

Report on the

# Alabama Plumbers and Gas Fitters Examining Board

Homewood, Alabama



## Department of Examiners of Public Accounts

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*Rachel Laurie Riddle, Chief Examiner*





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*Chief Examiner*

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Department of  
**Examiners of Public Accounts**

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October 2, 2019

Senator Clyde Chambliss  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

Dear Senator Chambliss,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Plumbers and Gas Fitters Examining Board in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Plumbers and Gas Fitters Examining Board, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Laurie Riddle".

Rachel Laurie Riddle  
Chief Examiner

**Examiner**  
Gerald Dedon



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# **PROFILE**

## **Purpose/Authority**

The Plumbers Examining Board was created by Act No. 529, Acts of Alabama 1949, and was renamed the Plumbers and Gas Fitters Examining Board by Act No. 812, Acts of Alabama 1987. The Board licenses and regulates plumbers, gas fitters, and medical gas piping fitters. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-37-1 through 34-37-18.

There were no legislative acts passed since the last sunset review of this agency.

<b><u>Characteristics</u></b>	
<b>Members and Selection</b>	Seven members appointed by the Governor and confirmed by the Senate. Six members currently serving  <i>Code of Alabama 1975</i> , Section 34-37-3
<b>Term</b>	The Governor designates the length of term for each member not to exceed four years. Members serve until their successors are appointed and qualified.  <i>Code of Alabama 1975</i> , Section 34-37-3
<b>Qualifications</b>	The Board is composed as follows: <ul style="list-style-type: none"><li>• One master plumber</li><li>• One journeyman plumber</li><li>• One registered professional engineer</li><li>• One municipal or county building official</li><li>• One master gas fitter</li><li>• One journeyman gas fitter</li><li>• One member from the public at large</li></ul> Each member of the Board must be a resident of the State.  <i>Code of Alabama 1975</i> , Section 34-37-3
<b>Consumer Representation</b>	One public member One public member serving  <i>Code of Alabama 1975</i> , Section 34-37-3

<b>Racial Representation</b>	No specific statutory requirement One minority member serving
<b>Geographical Representation</b>	No specific statutory requirement
<b>Other Representation</b>	The membership of the Board should be inclusive and should reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.  <i>Code of Alabama 1975, Section 34-37-3</i>
<b>Compensation</b>	Board members shall receive \$200 per day for each day spent in active service for the board. Each board member shall be reimbursed for any necessary expenses incurred in performing duties for the board not to exceed the per diem amount of state travel expenses allowed by law.  <i>Code of Alabama 1975, Section 34-37-4</i>
<b>Attended Board Member Training</b>	Five Board members Four staff members Executive Director
<b><u>Operations</u></b>	
<b>Administrator</b>	James Morgan, Executive Director Unclassified employee appointed by the board Current annual salary - \$80,668.80
<b>Location</b>	216 Aquarius Dr., Suite 319 Homewood, AL 35209 Monday - Friday 7:30 am - 4:30 pm
<b>Employees</b>	17 Employees
<b>Legal Counsel</b>	Kelly Butler, Deputy Attorney General, an employee of the Board provides legal counsel.
<b>Subpoena Power</b>	The Board has the power to administer oaths, issue subpoenas, and compel the attendance of witnesses.  <i>Code of Alabama 1975, Section 34-37-12</i>

<b>Internet Presence</b>	<a href="http://www.pgfb.state.al.us">www.pgfb.state.al.us</a> <ul style="list-style-type: none"> <li>• Home</li> <li>• Board Members</li> <li>• State Laws</li> <li>• Rules</li> <li>• Online Renewal</li> <li>• Forms</li> <li>• Business, Plumber or Gas Fitter Lookup</li> <li>• Medical Gas</li> <li>• Board Minutes</li> <li>• Board Meetings</li> <li>• Requirements &amp; Fees</li> </ul>
<b><u>Financial</u></b>	
<b>Source of Funds</b>	Licensing fees and penalties
<b>State Treasury</b>	Yes, Special Revenue Fund 0358  <i>Code of Alabama 1975</i> , Section 34-37-5
<b>Required Distributions</b>	None
<b>Unused Funds</b>	All money remaining at the end of the fiscal year which exceeds 25 percent of the board's budget for the previous year shall be transferred to the 501(c)(3) nonprofit Alabama Home Builders Foundation to be used exclusively for classroom training tools at educational facilities that provide plumbing and gas fitting curriculums to include any program approved or accredited by the State of Alabama, the United States federal government, or the board. If at any time the Alabama Home Builders Foundation should lose its nonprofit status, those funds shall be transferred to the State General Fund.  <i>Code of Alabama 1975</i> , Section 34-37-5



