry can be incorporated by reference when the new code is adopted., though others will require compliance with the incorporation by refence process. Chairman Radtka suggested that the International Private Sewage Disposal Code be incorporated by reference when the new code was adopted.

Counsel suggested that the Board consider adopting language that indicated that the Board adopted the most recent edition of a particular code that would be periodically amended to avoid the cyclical code update process in the future. Director Bull suggested that the Board should be mindful on the moratorium period on proposed regulations imposed by the Division of State Documents during the legislative session. Counsel requested that she be provided information on the codes and sections of code that the Board would adopt and/or modify so that she could draft the necessary language. Mr. Schott offered to work with Chairman Radtka on the preliminary effort.

EXECUTIVE DIRECTOR'S RERORT

Director Bull reported that the investigator positions were still vacant but that he expected to have them filled soon. Director Bull also reported that the Secretary's Office was preparing for mid-term appointments,

reappointments, and the upcoming ‘green bag’ appointments. He informed that Board that Mr. Horton’s seat was considered a hold-over appointment, and that Mr. Bowers’ term ends on April 24, 2024, and that he may be reappointed as a ‘green-bag’ appointment.

COUNSEL’S REPORT

Counsel did not offer a report.

CHAIR’S REPORT

Chairman Radtka offered no report but wished Diane Kastner a speedy recovery.

CLOSED SESSION

The Board did not convene in closed session.

ADJOURNMENT

Upon Mr. Schott’s Motion, and Mr. Hinkhaus’ second, and the Board unanimously voted to adjourn the meeting at 11:54 a.m.

Signature on File

October 19, 2023

John Bull
Executive Director

Date

Signed on behalf of the Board as voted and approved on October 19, 2023