**STATHinE BOARD OF PLUMBING**

**BUSINESS MEETING MINUTES**

**Date:** December 19, 2024

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

**Location:** 1100 N. Eutaw Street

 First Floor Conference Room

Baltimore, MD 21201

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

Leif Hancock, Industry Member

Hayward Hinkhaus, Industry Member

Craig Stokes, Consumer Member

Robert Parker, Consumer Member

**Absent:** Gregory Schott, Industry Member

Keith Horton, Vice-Chairman, Industry Member

 Richard Bowers, Consumer Member

**LABOR Officials & Staff Present:** Devki Virk, Commissioner, Labor and Industry

Sarah McDermott, Assistant Commissioner, Occupational and

 Professional Licensing

Matt McKinney, Director of Legislative Affairs, Occupational and

 Professional Licensing

Todd Blackistone, Interim Executive Director

 Sloane Fried Kinstler, Assistant Attorney General

LaKissha Thornton, Administrative Officer III

**OTHERS PRESENT:** Wayne Fishpaw, Pipe Trades Technologies

 Kathy Stradley, MDPHCC

 Jonathan Sargeant, Omega Plex

 Dustin Kruger, Kruger’s Training Academy

 Earl Slacum, Mid-Atlantic Propane Association

 Rick Phapham, Mid-Atlantic Propane Association

 Lee Patrick, Mid-Atlantic Propane Association

**CALL TO ORDER**

Chairman Radtka called the December 19, 2024, Business Meeting of the Maryland State Board of Plumbing to order, virtually, at 10:37 a.m.

**ADOPTION OF THE AGENDA**

Before the adoption of the agenda Ms. Thornton conveyed a request from the Division of Occupational and Professional Licensing that the Board add an item to New Business, specifically that Commissioner Devki Virk, Division of Labor and Industry could address the Board regarding proposed legislation pertaining to workplace fraud.

Mr. Hinkhuas moved that the Board add a discussion of pending legislation pertaining to workplace fraud by Commissioner Virk and that the Board adopt the modified December 19, 2024, agenda was made by Mr. Hinkhaus. Mr. Stokes offered a second; the motion was unanimously approved by the Board.

 **APPROVAL OF MINUTES**

A motion to adopt the September 19, 2024 meeting minutes was made by Mr. Hinkhaus, seconded by Mr. Parker, and unanimously approved by the Board.

A motion to adopt the October 17, 2024 meeting minutes was made by Mr. Parker, seconded by Mr. Hancock, and unanimously approved by the Board.

A motion to adopt the November 21, 2024, meeting minutes was made by Mr. Stokes, seconded by Mr. Hinkhaus, and unanimously approved by the Board.

**PLUMBING COMPLAINT COMMITTEE**

Mr. Hinkhaus reported the following findings of the Complaint Committee:

|  |  |  |  |
| --- | --- | --- | --- |
| **Closed Complaint** | **Under Investigation** | **Sent for A.G. Pre-Charge** | **Criminally Charged** |
|  | 23-0020\* |  |  |
|  | 24-0040\* |  |  |
|  | 24-0041\* |  |  |
|  | 24-0059 |  |  |

\*- cases were reponed by the Board.

A motion to accept the findings of the Complaint Committee was made by Mr. Hancock, seconded by Mr. Parker, and unanimously approved by the Board.

**REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS**

PSI Exams submitted the following statistical summaries for November 2024:

 **Candidates Passed Failed Pass %**

 **Tested**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Journey Natural Gas Fitter | 3 | 3 | 0 | 100% |
| Journey Plumber/Gas Fitter | 23 | 8 | 15 | 35% |
| Master Natural Gas Fitter | 6 | 2 | 4 | 33% |
| Master Plumber/Gas Fitter | 18 | 5 | 13 | 28% |
|  **TOTAL** | 50 | 18 | 32 | 36% |

Ms. Thornton further reported that since January 2024, 713 candidates were tested, 271 candidates passed, 442 failed, for a pass rate of 38%. Since the inception of the test, 11,888 candidates were tested, 4,311 candidates passed, 7,577 failed, for a pass rate of 36%. There are currently 13,689 active licensees.

**CORRESPONDENCE**

Ms. Thornton stated that correspondence had been submitted by Mid-Atlantic Propane Association for discussion by the Board. Chairman Radtka questioned whether the application to add Mr. Somoza as a backflow instructor for Local 5 would be discussed by the Board. Ms. Thornton stated that the item was listed for discussion under Old Business. Chairman Radtka requested that the Board discuss the item during correspondence. Chairman Radtka asked the Board if they had a reviewed Mr. Somoza’s documentation supporting his instructor approval application and if they were ready to act. The Board confirmed they were.

Mr. Hinkhaus moved to approve Mr. Somoza’s application to become a backflow instructor for Local 5. Mr. Parker seconded the motion, which was unanimously approved by the Board.

Chairman Radtka opened the floor to discussion to the members of the Mid-Atlantic Propane Association. Mr. Patrick began the discussion explaining that the Propane Education and Research council had reorganized its propane education program. He stated that the training had been broken down into smaller components and had changed its name. He explained the at changes would make the material easier to learn, while retaining all the information from the original course structure. Mr. Patrick explained that the program would no longer be referred to as a CETP (Certified Employee Training Program) but would now be called the PEP (PERC Education Program, with PERC representing the Propane Education and Research Council) program. He stated that the material being taught would remain the same.

