

# Plumbing Board Meeting Minutes

**October 20, 2015 at 9:30 a.m.**

Minnesota Room – Department of Labor and Industry  
443 Lafayette Road North, St. Paul, MN 55155

## Members

John Parizek (Chair)  
Joe Beckel  
Scott Eggen  
John Flagg  
Mike Herman  
Larry Justin  
Jim Lungstrom  
Pete Moulton  
Grant Edwards (Vice Chair)  
Ron Thompson  
Henry Gretsfeld  
Jeff Brown

## Members Absent

Joe Beckel  
Phillip Sterner (Secretary)  
Jim Kittelson

## DLI Staff & Visitors

Wendy Legge (Chief Gen. Counsel, DLI)  
Suzanne Todnem (DLI)  
Jim Peterson (DLI)  
Lyndy Lutz (DLI)  
Charles Olson (DLI)  
Cathy Tran (DLI)  
Ethan Landy (DLI)  
Gary Thaden (MMCA)  
Matt Marciniak (IAPMO)  
Mike McGowan (MWQA)  
David Ybarra (MPTA)  
Jim Gander (Superior Mechanical)  
Bruce Hutchins (Retired Plumber)  
Chad Filek (J-Berd Mechanical)  
Dennis Schilling (West St. Paul)  
Dwight Engen (Minnesota LECET)  
Scott Thompson (MN Plumbing Training)  
Richard Hauffe (ICC)  
Christina Rieck Loukas (Attorney)  
Jami Sehm (City of Blaine)  
Brad Jensen (DLI)  
Gary Ford (Metro Testing)  
Luke Westman (PHCC)

## **I. Call to Order**

The meeting was called to order by Chair Parizek at 9:37 a.m. Introductions and housekeeping announcements were made. Attendance was taken; a quorum was met.

## **II. Approval of Meeting agenda**

A motion was made by Justin, seconded by Eggen, to approve the agenda with changes shown below. The vote was unanimous; the motion carried.

## **V. Committee Reports**

- A) Department Updates
  - a. *Rulemaking update*

- b. Data Request
- c. Reciprocity
- d. *SSTS Building Sewers*
- B) Executive Committee
  - a. Report of Chair
    - i. Code Book Update
    - ii. Outstanding RFA's
- C) Construction Codes Advisory Council
- D) Ad-hoc Committees

**VI. Special Business**

- A) ICC Lawsuits
- ~~B) Policy Reviews~~
- €B) Minnesota Rules, Chapter 4716
  - a. Continuing Education
  - b. Registered Unlicensed – Water Conditioning
  - c. Effects of Plumbing Code Rules

**III. Approval of Previous Meeting Minutes**

- A. Plumbing Board Minutes – July 21, 2015  
 A motion was made by Justin, seconded by Flagg, to approve the Minutes with corrections as noted below. The majority vote ruled with one abstention (Edwards); the motion carried.

**VI. Special Business**

- B) Data Practices  
 On Pg. 3 and 4 the correct usage of “Council” was changed to “Counsel.”
- E) On Pg. 5 Minnesota Rules, Chapter 4716

**VIII. Open Forum**

On Pg. 6, change language on line 5 to read as follows: ...”the ~~ICC~~ IPC all along and...”

On line 7, to read as follows: “...that there is simply ~~not~~ no need for this particular rule adoption...”

On line 11, to read as follows: “...what ~~council~~ Board Counsel...”

On line 12, to read as follows: “...of ~~council~~ Board Counsel...”

On Pg. 7, line 1 to read as follows: “...for a 270 day ~~cooling off period~~ delay before...”

On line 3, to read as follows: “...there would be a 270 day ~~interval~~ wait period.” and “~~This~~ They claim waiting would be to everyone’s advantage.”

**IV. Regular Business**

Approval of Expense Reports – Parizek approved the expenses as presented.

