Preliminary Evaluation of the State Board of Plumbing

Recommendations:  Waive from Full Evaluation

Extend Termination Date by 10 Years to July 1, 2023

Require Follow-up Report by October 1, 2011

The Sunset Review Process

This evaluation was undertaken under the auspices of the Maryland Program Evaluation Act (§ 8-401 et seq. of the State Government Article), which establishes a process better known as “sunset review” because most of the agencies subject to review are also subject to termination. Since 1978, the Department of Legislative Services (DLS) has evaluated about 70 State agencies according to a rotating statutory schedule as part of sunset review. The review process begins with a preliminary evaluation conducted on behalf of the Legislative Policy Committee (LPC). Based on the preliminary evaluation, LPC decides whether to waive an agency from further (or full) evaluation. If waived, legislation to reauthorize the agency typically is enacted. Otherwise, a full evaluation typically is undertaken the following year.

The State Board of Plumbing was not scheduled for a preliminary evaluation under statute until 2010; however, DLS accelerated the review process for this board – along with several others – to more evenly distribute the number of evaluations conducted over the next few interims. The State Board of Plumbing last underwent a preliminary evaluation as part of sunset review in 2000. The board was waived from full evaluation and subsequently reauthorized for another 10 years, with a termination date of July 1, 2013.

In conducting this preliminary evaluation, DLS staff attended board meetings and interviewed board members, the acting director, and the executive director of the Maryland Plumbing, Heating, and Cooling Contractors Association. Staff also reviewed relevant statutes, regulations, and board minutes and analyzed board licensing, complaint, and budgetary data.

The State Board of Plumbing reviewed a draft of this preliminary evaluation and provided the written comments attached as Appendix 2. Appropriate factual corrections and clarification have been made throughout the document; therefore, references in board comments may not reflect the final version of the report.
The Plumbing Industry

The plumbing trade is an ancient one, dating as far back as 2000 B.C. The greatest advances in plumbing were made in the nineteenth century, when towns grew to cities and the need for proper public sanitation was recognized.

Most people are unfamiliar with the full range of services that plumbers provide. Plumbers install and repair the water, waste disposal, drainage, and gas systems in homes as well as commercial and industrial buildings. They also install plumbing fixtures and appliances, such as bathtubs, sinks, toilets, dishwashers, and water heaters. In the performance of their trade, plumbers use many different materials and construction techniques. For example, residential water systems use plastic, copper, or steel pipes that can be handled and installed by one or two workers. Municipal sewerage systems are made of large cast-iron pipes, and installation normally requires crews of workers. Plumbers must be able to follow blueprints and instructions from supervisors, plan the job, and work efficiently with the materials and tools of the trade. Physical stamina is also a requirement since plumbers frequently lift heavy pipes, stand for long periods of time, and sometimes work in cramped spaces or uncomfortable positions.

The plumbing trade has observed significant improvement in the materials and methods used in the trade. Joining materials, for instance, have become more adaptable. The use of plastic piping and fixtures has increased the number of plumbing options, whereas the materials replaced were less adaptable. With improved materials of plastic or copper, plumbers can put in 1,000 feet of plumbing per day compared with 100 feet using older materials. Due to the increased use of plastic, some licensees are unhappy that they are tested on procedures involving older materials. The board advises that the requirements are still valid given the number of older structures in the State that are outfitted with nonplastic plumbing fixtures.

New industry standards for “lead free” materials have taken hold in recent years as a result of a California law enacted in 2008 that limits the lead content in pipes, fittings, and fixtures used to convey drinking water. Although contamination from lead-based paint, dirt, and dust accounts for most lead exposure, exposure to lead from drinking water is still a problem. Most faucets purchased prior to 1997 were constructed of brass or chrome-plated brass, which contain up to 8% lead. Water sitting for several hours or overnight in a brass faucet can leach lead from the brass faucet interior, which may produce high lead levels in the first draw of drinking water. Most faucets purchased after 1997 contain less lead than previously used, thereby reducing the possible leaching of lead. Some faucet manufacturers produce plastic faucets that have virtually no lead. Other manufacturers are substituting other metals for the lead in the brass, inserting copper tubes inside the brass faucets, or applying special coatings on the inside of the faucets to minimize or eliminate lead leaching.
Preliminary Evaluation of the State Board of Plumbing

The State Board of Plumbing

The State Board of Plumbing is housed in the Department of Labor, Licensing, and Regulation’s (DLLR) Division of Occupational and Professional Licensing. Maryland statute sets out three purposes for the board:

- to protect the integrity of the potable water supply;
- to provide for the efficient and safe discharge of storm drainage and sanitary drainage; and
- to ensure that qualified individuals carry out the board’s charge.