<b><u>Licensee Information</u></b>																			
<b>Licensees</b>	<p>As of April 15, 2019</p> <table border="1" data-bbox="721 348 1308 690"> <tr><td>Master Plumber</td><td>1,812</td></tr> <tr><td>Master Plumber Gas Fitter</td><td>2,149</td></tr> <tr><td>Master Gas Fitter</td><td>835</td></tr> <tr><td>Medical Gas</td><td>144</td></tr> <tr><td>Journeyman Plumber</td><td>1,599</td></tr> <tr><td>Journeyman Plumber Gas Fitter</td><td>826</td></tr> <tr><td>Journeyman Gas Fitter</td><td>1,217</td></tr> <tr><td>Apprentice Plumber Gas Fitter</td><td>318</td></tr> <tr><td><b>Total</b></td><td><b>8,900</b></td></tr> </table> <p><i>Source:</i> Executive Director</p>	Master Plumber	1,812	Master Plumber Gas Fitter	2,149	Master Gas Fitter	835	Medical Gas	144	Journeyman Plumber	1,599	Journeyman Plumber Gas Fitter	826	Journeyman Gas Fitter	1,217	Apprentice Plumber Gas Fitter	318	<b>Total</b>	<b>8,900</b>
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<b>Total</b>	<b>8,900</b>																		
<b>Qualifications</b>	<p><b>Journeyman Plumber or Gas Fitters</b></p> <ul style="list-style-type: none"> <li>• Two years of current work experience as an apprentice plumber or gas fitter or has completed an apprentice training program</li> <li>• Pass an Examination</li> </ul> <p><b>Master Plumber or Gas Fitters</b></p> <ul style="list-style-type: none"> <li>• One year of current work experience as a journeyman plumber or journeyman gas fitter</li> <li>• Pass an Examination</li> </ul> <p><b>Medical Gas</b></p> <ul style="list-style-type: none"> <li>• Provide proof of successful completion of a current medical gas piping certification program approved by the Board.</li> </ul> <p><i>Code of Alabama 1975, Section 34-37-6</i></p>																		

**Examinations**

Exams are administered and graded by PSI Services LLC. Fees for the exam are paid directly to the board. Applicants then contact PSI to schedule an examination. Testing sites include Vestavia Hills, Huntsville, Mobile, and Montgomery.

<b>Journeyman Gas Fitter</b>			
<b>Year</b>	<b># Taken</b>	<b># Passed</b>	<b>% Passed</b>
2015	240	72	30%
2016	302	192	64%
2017	137	94	69%
2018	150	110	73%

<b>Journeyman Plumber</b>			
<b>Year</b>	<b># Taken</b>	<b># Passed</b>	<b>% Passed</b>
2015	464	188	41%
2016	544	216	40%
2017	232	111	48%
2018	229	124	54%

<b>Master Gas Fitter</b>			
<b>Year</b>	<b># Taken</b>	<b># Passed</b>	<b>% Passed</b>
2015	98	72	73%
2016	80	66	83%
2017	37	28	76%
2018	58	51	88%

<b>Master Plumber</b>			
<b>Year</b>	<b># Taken</b>	<b># Passed</b>	<b>% Passed</b>
2015	150	94	63%
2016	128	78	61%
2017	75	36	48%
2018	76	40	53%

*Source:* Staff

**Reciprocity**

The board may establish reciprocal agreements with any other state licensing or certifying board which recognizes, as a minimum, the standards prescribed by the board, and may allow certified plumbers and gas fitters to receive a certificate in this state without taking examinations if the plumber or gas fitter is currently licensed in the reciprocating state and upon the payment of the prescribed fees.

The board does not have any state specific agreements.