## V. Committee Reports

### A) Department Updates

- a. Rulemaking update – Todnem stated that the Notice of Adoption for 4714 was published in the State Register on July 27, 2015 and therefore the effective date will be January 23, 2016. This information is available on DLI’s website at: <http://www.dli.mn.gov/PDF/docket/4715docket3.pdf> Todnem noted that some progress has been made into opening rulemaking for Chapter 4716, Licensing, but there have been delays on this due to the ICC data request. No action has been taken yet but drafts are underway.
- b. **Data Request**  
Legge gave an update – all responsive board data has been made public but the legal unit is still working on the department’s data. Legge thanked the board members for their work in gathering responsive information.
- c. **Reciprocity**  
Parizek said that work is still being done on reciprocal agreements between Minnesota and North and South Dakota.
- d. **SSTS Building Sewers**  
Tran gave an update. Recent legislation that was passed allows a statutory definition for building sewers connected to SSTS systems, allows MPCA expedited rulemaking authority allowing professionals to work on building sewers specifically connected to SSTS systems and bond amounts were increased.

### B) Executive Committee

- a. **Report of Chair – met this morning**
  - i. **Code Book Update**  
Code books drafts are nearing approval with only a few minor revisions. All of the information will be going to IAPMO for a blue-line version.
  - ii. **Outstanding RFA’s**  
No outstanding RFA’s – all of these products will be approved with the new code going into effect. All products will be cleared.

### C) Construction Codes Advisory Council

There has not been a meeting.

### D) Ad-hoc Committees

Comments must be in by January 4, 2016. The UPC Amendment Committee members will begin reviewing for possible amendments to the 2015 UPC.

**UPC review members:** Parizek, Eggen (Chair), Flagg, Justin, Lungstrom, Beckel, Moulton  
**Inspection uniformity on a state-wide basis:** Sterner (Chair), Eggen, Kittelson, Lungstrom, Parizek, Edwards.

## **VI. Special Business**

### **A) ICC Lawsuits**

Legge noted that the ICC brought an action for Declaratory Judgement to invalidate the Plumbing rule. Both the ICC and the Attorney General, on behalf of the Board and the department, have filed a statement of the case. The lawsuit was against both the Plumbing Board and the Department, although, the Board adopts the rule. The ICC has also filed a lawsuit claiming that the Board violated the data practices act by not providing requested data promptly enough.

Parizek has concerns dealing with this information and he feels it would be best if the Board would seek counsel in a closed session for the purpose of attorney client privilege.

**The meeting went into a closed session and was not recorded.**

**Open session and recording resumed at 11:00 a.m.**

### **B) Minnesota Rules, Chapter 4716**

#### **a) Continuing Education**

Parizek wants the Board to begin the process of reviewing CE requirements. There have been a number of complaints. Plumbing restriction only allows 4 hours completed online. There needs to be more hours allowed. Also, there is a 12 hour restriction that must be on code and a minimum of 4 hours must be on technical or other related topics and this also causes issues. Parizek noted the Board should review CE requirements.

Parizek said he will be opening up rulemaking and ND/SD can submit changes.

#### **b) Registered Unlicensed – Water Conditioning**

Water conditioning industry is dealing with statutes and will bring a recommendation back to the legislature. The Board wants to make sure that the rules coincide with registered unlicensed apprentices.

#### **c) Effects of Plumbing Code Rules**

Parizek said he is only aware of rainwater catchment systems, ASSE requirements for surveyors before they go online, and for annual inspections. Need to make sure language is included in licensing and registration rules.

## **VII. Complaints**

No complaints

**VIII. Open Forum**

Scott Thompson addressed the board regarding STS Licensing. Tran noted that MPCA is going to be overseeing licensing and septic professionals working on building sewers connected to septic systems. DLI still has administrative authority. Individuals will also need a pipe laying bond in order to acquire an SSTS.

**IX. Board Discussion**

No discussion

**X. Announcements**

Next regularly scheduled meetings – all meetings will be held at 9:30 a.m. in the Minnesota Room. Executive Committee meetings occur at 8:00 a.m. prior to each **regular** meeting.

- a) January 19, 2016
- b) April 19, 2016
- c) July 19, 2016
- d) October 18, 2016

**XI. Adjournment**

A motion was made by Grant, seconded by Flagg, to adjourn the meeting at 11:48 a.m. The majority vote ruled; the motion passed.

Respectfully submitted,

*Phil Sterner*

Phil Sterner