Under State law, the board regulates the plumbing industry throughout most of Maryland, but lacks jurisdiction in Baltimore County or in areas of Montgomery and Prince George’s counties that are under the jurisdiction of the Washington Suburban Sanitary Commission. The propane gas fitter certificate granted by the board applies statewide; the remaining licenses issued by the board are not valid in the excluded jurisdictions previously mentioned.

The board consists of nine members: seven plumbers and two consumers. The Governor appoints the members of the board with the advice of the Secretary of Labor, Licensing, and Regulation and with the consent of the Senate. The Governor may remove a member for incompetence or misconduct. Members serve three-year terms. The members of the board are listed in Appendix 1. Currently, one consumer seat on the board is vacant.

Statute specifies that board members representing the industry must each reside in specific geographic areas of the State. One plumber must be from Anne Arundel, Calvert, Charles, Prince George’s, or St. Mary’s county. A second is required to be from Caroline, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, or Worcester county, and a third must be from Allegany, Frederick, Garrett, Montgomery, or Washington county. Two plumbers are required to be from Carroll, Cecil, Harford, or Howard counties; the final two plumbers must be from Baltimore City. A consumer member may not reside in the same county as a plumber member, and a member may not reside in a county or area of the county that is exempted from the Maryland Plumbing Act.

The board’s executive director divides time among the Board of Plumbing and three other State boards. The executive director position has been vacant since February 2009. The board has one administrative aide who provides needed support related to licensing and complaint resolution issues, as well as attending to other duties related to the board. Currently, the executive director of the Maryland Home Improvement Commission – one of the busiest and most demanding of the division’s commissions and boards – serves as the acting director of the
four boards. DLLR advises that it was in the final stages of the hiring process to fill the vacant executive director position but halted its search due to fiscal constraints.

**Licensing Activity**

To provide plumbing services throughout most of the State, a person must be licensed by the board. The board, with considerable support from the division’s Central Licensing Unit, issues three different plumbing licenses: master, journey, and apprentice. These licenses are typically held in conjunction with the equivalent gas fitter license. Apprentice plumbers may assist a master plumber or a limited master plumber. Journey plumbers are licensed to provide plumbing services while under the direction and control of a master plumber. The board also certifies propane gas fitters and licenses plumbing inspectors. Licenses are valid for two years and are issued on a staggered basis.

Qualifications required for obtaining plumbing licenses increase by the level of the license. Individuals must be at least 16 years of age to obtain an apprentice license. To qualify for a journey license, an applicant must have held an apprentice license for four years, completed 7,500 hours of training under the control and direction of a licensed master plumber, completed 32 hours of training in backflow prevention, and passed a comprehensive written examination. To qualify for a master license, an applicant must have held a journey license for at least two years, completed 3,700 hours of training under the direction of a licensed master plumber, and passed a comprehensive written examination. Unless a plumber’s license is limited, it allows the plumber to conduct natural gas fitter and propane gas fitter work. The board advises that 40% of examination questions relate to the provision of gas fitter services. The requirements to obtain a master, journey, or apprentice natural gas fitter license are similar to those specified above for master, journey, or apprentice plumbers.

There are three ways to obtain a propane gas fitter certificate. An individual may hold a current certification of completion of the National Propane Gas Association-certified training program for distributed systems operations; hold a gas fitter’s license from a county or municipal corporation under a licensing program in existence prior to July 1, 1995; or demonstrate to the board that his or her qualifications are at least equivalent to the qualifications required by the National Propane Gas Association training program for distribution systems.

