

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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-----Original Message-----

From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Tuesday, December 11, 2018 8:37 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS STATE BOARD PLUMBING EXAMINERS

First Name: RICHARD

Last Name: MOORE

Title:

Organization you are affiliated with: HOME DEPOT U.S.A., INC.

Email: rick_moore@homedepot.com

City: Flower Mound

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I am opposed to MOST of the recommendations made by Sunset staff. These persons have no idea as to the public safety segment that licensed plumbers play, in promoting the health of our states residents and, how the direct supervision requirement of the rules and law protects the on the job apprentices employed in this field. Plumbing can be dangerous if proper skill and code requirements are not taken into consideration.

As a licensed master plumber in 11 states, with a total of 29 trade licenses in 12 states including Master Electrician, and licensed Air Conditioning Contractor, The Texas Board of Plumbing Examiners has been one of the top 2 easiest agencies I've ever dealt with, and one of the easiest obtain a timely response from. Having obtained my Master Plumbing License in 1986, this license is the license of which I am the proudest of, due to the thoroughness of it's testing background requirements. I have been told by the State Plumbing Board of Louisiana executive director, Ashley Tullier, that she would like to have, "testing facilities and full time investigators with years of plumbing experience, like Lisa Hill does in Texas." Currently Arkansas is unable to find state Plumbing inspectors to hire.

The problems with the plumbing board fall back to the fact that this self-funded license program is raided by the state to achieve a 20% reduction in budget, to turn over to the general fund, every time the board raises license fees to improve testing and investigation. Instead, the state should decide on an amount that the board must pay the state, in addition to collected fines, and let the board regulate fees to provide desired regulation and licensing programs. Currently half of all money paid in license and testing fees, in addition to ALL administrative penalties, is going to the state general fund. That is too much. Cap the state's raided fees @ \$2M + administrative penalties.

In the past there have been request by HVAC contractors, irrigators, water treatment providers, and back-flow protection assembly testers to move their licenses to the Plumbing Board for better regulation than they receive from TDLR or TCEQ.

I also hold both air conditioning and electrical licenses regulated by the TDLR. Based upon my experience with that agency, they are one of the least responsive agencies I've dealt with anywhere. It takes a week or more to get a response back if at all, their investigators are managing so many license types that they don't know about the electrical or air conditioning industry, and they depend on two specialist for information about electrical or air conditioning. The big "but" here is that I can teach any high school graduate, with a minimum of training, to pass the open book Texas Electrical or Air Conditioning exams. The ONLY good thing about TDLR licensing is that their testing and requirements are at a lower level, like most other states, and therefore the TDLR has been able to work out many reciprocal agreements with other states.

Texas' "direct supervision" requirement is more lenient than most other states which i am licensed in. There is not a maximum number of apprentices that can be supervised as in other states. In Texas the "direct supervisor" need only be "nearby and available". The supervising plumber can be in the same subdivision, at another house working, while apprentices are working at any number of other homes that the licensed plumber can stop by and check on.

In most other states the supervising plumber must be with his "registered 1 or 2 apprentices".

Issue 1: In reviewing a big cause of the testing issue doesn't have as much to do with the practical exam as it does with the number of spaces ant the number of people. Louisiana, Arkansas, Illinois, Florida, Indiana, Washington DC, Virginia, Hawaii, Maryland, Georgia, and Minnesota have much longer wait times. Texas has a booming economy and does not reciprocate.

That creates many plumbers from other states wanting to relocate here and "clogging up the works". These people are unfamiliar with our codes and in many cases have never performed a practical exam, they are unprepared, and our testing fee is so much cheaper than that of may other states that it's cheaper to take the exam over and over until all sections are passed, than to study. By Breaking the written exam out and offering through an independent third party source, in multiple locations throughout the state, the Austin "in-house" facility could be reserved for practical exams, possibly concerting some of the written exam area to additional practical exam area.

The practical exam should be reserved only for persons who have passed the written exam. The written exam should remain "closed book".

Additionally, many test which are written only, like MED GAS INSPECTOR ENDORSEMENT and WATER SUPPLY PROTECTION SPECIALIST could be scheduled and completed without ever coming to AUSTIN.

I apologize for not being at this meeting. I'm planning on being at future meetings

Any Alternative or New Recommendations on This Agency:

Issue #1 - take the following action

- 1) DO NOT turn this license over to the TDLR!
- 2) Consider letting the written exam (still closed book) be given in multiple locations across the state by PSI, Prometric, or Pearson Vue.
- 3) Use the in house Austin facility for practical exams only after the written exam is passed..
- 4) High staff turnover is related to money as listed in supporting documentation for issue 1. No healthy licensed plumber with 10 years experience could consider the current pay cut to come to work for the TSBPE.

This is an issue that plagues most trade licensing agencies. TDLR's investigators no little if anything about the professions they regulate.

They spend more time investigating technical administrative issues, than keeping unlicensed persons from practicing the trade on unsuspecting consumers.

Issue #2 - Take the following action

- 1) Require all Master plumbers to take the rule and law class and upgrade to Responsible master status.
- 2) License company's separate of plumbers like many other states
- 3) Create a Contractor License for company's that must have a responsible master attached to it
- 4) Create a voluntary group of subject matter experts (like TDLR did) to develop new test questions every code cycle.

Issue #3

- 1) Keep the enforcement committee to prevent closed room staff enforcement policies like so many other state agencies have
- 2) keep job site checks as a means to prevent unlicensed plumbing but use risk based investigation tools. complaints about "charging too much" after the work is completed, when the customer approved the cost PRIOR to work being started is a waste of time. The time to negotiate price is before approving the work to begin.
- 3) informal settlement conferences are a good idea.
- 4) currently disciplinary actions for any licensee can be looked up on line when checking individual licensees. I don't think it is useful to have a list of violations indexed back to plumbers, but a quarterly email newsletter available to the public listing all disciplinary actions that quarter, like the BON, is a good idea.

My Comment Will Be Made Public: I agree