*Code of Alabama 1975*, Section 34-37-11

<b>Renewals</b>	Licenses expire annually on December 31 <sup>st</sup> .  80% renewals performed online  <i>Code of Alabama 1975</i> , Section 34-37-9
<b>Licensee Demographics</b>	Data not collected by the Board.
<b>Continuing Education</b>	No statutory requirement

## **SIGNIFICANT ISSUES**

**Significant Issue 2019-01 – Based upon an applicant’s work experience, the Board voted to waive the two years of current work experience as an apprentice for applicants applying for the journeyman plumber or gas fitter examination.** During the review period, the Board waived the work requirement for fifteen applicants applying to take the examination. The Board cannot waive a requirement for licensure that is required by law.

According to the *Code of Alabama 1975*, Section 36-27-6(e)(1), “An applicant for examination for a journeyman plumber or gas fitter certificate shall submit proof that the applicant has two years of current work experience as an apprentice plumber or gas fitter or has completed an apprentice training program approved by the Board.

**Board’s Response** – The Board no longer issues waiver’s for licensing requirements. The last waiver was approved August 9, 2018.

**Significant Issue 2019-02 - The Board’s Administrative Rule 720-X-10-.01 conflicts with the Code of Alabama 1975, Sections 34-37-6(e)(3) and 34-37-6(f)(3) regarding the requirements for paying licensure fees in the first year.** The *Administrative Rule 720-X-10-.01* states, “(1) The Board shall be allowed to waive the first year fee for issuing a certificate for Journeymen and Master Plumbers and Gas Fitters who pay the examination fee and pass the examination for the respective classification. (2) The Board shall be allowed to prorate the first year fee for issuing a certification or registration after July 1 of the calendar year in which the certification or registration is issued for Apprentice, Journeyman, and Master Plumbers and Gas Fitters who register with the Board or pay the examination fee and pass the examination for the respective classification.”

The *Code of Alabama 1975*, Section 34-37-6(e)(3) states, “If the applicant (journeyman plumber or gas fitter) is found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction or gas fitting work, and sufficient experience and ability in plumbing installation and construction or gas fitting work to

safely and competently apply that knowledge and practice, *the Board shall issue a certificate, upon the applicant first paying all prescribed fees.*”

The *Code of Alabama 1975*, Section 34-37-6(f)(3) states, “An applicant (plumber or gas fitter) for a master certificate shall be examined upon knowledge, training, and ability, in the planning, laying out, and supervision of plumbing installation and construction work or gas fitting work, and if found to possess those qualifications, *the applicant shall be issued a master plumber or gas fitter certificate by the board upon the applicant first paying all prescribed fees.*” (Emphasis added)

**Board’s Response** – The Board has not issued a waiver under Rule 720-X-10-.01(1) since 2008 and will be offering an amended rule removing that section.

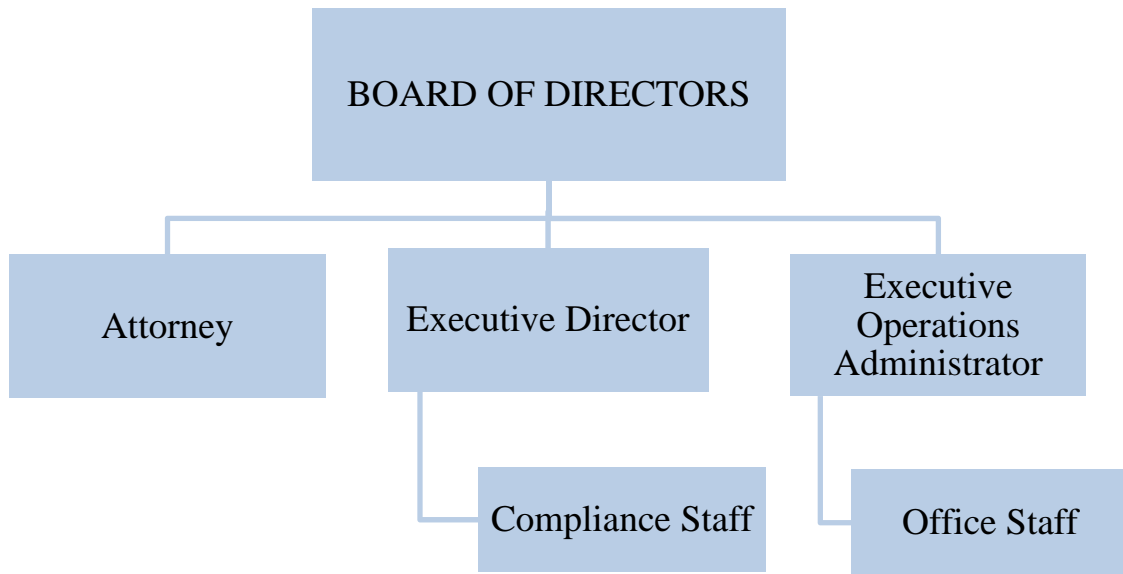
**Significant Issue 2019-03 – The Board is charging licensees graduated late penalty fees that are not authorized by statute.** Certificates and registrations expire annually on December 31. The Board adopted an administrative rule to charge licensees a late penalty equal to 50% of the renewal fee if the certificates or registrations are renewed after December 31 but prior to February 1. Late renewals received after February 1 is subject to a late renewal penalty equal to the renewal rate for the respective registration or certificate. According to the *Code of Alabama 1975*, Section 34-37-9, “Certificates or registrations renewed after December 31 shall include the late renewal *penalty* established by the board.” The Board is authorized to charge a late renewal penalty, not multiple penalties.