Inspectors work for the State or local governments and inspect plumbing projects. Under State law, each county must enforce the State Plumbing Code or adopt and enforce a local plumbing code that meets or exceeds the minimum standards of the State code for proper design, installation, and maintenance of plumbing systems. To receive a plumbing inspector card, a master or journey plumber puts his or her license on inactive status and provides proof of employment as an inspector. An individual without a plumbing license can qualify for a plumbing inspector’s card based on four years of relevant experience and passage of an examination administered by DLLR. Inspectors are required to attend continuing education classes each year that are approved by the board. A plumbing inspector may not have a financial
interest in any plumbing business while employed as an inspector. Upon ending employment as an inspector, the plumbing license may be reactivated.

Exhibit 1 shows the number of active licenses by year and by type from June 2005 to June 2009. The total number of plumber/gas fitter licenses has increased by 1,944 in the last five years, almost a 20% increase. New apprentice licenses accounted for the bulk of the increase; master and journey licenses increased to a lesser extent during this period. The number of individuals licensed by the board has increased significantly since 2000. In June 2000, the board had 2,862 active master plumber licenses, 2,022 journey licenses, and 3,299 apprentice licenses. Currently, there are more than 300 additional master plumbers licensed in the State, and about twice as many apprentice plumbers.

<table>
<thead>
<tr>
<th>License Type</th>
<th>June 2005</th>
<th>June 2006</th>
<th>June 2007</th>
<th>June 2008</th>
<th>June 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master Plumber/Gas Fitter</td>
<td>3,099</td>
<td>3,133</td>
<td>3,123</td>
<td>3,209</td>
<td>3,222</td>
</tr>
<tr>
<td>Journey Plumber/Gas Fitter</td>
<td>2,074</td>
<td>2,088</td>
<td>2,063</td>
<td>2,189</td>
<td>2,255</td>
</tr>
<tr>
<td>Apprentice Plumber/Gas Fitter</td>
<td>4,741</td>
<td>5,339</td>
<td>5,737</td>
<td>6,109</td>
<td>6,108</td>
</tr>
<tr>
<td><strong>Total Plumber/Gas Fitter Licenses</strong></td>
<td><strong>9,914</strong></td>
<td><strong>10,560</strong></td>
<td><strong>10,923</strong></td>
<td><strong>11,507</strong></td>
<td><strong>11,585</strong></td>
</tr>
<tr>
<td>Master Inspector</td>
<td>59</td>
<td>64</td>
<td>57</td>
<td>66</td>
<td>53</td>
</tr>
<tr>
<td>Journey Inspector</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Plumbing Inspector</td>
<td>36</td>
<td>39</td>
<td>44</td>
<td>47</td>
<td>42</td>
</tr>
<tr>
<td>Master Natural Gas Fitter</td>
<td>499</td>
<td>492</td>
<td>489</td>
<td>485</td>
<td>488</td>
</tr>
<tr>
<td>Journey Natural Gas Fitter</td>
<td>956</td>
<td>835</td>
<td>844</td>
<td>784</td>
<td>802</td>
</tr>
<tr>
<td>Apprentice Natural Gas Fitter</td>
<td>77</td>
<td>91</td>
<td>171</td>
<td>250</td>
<td>199</td>
</tr>
<tr>
<td>Propane Gas Fitter Certificate</td>
<td>483</td>
<td>490</td>
<td>505</td>
<td>525</td>
<td>538</td>
</tr>
<tr>
<td><strong>Total Licenses</strong></td>
<td><strong>12,024</strong></td>
<td><strong>12,573</strong></td>
<td><strong>13,034</strong></td>
<td><strong>13,665</strong></td>
<td><strong>13,709</strong></td>
</tr>
</tbody>
</table>

Source: State Board of Plumbing

Chapter 735 of 1997 reduced several fees charged by the board to their current levels. Prior to the change the fees for a master plumber’s license, journey plumber’s license, and propane gas certificate were $100, $50, and $50, respectively. Exhibit 2 displays the current fees administered by the board for the various types of licenses issued.
### Exhibit 2
**Fees for Licenses as of June 2009**

