

**Executive Committee of the Plumbing Board  
Meeting Minutes**

**July 21, 2015 @ 8:00 a.m.**

Department of Labor and Industry

443 Lafayette Road No., St. Paul, MN 55117-4344

**Members**

John Parizek – Chair  
Jim Lungstrom  
Phil Sterner – Secretary

**Members Absent**

Grant Edwards

**DLI Staff & Visitors**

Wendy Legge (Chief Gen. Counsel, DLI)  
Lyndy Lutz (DLI)  
Jim Peterson (DLI)  
Pete Moulton (Board member)  
Jeff Brown (Board member)  
Matthew Marciniak (IAPMO)  
Scott Thompson (MN Plumbing Training)  
Gary Thaden (MMCA)  
Richard Hauffe (ICC)  
Jim Gander (Superior Mechanical)

**I. Call to Order**

The meeting was called to order by Chair Parizek at 8:20 a.m. Introductions and housekeeping announcements were made.

**II. Approval of Meeting agenda**

A motion was made by Lungstrom, seconded by Sterner, to approve the agenda as presented. The vote was unanimous; the motion carried.

**III. Approval of Previous Meeting Minutes**

A motion was made by Parizek, seconded by Lungstrom, to approve the April 21, 2015 Executive Committee Minutes as presented. The majority vote ruled with Sterner abstaining; the motion passed.

**IV. Regular Business**

Nothing to report

**V. Special Business**

**A) Department Updates**

Nothing to report

**B) Current Rulemaking / Legislative Changes**

- i. Wendy Legge referred to Attachment A noting that Section 6 of 326B.106 does not affect the Board, only rules adopted by the Commissioner but 326B.106, Section 7 does affect the Board and changes the language as follows: “A rule to adopt or amend the State Building Code is effective ~~180~~ **270** days after publication of the rule’s notice of adoption in the State Register. This amendment took away the Board’s authority and the department plans to *seek legislation* to reinsert “or board” where shown: “The rule may provide for an earlier effective date if the commissioner ~~or board~~ proposing the rule finds that an earlier effective date is necessary to protect public health and safety considering, among other things, the need for time for training of individuals to comply with and enforce the rule.”

- ii. Legge referred to Attachment B, a data practices request from Seaton, Peters & Revnew. She noted that she sent an email to all Board members asking them not to destroy anything that might be responsive to the request. Under the Data Practices Act, when someone makes a request for public data, the department can charge for the time spent gathering the data and making copies and she would provide an estimate of these charges to the requestor.

**C) Complaints**

Unlicensed activity was forwarded to Enforcement and corrections were made.

**D) Chair Updates**

Legge will provide a presentation regarding the Data Practices Act and open meeting law at the October meeting. She noted the Executive Committee should ask the Board to review the By-Laws and make recommended changes.

**E) Plumbing Board Agenda Review (Annual Meeting)**

- i. Minnesota Rules chapter 4714
- ii. Officer Elections / Board Vacancies – The meeting will be turned over to Jim Lungstrom during this portion.
- iii. Committees and Committee Appointments – additional items were added to the Board agenda.

**VI. Correspondence**

**VII. Open Forum**

None

**VIII. Discussion**

No discussion

**IX. Announcements**

**Next Regularly Scheduled Meetings – 8:00 a.m., Minnesota Room, DLI**

- i. October 20, 2015
- ii. January 19, 2016
- iii. April 19, 2016
- iv. July 19, 2016
- v. October 18, 2016

**X. Adjournment**

A motion was made by Sterner, seconded by Lungstrom to adjourn the meeting at 9:02 a.m.

Respectfully submitted,

*Phillip Sterner*

Phil Sterner, Secretary

**Legislative Update For July 21, 2015, Plumbing Board Meeting**

**From 2015 Minnesota Laws, chapter 54, Article 1**

**Sec. 6. Minnesota Statutes 2014, section 326B.106, subdivision 1, is amended to read:  
Subdivision 1.**

**Adoption of code.**

–(a)– Subject to –paragraphs (c) and (d) and – sections 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall administer and enforce the provisions of those sections.

–(b)– The commissioner shall develop rules addressing the plan review fee assessed to similar buildings without significant modifications including provisions for use of building systems as specified in the industrial/modular program specified in section 326B.194. Additional plan review fees associated with similar plans must be based on costs commensurate with the direct and indirect costs of the service.

