

MINUTES

OMAHA PLUMBING BOARD

Regular Meeting – Wednesday, March 9, 2011
1:30 pm– City/County Building – 1819 Farnam Street
Jesse Lowe Conference Room – Third Floor

I. Roll Call

Members Present:

Jeff O. Estabrook, Vice-Chairman
George E. Killian
David W. Miller, Chairman
Christopher P. Reed
Terry Salem
Daniel J. Wellendorf

Members Absent:

Brian A Barrett

Others Present: James Wonder, City of Omaha Planning Department
Douglas Clark, Douglas County Health Department

Mr. Miller called the meeting to order at 1:34 pm.

II. Approval of Minutes from February 23, 2011

Motion by Mr. Estabrook to approve the minutes from the last meeting. Second by Mr. Wellendorf.

AYES: Estabrook, Killian, Miller, Salem, Wellendorf

ABSTAIN: Reed

Motion carried 5-0-1.

III. February Examination Reviews

Tyler J Grossenbacher
233 Hackberry Dr
Gretna NE 68028

REQUEST: Review of journeyman plumber examination.

ABSENT

Timothy J Nelsen (Practical)
3021 Huntington Av
Omaha NE 68112

REQUEST: Review of journeyman plumber examination.

PRESENT

Roosevelt Nicholson Jr
5414 Ellison Av
Omaha NE 68104

REQUEST: Review of master plumber examination.

PRESENT

Brandon J Pokorski (Written II & Plans)
4503 S 38 St
Omaha NE 68107

REQUEST: Review of master plumber examination.

PRESENT

Daniel L Tevis
15210 Douglas Cir
Omaha NE 68154

REQUEST: Review of master plumber examination.
PRESENT

Brent T Wonder
5116 N 87 Av
Omaha NE 68134

REQUEST: Review of master plumber examination.
PRESENT

IV. Cases

10-11-180 From 11-3-2010

Brian Prince
4416 Hickory St
Omaha NE 68105

REQUEST: Approval of Provider
Approval of Instructors
Approval of Continuing Education Class

49-215

Brian Prince appeared before the Board. Mr. Miller stated that Mr. Prince had been called before the Plumbing Board in order to clear up some concerns that the Board has regarding a continuing education class that Mr. Prince taught in December of 2010.

Mr. Miller stated that at the time the Board approved Mr. Prince's class, it was with the understanding that:

- 1) Mr. Robert McCart, an experienced, Board-approved instructor, would be teaching the class with Mr. Prince.
- 2) Mr. Prince would be required to videotape the class and submit it to the Board for their review
- And 3) that a representative from the City of Omaha Plumbing Division would be present in order to audit the class.

Mr. Miller stated that these conditions appeared to not have been met by Mr. Prince.

Mr. Prince stated that Mr. McCart did not show up to the class as was planned. He continued, stating that Mr. Joseph Virgil from the Omaha Plumbing Division had monitored Mr. Prince before the class, and that Mr. Virgil was unable to attend his class due to a conflict of interest. Mr. Prince added that he had met with Mr. Jim Wonder, Chief Inspector of the Omaha Plumbing Division. He stated that he and Mr. Wonder had had a long conversation regarding the issues with his class.

Mr. Wonder stated that it was his understanding that Mr. Prince was going to bring his class materials into the Plumbing Division so that he and Mr. Prince could go over these materials together. Mr. Wonder contended that he has not met with Mr. Prince as of today's date; otherwise, he would have been able to report to the Board regarding the accuracy of Mr. Prince's class content and his teaching abilities. Mr. Prince stated that it was his intention to bring his class materials in for Mr. Wonder's review; however, he was asked to appear before the Board today before he could make arrangements with Mr. Wonder.

Mr. Miller stated that he clearly remembered Mr. Prince stating that he would be teaching his class with Robert McCart. Mr. Prince replied that Mr. Miller was mistaken, and that he couldn't use Bob McCart for his class. Mr. Miller asked for input from the Board members. Mr. Estabrook concurred with Mr. Miller's recollection of Mr. McCart's inclusion in this continuing education class. Mr. Estabrook inquired whether Mr. Prince made arrangements for another experienced instructor to assist him in his class. Mr. Prince replied that it was his understanding that he was supposed to either have an experienced instructor teach with him or he was supposed to have an auditor from the Plumbing Division attend the class. Both plans, according to Mr. Prince, fell through.

Mr. Miller stated that Mr. Prince was also supposed to video tape his class. Mr. Prince replied that this was not a requirement of the Board as per his recollection. Mr. Estabrook recapped, stating that even though Mr. Prince was unable to have Bob McCart help him teach his continuing education class last fall, and Mr. Joe Virgil was unable to attend this class as auditor, and Mr. Prince failed to videotape the class, he chose to go ahead and hold the class anyway. Mr. Prince answered in the affirmative, stating that he had to go through with the class as scheduled.