<table>
<thead>
<tr>
<th></th>
<th>License Fee</th>
<th>Application or Examination Fee</th>
<th>Renewal Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master Plumber/Gas Fitter</td>
<td>$70</td>
<td>$65</td>
<td>$70</td>
</tr>
<tr>
<td>Journey Plumber/Gas Fitter</td>
<td>$35</td>
<td>$65</td>
<td>$35</td>
</tr>
<tr>
<td>Apprentice Plumber/Gas Fitter</td>
<td>$15</td>
<td>$0</td>
<td>$15</td>
</tr>
<tr>
<td>Master Natural Gas Fitter</td>
<td>$70</td>
<td>$65 Examination Fee $50 Application Fee</td>
<td>$35</td>
</tr>
<tr>
<td>Journey Natural Gas Fitter</td>
<td>$35</td>
<td>$65 Examination Fee $25 Application Fee</td>
<td>$35</td>
</tr>
<tr>
<td>Apprentice Natural Gas Fitter</td>
<td>$15</td>
<td>$0</td>
<td>$25</td>
</tr>
<tr>
<td>Propane Gas Fitter Certificate</td>
<td>$35</td>
<td>$25 Application Fee</td>
<td>$35</td>
</tr>
</tbody>
</table>

Source: State Board of Plumbing

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**Legislative Changes Since the Last Review**

Since the 2000 evaluation, legislation has been enacted strengthening the board’s authority to penalize unauthorized practice or licensee misconduct. These changes were made to address the prevalence of plumbing businesses that are not owned by licensed plumbers. Although plumbing businesses must employ a master plumber to obtain local permits for plumbing jobs, the individuals who provide plumbing services in the targeted businesses are not employed by the master plumber. Under the prior statute, the board could not take disciplinary action against a master plumber who failed to train or control individuals who provided plumbing services when the master plumber was not their employer. **Exhibit 3** summarizes legislative changes affecting the board since the 2000 evaluation.
### Exhibit 3

**Major Legislative Changes Since the 2000 Sunset Review**

<table>
<thead>
<tr>
<th>Year</th>
<th>Chapter</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>73</td>
<td>Extends the termination date for the State Board of Plumbing to July 1, 2013.</td>
</tr>
<tr>
<td></td>
<td>187</td>
<td>Authorizes the board to impose civil penalty fines on licensees who violate the licensing law and raises the maximum civil fine for unlicensed plumbers from $1,000 to $5,000.</td>
</tr>
<tr>
<td></td>
<td>325</td>
<td>Requires an applicant for a journeyman natural gas fitter license to complete an approved training course relating to natural gas services and pass a board examination.</td>
</tr>
<tr>
<td>2004</td>
<td>495</td>
<td>Authorizes the board to deny a license to any applicant, reprimand any licensee, or suspend or revoke the license of an individual who: (1) violates any provision of the Maryland Plumbing Act; (2) violates any regulation adopted by the board; or (3) fails to train or adequately control any person who, while under the direction of a master plumber, provides plumbing services.</td>
</tr>
<tr>
<td>2007</td>
<td>422</td>
<td>Authorizes the Washington Suburban Sanitary Commission to issue a plumber/gas fitter license without examination to an individual holding a valid plumber/gas fitter license from the State Board of Plumbing, regardless of whether the licensee resides within the commission’s jurisdiction.</td>
</tr>
<tr>
<td>2009</td>
<td>731</td>
<td>Exempts individuals licensed as master plumbers, journey plumbers, or gas fitters in specified jurisdictions outside the State from the board’s licensing examinations, if those individuals relocate to the State because of a family member’s reassignment due to the Base Realignment and Closure (BRAC) process. The request for a waiver must be made before July 1, 2012.</td>
</tr>
</tbody>
</table>

Source: Laws of Maryland
Complaints Stable in Recent Years, but Higher Than Previous Decade

Exhibit 4 shows the volume of consumer complaints received from fiscal 2001 to 2009. The average number of complaints received annually during this period was 109. The number of complaints received by the board between 2001 and 2009 is significantly higher than the annual number received during the 1990s. According to DLLR, the increase in complaint volume resulted from (1) the increase in the number of licensees; (2) a significant rise in the amount of plumbing work conducted, particularly expensive home remodeling projects, during this decade; (3) an increase in the average cost of plumbing services, which results in a greater likelihood of consumer complaints; and (4) greater public awareness of the board and its complaint resolution practices.