– (c) Beginning with the 2018 edition of the model building codes and every six years thereafter, the commissioner shall review the new model building codes and adopt the model codes as amended for use in Minnesota, within two years of the published edition date. The commissioner may adopt amendments to the building codes prior to the adoption of the new building codes to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or the use of a building. –

– (d) Notwithstanding paragraph (c), the commissioner shall act on each new model residential energy code and the new model commercial energy code in accordance with federal law for which the United States Department of Energy has issued an affirmative

determination in compliance with United States Code, title 42, section 6833. The commissioner may adopt amendments prior to adoption of the new energy codes, as amended for use in Minnesota, to advance construction methods, technology, or materials, or, where necessary to protect the health, safety, and welfare of the public, or to improve the efficiency or use of a building. --

**EFFECTIVE DATE.** --

-- This section is effective August 1, 2015, and applies to all model code adoptions beginning with the 2018 model building code. --

**Sec. 7. Minnesota Statutes 2014, section 326B.13, subdivision 8, is amended to read:  
Subd. 8.**

**Effective date of rules.**

A rule to adopt or amend the State Building Code is effective --180--270-- days after publication of the rule's notice of adoption in the State Register. The rule may provide for a later effective date. The rule may provide for an earlier effective date if the commissioner ~~or board~~ proposing the rule finds that an earlier effective date is necessary to protect public health and safety after considering, among other things, the need for time for training of individuals to comply with and enforce the rule. The commissioner must publish an electronic version of the entire adopted rule chapter on the department's Web site within ten days of receipt from the revisor of statutes. The commissioner shall clearly indicate the effective date of the rule on the department's Web site.--

**Note from Wendy Legge:** This section is effective August 1, 2015.



# Seaton | Peters | Revnew

*The Lawyers for Employers*

Attachment B -

Douglas P. Seaton  
Attorney at Law

Tel 952.921.4604  
dseaton@seatonlaw.com

## VIA EMAIL

July 9, 2015

Jessica Looman  
Deputy Commissioner  
443 Lafayette Road North  
St. Paul, MN 55155  
[jessica.looman@state.mn.us](mailto:jessica.looman@state.mn.us)

Re: Minnesota Government Data Practices Act Request

Dear Ms. Looman:

This letter is directed to you as the assigned data practices compliance official for the Minnesota Department of Labor and Industry. Please consider this a formal request from a member of the public under the Minnesota Government Data Practices Act (Minn. Stat. § 13.01 *et seq.*) regarding the following documents and other information in the possession of the Minnesota Department of Labor and Industry (“MnDOLI”) and any of its subdivisions regarding:

1. All correspondence and email messages, including emails from personal email accounts, sent to or received from any members of the Minnesota State Plumbing Board and/or its subcommittees that mention the Uniform Plumbing Code (UPC), the International Association of Plumbing and Mechanical Officials (IAPMO), the International Plumbing Code (IPC), or the Minnesota Plumbing Code, since January of 2010.
2. All correspondence and email messages, including emails to and from personal email accounts, sent to or received from any employee, contractor, or commissioner of MnDOLI, including attorneys and legal liaisons, that mention the Uniform Plumbing Code (UPC), the International Association of Plumbing and Mechanical Officials (IAPMO), the International Plumbing Code (IPC), or the Minnesota Plumbing Code, since January of 2010.
3. All email messages, including emails to and from personal email accounts, sent to or received from any email address containing “iapmo.”

4. All correspondence and email messages, including emails to and from personal email accounts, sent between any members of the Minnesota State Plumbing Board and/or its subcommittees and the following individuals:
  - a. Neil Bogatz, general counsel of IAPMO
  - b. Russ Chaney, CEO of IAPMO
  - c. Matt Marciniak
  - d. Minnesota State Representative Tim Mahoney
  - e. Allen Inlow, Senior Vice President Business & Product Development for IAPMO
  - f. Bruce Pfeiffer, President of IAPMO Board of Directors
  - g. DJ Nunez, Vice President of IAPMO Board of Directors
  - h. David Straub, Secretary/Treasurer of IAPMO Board of Directors
  - i. Gary Hile, Immediate Past President of IAPMO Board of Directors
  - j. Laura Biggie, Member of IAPMO Board of Directors
  - k. Thomas Bigley, Member of IAPMO Board of Directors
  - l. Ken Borski, Member of IAPMO Board of Directors
  - m. Rick Coffman, Member of IAPMO Board of Directors
  - n. Marty Cooper, Member of IAPMO Board of Directors
  - o. Mike Durfee, Member of IAPMO Board of Directors
  - p. David Gans, Member of IAPMO Board of Directors
  - q. Jim Humphrey, Member of IAPMO Board of Directors
  - r. Jim Imprescia, Member of IAPMO Board of Directors
  - s. Hugh Kelleher, Member of IAPMO Board of Directors
  - t. Steven Nastruz, Member of IAPMO Board of Directors
  - u. Steven Panelli, Member of IAPMO Board of Directors
  - v. Don Summers, Jr., Member of IAPMO Board of Directors
  - w. Dave Viola, IAPMO Chief Operating Officer & Sr. VP Business Strategy
  - x. Peter DeMarco, IAPMO Senior Vice President of Advocacy and Research
  - y. Dwight Perkins, IAPMO Senior Vice President of Field Services
  - z. Gary Thaden, Government Affairs Director for Minnesota Mechanical Contractors Association
  