Mr. Wonder stated that he had spoken to Mr. Virgil, who confirmed that Mr. Prince did ask him to audit this class, but that he was unable to do so due to a conflict. Mr. Salem inquired as to how much notice Mr. Virgil had given Mr. Prince that he was not able to audit Mr. Prince's class. Mr. Prince stated that he would have to consult his notes on this matter – he could not give the Board an answer at this time because he had not written it down.

Mr. Miller read from the Plumbing Board's minutes, case number 10-11-180, November 3, 2010 to the Board members (Please refer to the minutes from November 3, 2010 for full details). Mr. Miller inquired as to the number of attendees at Mr. Prince's class. The Board Secretary replied that this had been a small class with eight or nine attendees in it. Mr. Miller concluded by stating that Mr. Prince appears not to have done any of the things that he agreed to do when the Board approved his class last fall, and this is why Mr. Prince was asked to appear before the Board today.

Mr. Prince stated that he agreed that there was probably some mix-up, and that some mistakes may have been made, but that was all he could answer for at the moment. Mr. Salem stated that this is why he inquired as to how much notice Mr. Virgil gave Mr. Prince that he would not be able to audit his continuing education class. Mr. Prince replied that he did not have that information. He added that he didn't know what to expect at today's meeting, and that his reason for coming to the Board today was to take notes and to proceed from there.

Mr. Miller asked if there was a reason why Mr. McCart could not attend Mr. Prince's class that day. Mr. Prince stated that there had been a conflict of interest, and that Mr. McCart had probably had class that day. Mr. Estabrook stated that the question now before the Board was what to do about this situation.

Mr. Miller asked Mr. Prince if Mr. McCart had been asked to teach with Mr. Prince at his class. Mr. Prince confirmed that he had asked Mr. McCart to be at his class. He added that Mr. Miller could ask Mr. McCart to confirm this, as he was present at today's meeting.

Mr. Robert McCart, Training Coordinator for Plumbers Local 16, appeared before the Board. Mr. Miller asked Mr. McCart if he was asked by Mr. Prince to help teach a class. Mr. McCart stated that he was asked to put together materials for Mr. Prince so that Mr. Prince could teach a continuing education class. Mr. McCart explained that his free time to help teach continuing education classes is limited. He was not able to attend Mr. Prince's class. Mr. Miller asked Mr. McCart again if Mr. Prince had asked him to be at this class. Mr. McCart stated that he was asked to be at this continuing education class, but that he had told Mr. Prince that he would not be able to do it.

Mr. Wonder asked Mr. Prince whether he had requested Mr. Virgil to audit his class after learning that Mr. McCart would not be able to help him teach. Mr. Prince replied that it was his understanding that he had to have a monitor at his class, no matter what, and that this was where his confusion lay.

Mr. Miller read from the Plumbing Board's minutes, case number 10-11-180, November 3, 2010 to the Board members (Please refer to the minutes from November 3, 2010 for full details) a second time. Mr. Reed inquired as to the length of this class. The Board Secretary replied that this was a four hour continuing education class, and that the Board had restricted it so that it could only be given one time.

Mr. Wellendorf stated that he didn't think that the people who attended Mr. Prince's continuing education class should be penalized in this case. The Board Secretary confirmed that those people who attended Mr. Prince's continuing education class last fall received credit for their attendance. Mr. Wellendorf stated that the issue is how to deal with Mr. Prince in the future. Should the Board allow him to continue to provide continuing education?

Mr. Salem stated that his major concern was the amount of time that Mr. Prince had to find someone else to audit his class. Mr. Wonder stated that he did not believe that there was very much time between when Mr. Virgil notified Mr. Prince that he would not be able to audit the class and the date when the class took place. This is what prompted Mr. Wonder to offer to review Mr. Prince's materials to see how well he understood the subjects that he taught that night. This review has not yet taken place.

Mr. Miller stated that as of this time, Mr. Prince does not have any teaching credentials. If the Board decides to allow Mr. Prince to teach continuing education in the future, he would still need to have someone with teaching credentials to teach with him. Mr. Wellendorf asked the Board members whether they believed that the answer to this problem was to let Mr. Wonder work with Mr. Prince. Mr. Reed asked Mr. Prince whether he plans to teach another class. Mr. Prince replied that he plans to hold another class in the future.