The board did not provide a complete breakdown of complaints by type, but the board advises that complaints generally relate to poor workmanship, unlicensed work or advertising services without a license, abandonment of a contract, or dispute about costs of services.
Complaint Resolution Process

When the board receives a complaint, it first determines if the board has jurisdiction. The administrative aide sends out acknowledgement letters to the complainant and respondent. If possible, the executive director attempts to work out a mutually agreeable resolution to the complaint prior to a board meeting. However, because the acting executive director also works with several other boards and commissions, he has not been available to resolve as many complaints prior to board meetings as is the norm.

If a complaint is not resolved, the executive director presents the complaint to the board’s complaint committee and provides the committee with an opinion on how to proceed. The committee consists of three members of the full board and meets before the full board meeting each month. DLLR advises that at least three times during the last year the committee has met twice monthly to expedite the resolution of complaints. The committee may recommend that the board pursue further action or close a complaint based on actions already taken. If the board accepts a close-out recommendation, the administrative aide sends a letter to the complainant with a copy to the respondent.

If further action is required, the board either advises the executive director on a course of action or refers the case to counsel for a precharge review. Counsel prepares a charge letter and presents it at the next meeting. The case is then referred to the Office of Administrative Hearings (OAH). Upon completion of a hearing, the proposed decision from the hearing officer is presented to the entire board for concurrence or amendment. The board has a low number of complaints that are referred to OAH; it is expected that fewer than 15 complaints will result in an OAH hearing in fiscal 2010. The board did not provide complaint resolution data for prior years.

The board has the authority to fine individuals for malpractice, such as practicing without a license, failure to obtain the proper permit for a plumbing project, or failure to carry the proper insurance. One board member notes that in some cases the fines are low enough that disreputable persons may consider the fine an acceptable “cost of doing business.” This may result in an increased number of complaints received by the board; some violators may be repeat offenders.

Board Applying Technological Advances

Since the last review in 2000, the board has taken steps to improve its online services. The board’s web page offers a variety of services to licensees, prospective licensees, consumers, or other interested parties. Information is available about the application process, requirements for licensure, fees, and laws and regulations. Consumers can search for active licensees by personal or trade name, city, or zip code; access the board’s complaint form; or review meeting minutes online. Plumbers can access a variety of forms and renew their licenses online. In
addition, the board uses its web site to provide access to news stories about issues related to its work and links to other organizations of interest to consumers or practitioners.

In the coming years, the board hopes to further improve its online services in several ways. Most important, the board wants to allow consumers to file complaints online. Although the complaint form is currently available on the web site, complainants must print it, complete it by hand, and mail it to the board. Online complaint filing would cut down on some of the bureaucratic delay associated with the complaint resolution process. The board also aims to provide complainants with the ability to check the status of their complaint online.

The board’s database software, which is 20 years old, will be upgraded in the next 12 to 24 months. Once this upgrade is complete the board expects to be able to provide more online services, including those mentioned above.

### Board’s Revenues Cover the Cost of Regulation

The board’s expenditures are divided into four types: direct costs, indirect division costs, indirect departmental costs, and legal costs. Direct costs are largely staff salaries or contractual expenses. Indirect division costs include the cost of services provided to the board by the Division of Occupational and Professional Licensing within DLLR. These costs include the board’s telephone expenses, the use of the central licensing services, and the salaries of certain division staff, including the commissioner and deputy commissioner. Indirect departmental costs include expenses related to the board incurred by the Office of the Secretary, and the department’s budget, personnel, and general services offices; these costs were first calculated for the general fund boards for fiscal 2005. Indirect division and departmental costs are allocated to each board or commission by a formula based on the agency’s usage of these services. Last, legal expenditures reflect the amount of time the department’s Assistant Attorneys General worked on issues related to the board. The board incurs litigation costs and expenses related to the need for legal counsel.

DLLR advises that legal expenditures are a new field for all general fund boards in fiscal 2009. In past years, legal expenditures were calculated for special fund boards in order to accurately account for their costs (as they must be self sufficient). Legal expenditures are derived from the budget of the legal services division within DLLR’s Office of the Secretary. The legal costs were included in fiscal 2009 to more accurately depict each board or commission’s costs and make the expenditure reports consistent with the special fund boards. **Exhibit 5** displays the board’s revenues and expenditures from fiscal 2004 to 2009.