5. All correspondence and email messages, including emails to and from personal email accounts, sent between any employee, contractor, or commissioner of MnDOLI or any of its subdivisions, including attorneys and legal liaisons, and the following individuals:
  - a. Neil Bogatz, general counsel of IAPMO
  - b. Russ Chaney, CEO of IAPMO
  - c. Matt Marciniak
  - d. Minnesota State Representative Tim Mahoney

- e. Allen Inlow, Senior Vice President Business & Product Development for IAPMO
  - f. Bruce Pfeiffer, President of IAPMO Board of Directors
  - g. DJ Nunez, Vice President of IAPMO Board of Directors
  - h. David Straub, Secretary/Treasurer of IAPMO Board of Directors
  - i. Gary Hile, Immediate Past President of IAPMO Board of Directors
  - j. Laura Biggie, Member of IAPMO Board of Directors
  - k. Thomas Bigley, Member of IAPMO Board of Directors
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  - t. Steven Nastruz, Member of IAPMO Board of Directors
  - u. Steven Panelli, Member of IAPMO Board of Directors
  - v. Don Summers, Jr., Member of IAPMO Board of Directors
  - w. Dave Viola, IAPMO Chief Operating Officer & Sr. VP Business Strategy
  - x. Peter DeMarco, IAPMO Senior Vice President of Advocacy and Research
  - y. Dwight Perkins, IAPMO Senior Vice President of Field Services
  - z. Gary Thaden, Government Affairs Director for Minnesota Mechanical Contractors Association
6. All correspondence and email messages, including emails to and from personal email accounts, regarding the selection of the Uniform Plumbing Code (UPC) as the replacement plumbing code in Minnesota.
7. All correspondence and email messages, including emails to and from personal email accounts, sent to or received from all members of the Minnesota State Plumbing Board and/or its subcommittees regarding replacing the current Minnesota Plumbing Code with a model plumbing code.
8. All correspondence and email messages, including emails to and from personal email accounts, sent to or received from all members of the Minnesota State Plumbing Board and/or its subcommittees, that mention the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (UA) or its Twin Cities affiliate, Local 15.
9. All correspondence and email messages, including emails to and from personal email accounts, sent to or received from any employee, contractor, or

Jessica Looman  
July 9, 2015  
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commissioner of MnDOLI, including attorneys and legal liaisons, that mention the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (UA), or its Twin Cities affiliate, Local 15.

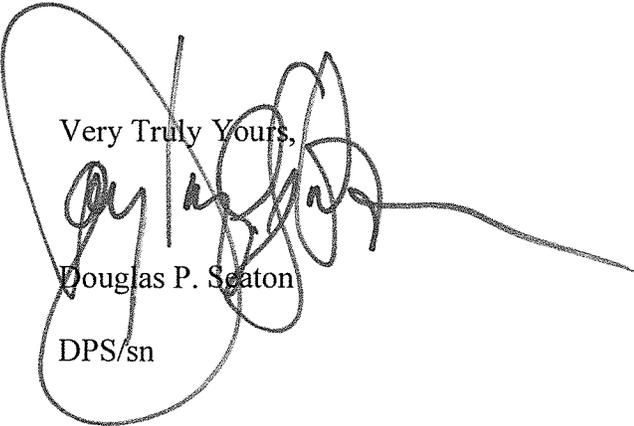
Please provide me with photocopies of the requested information above preferably in electronic format, or if the information is not available in electronic format, by U.S. Mail at the address listed above. I am aware that this request may incur search, processing and photocopying costs and would ask that MnDOLI invoice my firm when it produces the requested information. You may also contact me when an amount is determined and I will send you payment. However, if the fee for this request exceeds \$150.00, please contact me before proceeding with making any copies.

If MnDOLI denies this request in whole or in part based on a claim that the information requested is not public, please provide a list of information withheld, cite the specific statutory or regulatory authority upon which MnDOLI's denial is based for each piece of information withheld, and explain any statutory rights to appeal the determination.

If the intent of this request is not understood, or you are not the responsible authority designated to handle Minnesota Government Data Practices Act requests, please contact me immediately.

Thank you for your attention to this matter.

Very Truly Yours,



Douglas P. Seaton

DPS/sn

cc: John Parizek, Chair of the Minnesota State Plumbing Board, via U.S. Mail