**Board’s Response** – Each level of license issued by the Board carries a different fee amount. Apprentice = \$25; Journeyman = \$50; and Master = \$150. As far back as 1992, the late penalty was based not on a flat dollar amount, but specifically on the renewal rate for the respective license type. Therefore, due to the graduated nature of our licensing fees, this singular penalty inherently has found expression by more than one dollar amount. In 2018, in an effort to encourage regulatory compliance, the Board followed this graduated fee concept and adopted Rule 720-X-9-.01 to implement a lowered penalty calculation (i.e. 50% of the renewal rate for each respective certificate or registration) for those delinquent licensees who choose to renew sooner rather than later after the December 31 deadline has passed. On February 1, the penalty calculation then graduates to the full renewal rate of the delinquent licensee’s particular certificate or registration level. There are no multiple assessments which accrue to a licensee’s account, the penalty amount is determined solely by the date of renewal. *Most importantly, at no time is any delinquent licensee assessed more than one penalty for late renewal of his or her certificate in any one year.*

## **STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES**

All prior findings/significant issues have been resolved.

## ORGANIZATION



## PERSONNEL

Schedule of Employees By Merit System Classification/Sex/Race							
Unclassified	#	W/M	B/M	B/F	W/F	Salary or Salary Range	Vehicle Assigned*
Executive Director	1	1				\$80,668.80	1
Executive Assistant	1				1	\$49,190.40	
Attorney-Part time	1				1	\$45,749.28	1
<b>Exempt</b>							
Executive Operations Administrator	1			1		\$74,868.00	1
<b>Classified</b>							
Staff Accountant	1		1			\$48,014.40	
Admin. Assistant II	1			1		\$31,646.40	
Account Clerk	1			1		\$33,256.80	
Clerk	1	1				\$24,122.40	
Compliance Officers	9	8			1	\$27,493.20 - \$58,387.20	9
<b>Total</b>	<b>17</b>	<b>10</b>	<b>1</b>	<b>3</b>	<b>3</b>		<b>12</b>

W/M = White Male, B/M = Black Male, B/F = Black Female, W/F = White Female

\*In addition to the vehicles assigned, the Board also has two vehicles for general office use.

## Legal Counsel

Kelly Butler, Board employee, provides legal counsel to the board.

