

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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From: sunset@sunset.texas.gov <sunset@sunset.texas.gov> On Behalf Of Texas Sunset Commission
Sent: Sunday, November 25, 2018 10:32 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: Matthew

Last Name: Winn

Title: CEO of Winn's Continuing Education, Inc.

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State: Texas

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

As the CEO of Winn's Continuing Education and Founder of the Trade Professionals Network (for Texas Plumbing Leaders), it is my privilege to help serve many thousands of plumbers in Texas each year. Rather than try to speak for our clients, we have encouraged them to share their perspectives with the Sunset Commission directly. However, because of our broad client base across the industry and state, I see the spectrum of opinion on the issues raised by the staff report and would like to share just a few key observations, affirming the staff conclusions whenever I can from the report's list of detailed issues. Thanks, in advance, for your consideration.

1.1 Transfer the regulation of plumbers to the Texas Department of Licensing and Regulation, and reconstitute the independent plumbing board as an advisory board.

I am a supporter of the Sunset Process to ensure the Texas state government doesn't balloon indefinitely in size, complexity, and cost. The staff report is correct in its assertion that the TSBPE has very real challenges that need to be resolved, including 6 to 8 month waits for plumbing examinations, 6 to 12 months to resolve complaints, and widespread unlicensed plumbing across the state.

However, the staff report doesn't fully address how the plumbing industry arrived at this point. While the number of plumbers has been exploding in Texas over the past several years, the TSBPE has been hampered by a state hiring & spending freeze, then a budget cut in the 2017 legislature. The combined impact of industry growth, staff constraints, and budget cuts created greater wait times and high frustration among licensees leading to a "perfect storm" that coincided with the Sunset Review. While the TSBPE Board & Staff obviously hold responsibility for this situation, they are not alone—the legislature and Governor should stand with them in this accountability.

I have no doubt a very large number of respondents will be against transfer to the TDLR. While 48% of the TSBPE budget has been diverted for other uses, the TSBPE has been expected to operate on only 52% of the funds paid

primarily by licensed plumbers. This financial “choking” is largely to blame for the TSBPE’s situation and eliminating the independent plumbing board will be seen as a final act of betrayal against the licensed plumbers who have funded the regulation of this industry for decades, ensuring its presence to protect the health of Texans via clean drinking water and effective waste disposal.

1.2 Require the agency to obtain fingerprint background checks for all applicants and licensees.

I understand this is a shift being pursued across all state agencies and agree with its goals. Please consider adding some means to ensure legal employability as well. It is my understanding the TSBPE has not been allowed a means to confirm legal employability, resulting in anyone able to guess an unused social security number to obtain an apprentice registration and begin the journey to licensing. If Texas is serious about encouraging legal immigration while curbing illegal immigration, such glaring holes in the system should be corrected.

My adopted son is an immigrant, so I am personally & deeply FOR legal immigration. In order to uphold its value, we should make it as easy as possible for anyone who immigrates here legally to earn a living in our great state while limiting opportunities for those who do not pursue the legal path. Wouldn’t this be the very definition of the “Rule of Law” so often quoted in today’s political arena?

2.2 Remove statutory requirements for direct supervision and authorize the board to determine supervision requirements for specific tasks in rule.

Over the past two years, I have struggled to reconcile the great diversity of perspective among plumbers with regard to licensing requirements and especially appropriate supervision. It finally made sense once I accepted that plumbing is at least three distinct industries in Texas: service, residential new construction and commercial new construction. Other distinctions could certainly be made, but my point regarding supervision can be made by comparing service plumbing with residential new construction. The level of experience needed to work without constant, direct supervision can be quite different for a plumber entering someone’s home to diagnose active issues without anyone to review their work afterward as compared to an apprentice working in new construction where his or her work will be reviewed by a licensed plumber and inspected by a municipal authority.

Unless the Legislature intends to commit the detailed work required to differentiate the appropriate level of supervision required for each type of plumbing, this ability should be delegated to the TSBPE where it can build in flexibility to protect Texans, allow plumbing businesses to operate effectively, and encourage apprentices to advance toward greater responsibility in accordance with their competence.

3.4 Direct the agency to adopt a risk-based approach to investigations in rule, focusing on higher risk complaints first before other lower risk activities, such as jobsite compliance checks.

The TSPBE believes this is already in place but can be better documented. I want to affirm the need and ability for the TSBPE to prioritize its financially limited enforcement efforts on unlicensed plumbing and active complaints, spending less time on random compliance checks or quota-based activities such as attending continuing education courses that have never had a non-conformance or complaint. In order to survive, businesses must focus their risk management efforts on the greatest risks. The TSBPE should be required and allowed to do the same.

Any Alternative or New Recommendations on This Agency: I believe there has been a “write-in” campaign regarding the Texas plumbing codes, so I would like to share my thoughts on this topic. Our plumbing licenses are issued by the State, yet the plumbing codes are selected and amended by each municipality, creating an incredible minefield of compliance for plumbers.

Since we have a state plumbing license, having one state plumbing code (unamended by municipalities) would simplify, standardize, strengthen, and reduce the cost of plumbing compliance in Texas.

My Comment Will Be Made Public: I agree