The board’s direct costs declined significantly in fiscal 2009 due in large part to the effects of cost containment, reorganization within the division, and the vacancy of the board’s executive director position. DLLR advises that funding for the vacant executive director position was eliminated during recent cost containment measures. The 2009 decrease was preceded by less significant declines in direct costs in previous years; these resulted from the resignation of
the board’s former administrative aide and the subsequent abolition of that vacant position. The division restructuring resulted in the board continuing to have a full-time administrative aide; however, while funding for the former aide was allocated to the plumbing board, funding for this staff member is split among several boards (including the Board of Plumbing). The marked decrease in indirect departmental costs is also related to the reduction in staff. According to DLLR, these costs are linked to the level of funding the board receives for salaries. Thus, a significant drop in departmental indirect costs occurred when the positions were no longer active.

<table>
<thead>
<tr>
<th>Exhibit 5</th>
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<tbody>
<tr>
<td>Fiscal History of the State Board of Plumbing</td>
</tr>
<tr>
<td>Fiscal 2004-2009</td>
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<thead>
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</tr>
</thead>
<tbody>
<tr>
<td>Total Revenues</td>
<td>$237,805</td>
<td>$242,245</td>
<td>$227,864</td>
<td>$246,158</td>
<td>$244,866</td>
<td>$243,900</td>
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<tr>
<td>Direct Costs</td>
<td>135,335</td>
<td>162,107</td>
<td>91,292</td>
<td>73,027</td>
<td>93,218</td>
<td>36,386</td>
</tr>
<tr>
<td>Legal Expenditures</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>47,085</td>
</tr>
<tr>
<td>O&amp;P Cost Allocation</td>
<td>44,106</td>
<td>69,607</td>
<td>52,312</td>
<td>70,578</td>
<td>59,938</td>
<td>52,540</td>
</tr>
<tr>
<td>DLLR Indirect Costs</td>
<td>0</td>
<td>21,954</td>
<td>19,415</td>
<td>10,966</td>
<td>11,659</td>
<td>1,990</td>
</tr>
<tr>
<td><strong>Total Costs</strong></td>
<td><strong>$179,441</strong></td>
<td><strong>$253,668</strong></td>
<td><strong>$163,019</strong></td>
<td><strong>$154,571</strong></td>
<td><strong>$164,815</strong></td>
<td><strong>$138,001</strong></td>
</tr>
<tr>
<td><strong>Surplus/(Gap)</strong></td>
<td><strong>$58,364</strong></td>
<td><strong>($11,423)</strong></td>
<td><strong>$64,845</strong></td>
<td><strong>$91,587</strong></td>
<td><strong>$80,051</strong></td>
<td><strong>$105,899</strong></td>
</tr>
</tbody>
</table>

O&P: Occupational and Professional Licensing.

Source: Department of Labor, Licensing, and Regulation

Because license renewals are staggered, board revenues are relatively constant. From fiscal 2004 to 2009, the board averaged $240,673 in annual revenue. The revenue for these years is about 14% higher than it was between fiscal 1996 and 2001, when the board averaged $210,605 annually. (The board assessed higher fees for several years during that period.) The increase in revenue received by the board is due to the rise in the number of licenses issued. The board has operated with a surplus in five of the last six years. In fiscal 2004 and 2006, the surplus was approximately $60,000. However, due to cuts in staff and cost containment, surpluses for fiscal 2007, 2008, and 2009 ranged between $80,000 and $106,000.

**Operational Impact of Staff Losses**

Due to the responsibility of overseeing other boards and the Maryland Home Improvement Commission, the acting director is not able to fully address the board’s day-to-day
operations and respond as quickly or effectively as necessary to resolve consumer complaints. Board members have taken on more responsibility in complaint resolution, in addition to the significant amount of time they dedicate to regulatory issues, code updates, reviewing examination questions, and various other tasks. The executive director is responsible for working with local jurisdictions regarding permitting, inspections, and other issues.