Mr. Miller stated that he does not object to Mr. Prince assisting at a continuing education class; however, Mr. Prince did not fulfill the requirements of the Board for his class last fall. Mr. Wonder gave information regarding the certification process that the State of Nebraska uses in order to certify its instructors. This process takes place over multiple classes, with the apprentice instructor having more responsibility for teaching the class each time until he teaches a class on his own while being audited. Mr. Miller stated that he feels that instructors of continuing education need to go through a similar process in order to be approved to give classes on their own. Mr. Wonder added that they use this type of training process for City Inspectors who wish to teach continuing education classes.

The Board members concurred that they do not wish to penalize those who attended Mr. Prince's continuing education class last fall. Mr. Estabrook countered that Mr. Prince should not receive credit for teaching this class. He proposed that the Board take away four hours of continuing education credit from Mr. Prince for 2010.

Mr. Estabrook inquired whether Mr. Prince understood the agreement between himself and the Plumbing Board in regards to his continuing education class. Mr. Prince stated that his plans fell through, and that the matter was out of his control. Mr. Estabrook maintained that Mr. Prince could have postponed his class. Mr. Prince stated that the class had already been set at the time, but he understood what Mr. Estabrook was saying. Mr. Estabrook continued, stating that there had to be some repercussion, otherwise no one would follow the rules regarding how continuing education is to be taught in the City. Mr. Miller added that Mr. Prince can expect to be required to be supervised and videotaped if he applies to give classes in the future. He asked the Board members what they wished to do with Mr. Prince's credit for teaching this continuing education class.

Mr. Wellendorf stated that he did not believe that Mr. Prince had maliciously attempted to circumvent the system, and there appears to have been a misunderstanding. He added that Mr. Prince's appearance at today's meeting was enough of a wake-up call to make sure that things were done properly in the future. He concluded that he would not vote to rescind credit for Mr. Prince.

Mr. Estabrook asked for Mr. Reed's opinion in this matter. Mr. Reed replied that he recalled the meeting, and that he believed the requirements for this class to be pretty clear, but he was on the fence in regards to taking away CEU hours from Mr. Prince. Mr. Killian added that the Board only approved Mr. Prince to teach one class.

Mr. Salem stated that he felt that the Board should take continuing education hours away from Mr. Prince. He added that it sounded like Mr. Prince had had enough time to make other arrangements and did not do so.

Motion by Mr. Estabrook that Brian Prince will not receive credit for the four hour continuing education class that he taught in 2010. Those who attended Mr. Prince's class will still retain their credit for attendance at this class. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem

NAYS: Wellendorf

Motion carried 5-1.

Mr. Wellendorf asked if this meant that Mr. Prince would now be short on continuing education hours in 2010, and added that if this were the case, he would ask that the Board grant Mr. Prince some time to make up his hours. Mr. Prince stated that he believed he has enough continuing education hours in 2010 and that he will not be short on hours if the Board votes to rescind his hours for teaching last fall. The Board Secretary offered to confirm Mr. Prince's 2010 continuing education hours after the conclusion of the meeting.

Motion by Mr. Wellendorf to grant Brian Prince until June 30, 2011 to complete his 2010 continuing education hours. This extension will only take effect if a shortage is discovered on Mr. Prince's 2010 records as a result of today's action by the Board. No penalty hours will be assessed at this time. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

11-2-21

Pat Leddy
Plumbers Local 16
4801 F St
Omaha NE 68117

REQUEST: Renewal of approval of Provider
Renewal of approval of Instructors (4)
Renewal of approval of Continuing Education Class(es)

49-215

Pat Leddy and Robert McCart with Plumbers Local 16 appeared before the Board to request approval of eight continuing education classes. Plumbers Local 16 has been approved previously by the Board to hold continuing education classes for their members. The classes in question will be given in eight sessions throughout March and April of 2011. Each class will be four hours in duration.

Mr. Wellendorf inquired as to whether the class materials submitted by Mr. Leddy today are similar to those approved by the Board last year. Mr. McCart replied that Mr. Joseph Virgil would not be teaching for the union this year, and had been replaced by Mr. David Miller. The remaining instructors have been approved by the Board in previous years.

Motion by Mr. Wellendorf to renewal approval of Plumber's Local 16 as a provider, to renew approval of Jeff Vogel, Stephen Vogel Jr, and Robert McCart as Instructors for Backflow, Plumbing Code & Theory, to renewal approval of David Miller as an Instructor for Backflow, and to approve the proposed curriculum for 2011 as submitted.

Mr. Wonder requested that the Board stipulate that the person teaching Omaha Plumbing Code must be audited. Mr. Wellendorf amended his motion to include that those instructors teaching Plumbing Code must be audited by the City of Omaha Plumbing Division. Second by Mr. Estabrook.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

Motion to approve David Miller as an Instructor for Omaha Plumbing Code & Theory, with the stipulation that this class must be audited by the City of Omaha Plumbing Division. Second by Mr. Reed.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

Mr. Leddy requested a waiver of the 49-person limit for continuing education classes as stated in the City of Omaha Plumbing Board's policies and procedures.