## PERFORMANCE CHARACTERISTICS

### Number of Licensees per Employee as of April 15, 2019 - 524

### Number of Persons per Licensee in Alabama and Surrounding States

	Population (estimate)*	Number of Licensees	Persons Per Licensee
<b>Alabama</b>	<b>4,888,949</b>	<b>8,900</b>	<b>549</b>
Florida	21,312,211	5,861*	3,636
Georgia	10,545,138	5,344*	1,973
Mississippi	2,982,785	230**	12,969
Tennessee	6,782,564	1,618*	4,192
* <i>Source:</i> U.S. Census, July 1, 2018 Population Estimates			

\*Plumbers only

\*\*Commercial Plumbing Companies only

### Operating Disbursements per Licensee (FY2018) - \$214.29

### Fines/Penalties as a Percentage of Operating Receipts

	FY 2018	FY 2017	FY 2016	FY 2015
Total Receipts less Fines	\$1,567,329.33	\$1,555,551.93	\$ 1,562,238.00	\$1,565,516.40
Total Fines	119,304.00	114,619.00	117,910.00	140,225.00
<b>Percentage</b>	<b>7.61%</b>	<b>7.37%</b>	<b>7.55%</b>	<b>8.96%</b>

### Notification of Board decisions to Amend Administrative Rules

The Board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes. Notice is also posted on the Board's website.

### Inspections

The Board routinely inspects job sites to determine if persons actively engaged in the practice of plumbing and/or gas fitting are properly registered, certified, and supervised. If violations are observed the officers issue a Notice of Violation. The violation is submitted along with a standard report.

<b>Violation</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Not Currently Certified	86	52	29	14
Failure to Register Business	2	0	0	1
No Signage on Trucks <sup>1</sup>	N/A	3	6	5
Failure to Purchase Surety Bond <sup>2</sup>	12	N/A	N/A	N/A
Wrongful Use of Certificate/Failure to Notify	3	3	4	1
Failure to Update	10	1	0	2
Journeyman Plumber Working without Supervision	1	1	0	0
Journeyman Gas Fitter Working without Supervision	1	0	0	0
Apprentice Working without Supervision	45	63	16	33
Master Plumber allowing Uncertified Work	78	72	42	32
Master Gas Fitter allowing Uncertified Work	23	5	1	10
Failure to complete Annual Business Update <sup>3</sup>	N/A	N/A	0	7
Failure to obtain a Plumbing Permit	1	4	5	1
Failure to obtain Gas Permit	0	0	2	1

<sup>1</sup>Changes in Statutes requiring signage on trucks with Act 2015-496

<sup>2</sup>Law requiring bond was repealed with Act 2015-496

<sup>3</sup>New Administrative Rule 720-X-17-.01 effective March 2016

## **COMPLAINT HANDLING**

<b>Initial Contact/Documentation</b>	Complaints are accepted by mail, hand delivery, fax, or email. Complaints must be in writing, complaint forms are available on the Board's website. Complaints must be signed, but are not required to be notarized. Complainants are sent a letter acknowledging receipt of the complaint.
<b>Anonymous Complaints</b>	Not accepted
<b>Investigative Process / Probable Cause Determination</b>	Complaint initially reviewed by the executive director to determine jurisdiction. A letter is sent to the contractor notifying them of the complaint and giving 20 days to respond to the board and homeowner. After the 20 day period has ended, the complaint is assigned to the compliance officer in that area. The compliance officer will then perform an investigation and the contractor will be notified of any violations that need to be corrected. After this, the Investigative Committee, comprised of one Board member, the executive director and the attorney, will determine if any additional action should be required.
<b>Negotiated Settlements</b>	Yes

<b>Notification of Resolution to the Complainant</b>	Complainants are notified by mail
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*Source:* Board staff

<b>Schedule of Complaints Resolved Fiscal Years 2015 through 2018</b>					
<b>Year/Number Received</b>	<b>Year/Number Resolved</b>				
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019<sup>1</sup></b>
2015/15	11	4			
2016/7		5	2		
2017/6			4	2	
2018/11				7	4
<sup>1</sup> As of April 15, 2019					
<i>Source:</i> Board staff					

**Average Time to Resolve Complaints** – 109 business days

**Disposition of Resolved Complaints**

<b># of Complaints</b>	<b>Resolution</b>
16	No jurisdiction
9	No probable cause
6	Settlement agreement
4	Administrative fine
1	Complaint withdrawn
1	Sent to Attorney General
1	Licensee surrender
1	Revocation

**REGULATION IN CONJUNCTION WITH OTHER ENTITIES**

There is no specific regulation of the Board’s certificate holders by any other agency; however, any certified plumber or gas fitter who performs work as a general contractor or subcontractor as defined in the *Code of Alabama 1975*, Sections 34-8-1 through 34-8-28, must obtain a general contractor’s or subcontractor’s license from the Board of Licensure for General Contractors.