Chairman Radtka asked whether the Board needed to vote to approve the name change of the instruction program for acceptance by the Board. Counsel Kinstler replied that the Mid-Atlantic Propane Association was a private business that could elect to change its name. Counsel suggested that as the speakers represented that the reference materials and curricula would not change, no action by the Board was necessary. Chairman Radtka requested that it be noted in the minutes that the approved course certificates to obtain a propane gas certificate would be changed from CETP to PEP. The members of the Mid-Atlantic Propane Association thanked the Board for their time.

Mr. Patrick, Mr. Slacum and Mr. Phapham left the meeting at 11:01 a.m.

**OLD BUSINESS**

Code Adoption:

Chairman Radtka asked Counsel Kinstler if there was any new information regarding the concept proposal submitted to the Secretary’s Office regarding code adoption. Counsel stated that she had no new information and suggested that the Board wait until the new Executive Director had been hired to discuss the matter further as some of the adopted Codes will require compliance with the incorporation by reference process.

MATC Update:

Chairman Radtka questioned whether there had been an update from Christopher Maclaren regarding the proposed approval of an apprenticeship program. Ms. Thornton confirmed that Mr. Maclarion had not provided any more information and was not present at the meeting. Chairman Radtka requested that the item be left on the agenda under Old Business.

**NEW BUSINESS**

Workforce Fraud Act:

Chairman Radtka introduced to the Board Devki Virk, Commissioner of the Division of Labor and Industry, Department of Labor. Ms. Virk thanked the Board for their time and the opportunity to address the Board. Ms. Virk began a discussion of the Workplace Fraud Act, which was passed in 2009. She explained that the Act prohibits a business from misclassifying workers as independent contractors when they should be classified as employees (1099 vs. W-2) or from paying them “off the book”. Commissioner Virk stated that there are several costs to this practice, to the state, taxpayers and the employees themselves. She explained that in many instances, employees who should be entitled to the benefits of being classified as employees (leave, health benefits, unemployment eligibility, overtime, workers compensation, etc.) do not receive them due to being classified as independent contractors. She also cited that there is a cost to the state as the employers do not pay the costs associated with those benefits as they should.

Commissioner Virk advised that Governor Moore had established a joint enforcement task force, comprised of several agencies, including the Division of Occupational and Professional Licensing of the Department of Labor to amend and enforce the Workplace Fraud Act. The purpose of the task force is to create policy solutions to combat workplace fraud. She stated that one of the primary objectives of the task force was to put in place a provision that would not only require those found to have violated the Workplace Fraud Act to pay a monetary sanction but include suspension or denial of licensure to those individuals until they have come into compliance with the Act. Commissioner Virk explained that legislation had been proposed to allow that provision and requested that the Board provide a letter of support to be submitted to the MD General Assembly. Counsel Kinstler expressed concern, stating that Board had not been provided with the proposed bill and, without having reviewed it, may not be able to offer an opinion. Counsel requested that the Board be presented with a copy of the bill language and, if available, any language that Commissioner Virk or Secretary’s Office would like to have included in any letter of support if Department officials were asking the Board to consider doing so.

Chairman Radtka asked Commissioner Virk to confirm that she was, in fact requesting a letter of support from the Board. Commissioner Virk stated that she was not asking anything of the Board but that the Department might do so. Chairman Radtka requested that the Board be allowed to review the bill and proposed language and discuss the matter during a future meeting. Commissioner Virk stated that the sooner the Board could discuss the matter, the better and that she would be available to discuss the matter in a future meeting, if asked. Mr. Hinkhaus commented that he would also like to review the material before expressing support. Mr. Hancock, Parker, and Stokes all stated that they would like to review the bill language and discuss the issue at the next meeting. Chairman Radtka stated that he was aware of the bill and did support the bill concept but would like to hear from the other members of the Board. Commissioner Virk confirmed that she would work with O&P staff to ensure that the material was distributed to the Board before the next meeting and would attend to discuss the issue further.

**EXECUTIVE DIRECTOR’S REPORT**

Interim Executive Director Todd Blackistone thanked the Board for the opportunity to work with them and expressed that this would most likely be his last meeting as Interim Director. He wished everyone a Happy Holiday.

**COUNSEL’S REPORT**

Counsel did not offer a report but did wish everyone a happy and safe holiday season.

**CHAIR’S REPORT**

Chairman Radtka reported that a new investigator had been hired for the Mechanical Licensing Unit. He thanked Interim Director Blackistone for his assistance and wished everyone a Happy Holiday.

**CLOSED SESSION**

The Board did not convene in a Closed Session.

**ADJOURNMENT**

Upon Mr. Stokes’ Motion, and Mr. Hinkhaus’ second, and the Board unanimously voted to adjourn the meeting at 11:34 am.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Todd Blackistone Date**

**Interim Executive Director**

**Signed on behalf of the Board as voted and approved on: \_\_\_\_\_\_\_\_**