Motion to grant a waiver of the 49-person limit as requested by Mr. Estabrook. Second by Mr. Reed.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

11-2-22

Jim Bewley
Metropolitan Utilities District
1723 Harney St
Omaha NE 68102-1960

REQUEST: Approval of Provider
Approval of Instructors
Approval of Continuing Education Class

49-215

Jim Bewley with the Metropolitan Utilities District appeared before the Board to request approval of a continuing education seminar to take place on March 31, 2011. The Board Secretary stated that Mr. Bewley did not request approval of this class in 2010; however, the Board approved this class in 2009 and in earlier years. Mr. Wonder stated that he plans to attend this class.

Mr. Bewley stated that this is the sixth year that the Metropolitan Utilities District has offered this seminar to Omaha plumbers. The Board reviewed the materials submitted by Mr. Bewley.

Motion to approve the Metropolitan Utilities District as a Provider by Mr. Reed. Second by Mr. Wellendorf.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

Motion to approve Jim Bewley as an Instructor for backflow prevention, and MUD water rules & regulations by Mr. Reed. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

Motion to approve Dan Kletke as an Instructor for MUD water rules & regulations and backflow prevention by Mr. Reed. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

Motion to approve Dave Divoky as an Instructor for MUD water rules & regulations and backflow prevention by Mr. Reed. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

Motion to approve Jason Stanek as an Instructor for natural gas fuel lines by Mr. Reed. Mr. Estabrook countered that this is not in keeping with Omaha Plumbing Code. Mr. Wonder replied that there is a section of the Omaha Plumbing Code that states that all gas lines must be installed as per MUD rules and regulations. Mr. Reed stated that a lot of Omaha plumbers deal with gas lines, and that he did not think that it would be inappropriate to offer some training on this subject. Second by Mr. Estabrook.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

Motion to approve Terry Rybar as an Instructor for backflow prevention by Mr. Reed. Second by Mr. Wellendorf.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

The Board reviewed the pamphlet and agenda submitted by Mr. Bewley for the proposed class. Mr. Bewley confirmed that he would like to offer this class to sewer layers, journeymen and master plumbers, and Grade VI water operators. The Board raised some concerns over sewer layers being allowed to attend the full four hour session, as some of the listed agenda would not apply to their type of work. Mr. Wonder stated that upon review of the proposed agenda, sewer layers could be allowed to attend the first two hours of this class for credit. The Board members agreed with this assessment.

Motion by Mr. Reed to approve the submitted continuing education class for four hours of CEU credit for journeyman plumbers, master plumbers and Grade VI water operators, and for two hours of CEU credit for sewer layers. Sewer layers may only attend the first two hours of this class for credit. A waiver of the 49-person limit for continuing education classes as stated in the City of Omaha Plumbing Board's policies and procedures is also included in this motion. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

I. Approval of Apprenticeship Renewals (4)

Christopher J Jensen	Vincentini Plumbing	Completed
Brent Manderochio	ServiceOne Inc	ABC
Richard Rubek	Kracht Plumbing Inc	Completed
Kyle Simon	Nebraska Plumbing & Sewer Svc	Metro

Motion by Mr. Estabrook to approve the above-listed apprenticeship renewals. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0

V. Discussion

- The Board discussed new procedures for testing. Mr. Wonder will prepare a demonstration of the new test system for the Board members at their next meeting on March 23rd. This demonstration will take approximately 30 minutes, and will be presented to the Board members privately during executive session.
- The Board Secretary would like to remind all Omaha license holders that the deadline to renew plumbing licenses is March 31st, 2011 @ 2:30 pm. Any license holder who has not yet received their license for this year should contact Mrs. Wisniewski at 402-444-5203 before the March 31st deadline.

VI. Adjourn

Motion to adjourn by Mr. Wellendorf. Second by Mr. Salem.

AYES: Estabrook, Killian, Miller, Reed, Salem, Wellendorf

Motion carried 7-0. Meeting adjourned at 2:19 pm.

*** = APPLICANT MUST BE PRESENT AT MEETING**

A full, continually current agenda is available for public inspection in Room 1110 of the Omaha/Douglas Civic Center during normal business hours.

The Omaha Plumbing Board reserves the right to modify the agenda at the public meeting.

If alternative (tape) to the agenda is needed, please advise Jim Wonder. A 72-hour notice is required.

Applications for the meeting to be held at 9:00 am on Wednesday, March 23rd are due no later than 9:00am on Thursday, March 10th.

Visit the Planning Department's Site on the Internet at <http://co.douglas.ne.us/omaha/planning/boards/plumbing-board>