DLLR advises that it believes a permanent executive director is essential for the board to adequately regulate the plumbing industry and protect consumers in the State. However, because it does not have the funding necessary to fill the vacant position, it plans to restructure the division to dedicate greater staff attention to the board’s day-to-day operations, specifically regarding the efficient resolution of complaints.

**Recommendations**

The State Board of Plumbing and all associated regulations and provisions will terminate as of July 1, 2013, unless reauthorized. The board provides important services in numerous areas, particularly by protecting the citizens of Maryland from health hazards resulting from poorly installed or maintained plumbing fixtures and backflow devices. The board also reviews new codes and new technologies to ensure best practices in the industry and responds to complaints lodged by consumers. **Therefore, the Department of Legislative Services recommends that the board be continued without undergoing further evaluation and that legislation be passed extending the board’s termination date by 10 years to July 1, 2023.**

However, this evaluation has identified several issues related to board operations that merit follow up. The Department of Legislative Services, therefore, recommends that DLLR submit a follow-up report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee by October 1, 2011, which reports on:

- the status of efforts to restructure the division to better serve the board’s day-to-day operations, particularly related to its complaint backlog and other responsibilities;

- the board’s disposition of consumer complaints going back at least to 2006, including its effectiveness in resolving complaints in a timely manner;

- the imposition of fines on licensees or individuals who engage in malpractice, in particular the frequency and average amount of such fines and whether or not industry regulation and consumer protection would benefit from increasing fine amounts;
• the size of the board’s fiscal 2010 surplus or funding gap following the restructuring of the division, and any changes to the board’s staffing or fees necessary to address its fiscal status; and

• whether the board has been successful in filling the vacant consumer member seat.
Appendix 1. Members of the State Board of Plumbing

Industry Representatives

Charles J. Morgan, Jr., Chair, Baltimore City
Keith R. Horton, Vice Chair, Baltimore City
Jon Garner, Garrett County
Michael J. Kastner, Jr., Howard County
Charles Lenderking, Worcester County
Joseph A. Radtka, Anne Arundel County
Russell A. Wiebking, Howard County

Consumer Members¹

Nicole J.C. Daniels

¹ There are two seats on the board for consumer members; one is currently vacant.
Appendix 2. Written Comments of the State Board of Plumbing
December 1, 2009

Mr. Michael C. Rubenstein
Department of Legislative Services
90 State Circle
Annapolis, MD 21401

Dear Mr. Rubenstein:

On behalf of the Department of Labor, Licensing and Regulation and the Board of Plumbing, I wish to thank you for your letter and the draft copy of the Preliminary Evaluation of the State Board of Plumbing. I appreciate the support of the Department of Legislative Services and the professional manner in which Michael Vorgetts worked with DLLR staff to complete this report.

We agree with the report’s recommendations and will be pleased to submit a follow-up report to the Senate Education, Health, and Environmental Affairs Committee by October 1, 2011. In addition to responding to the issues raised in this report, I expect the Board’s follow-up report to include a discussion about the impact of emerging green technologies and conservation efforts on the industry and the Board. For example, we expect to see an increase in the use of solar panels as well as water systems designed to recycle grey water; these and other issues will require regulatory standards.

I do have several suggestions for the report. On pages 3 and 11, the report indicates that the board’s current administrative aide splits her time with another State board. This board does have a fulltime administrative aide, which the DLLR leadership believes is essential due to the large number of licensees and complaints. In addition, the Board receives considerable support from the Central Licensing Unit of the Division of Occupational and Professional Licensing, which is not noted in the report. Also on pages 3 and 11, the report indicates that the DLLR is in the process of hiring a permanent executive director. Although the Department’s leadership continues to believe that the executive director is essential, due to current fiscal constraints, the Department is no longer seeking to fill the position at this time. Finally, on page 9, it may be noted that the complaint committee has met twice per month, instead of monthly, three times during 2009, in order to resolve more cases in a timely manner.

Thank you for your support. If you have any questions, please contact me at 410-230-6169.

Sincerely,

Steven Smits
Maryland State Board of Master Electricians

cc: Alexander M. Sanchez, Secretary
Stanley J. Botts, Commissioner
Harry Loleas, Deputy Commissioner
Charles J. Morgan, Jr., Chair, Board of Plumbing