**FINANCIAL INFORMATION**

**Source of Funds** – Licensee fees, examination fees and penalties

**Fund** - The Board operates from a Special Revenue Fund in the State Treasury.



**Required Transfers** - All money remaining at the end of the fiscal year which exceeds 25 percent of the board's budget for the previous year shall be transferred to the 501(c)(3) nonprofit Alabama Home Builders Foundation to be used exclusively for classroom training tools at educational facilities that provide plumbing and gas fitting curriculums to include any program approved or accredited by the State of Alabama, the United States federal government, or the board. If at any time the Alabama Home Builders Foundation should lose its nonprofit status, those funds shall be transferred to the State General Fund (*Code of Alabama 1975*, Section 34-37-5).

**Schedule of Fees**

<b>FEE TYPE/PURPOSE</b>	<b>STATUTORY AUTHORITY</b>	<b>AMOUNT AUTHORIZED</b>	<b>RULE</b>	<b>AMOUNT COLLECTED</b>
<b>Apprentice</b>				
Initial	34-37-9	Set by Board	720-X-4	\$25.00
Renewal	34-37-9	Set by Board	720-X-4	\$25.00
Late fee <sup>1</sup>	34-37-9	Set by Board	720-X-9	\$12.50*
Late fee <sup>2</sup>	34-37-9	Set by Board	720-X-9	\$25.00*
<b>Journeyman Plumber</b>				
Examination	34-37-9	Set by Board	720-X-4	\$110.00
Initial	34-37-9	Set by Board	720-X-4	\$50.00
Renewal	34-37-9	Set by Board	720-X-4	\$50.00
Late fee <sup>1</sup>	34-37-9	Set by Board	720-X-9	\$25.00*
Late fee <sup>2</sup>	34-37-9	Set by Board	720-X-9	\$50.00*
<b>Journeyman Gas Fitter</b>				
Examination	34-37-9	Set by Board	720-X-4	\$110.00
Initial	34-37-9	Set by Board	720-X-4	\$50.00
Renewal	34-37-9	Set by Board	720-X-4	\$50.00
Late fee <sup>1</sup>	34-37-9	Set by Board	720-X-9	\$25.00*
Late fee <sup>2</sup>	34-37-9	Set by Board	720-X-9	\$50.00*
<b>Master Plumber</b>				
Examination	34-37-9	Set by Board	720-X-4	\$160.00
Initial	34-37-9	Set by Board	720-X-4	\$150.00
Renewal	34-37-9	Set by Board	720-X-4	\$150.00
Late fee <sup>1</sup>	34-37-9	Set by Board	720-X-9	\$75.00*
Late fee <sup>2</sup>	34-37-9	Set by Board	720-X-9	\$150.00*
<b>Master Gas Fitter</b>				
Examination	34-37-9	Set by Board	720-X-4	\$160.00
Initial	34-37-9	Set by Board	720-X-4	\$150.00
Renewal	34-37-9	Set by Board	720-X-4	\$150.00
Late fee <sup>1</sup>	34-37-9	Set by Board	720-X-9	\$75.00*
Late fee <sup>2</sup>	34-37-9	Set by Board	720-X-9	\$150.00*
<b>Medical Gas Piping Fitter</b>				
Initial	34-37-9	Set by Board	720-X-4	\$25.00
Renewal	34-37-9	Set by Board	720-X-4	\$25.00
Late fee <sup>1</sup>	34-37-9	Set by Board	720-X-9	\$12.50*

Late fee <sup>2</sup>	34-37-9	Set by Board	720-X-9	\$25.00*
Reissuance Fee	34-37-9	Based on regular fee schedule	N/A	Depends on type
Inactive Status	34-37-14 (c)	Set by Board	N/A	N/A
Active Status	34-37-14 (c)	Set by Board	N/A	N/A
Worthless Check Fee	8-8-15 (b)	≤\$30.00	720-X-16	\$30.00
Administrative Fines	34-37-12	≤\$2,000	N/A	Up to \$2,000 per violation

\*Plus the renewal fee

<sup>1</sup>Renewals paid from January 1 through February 1

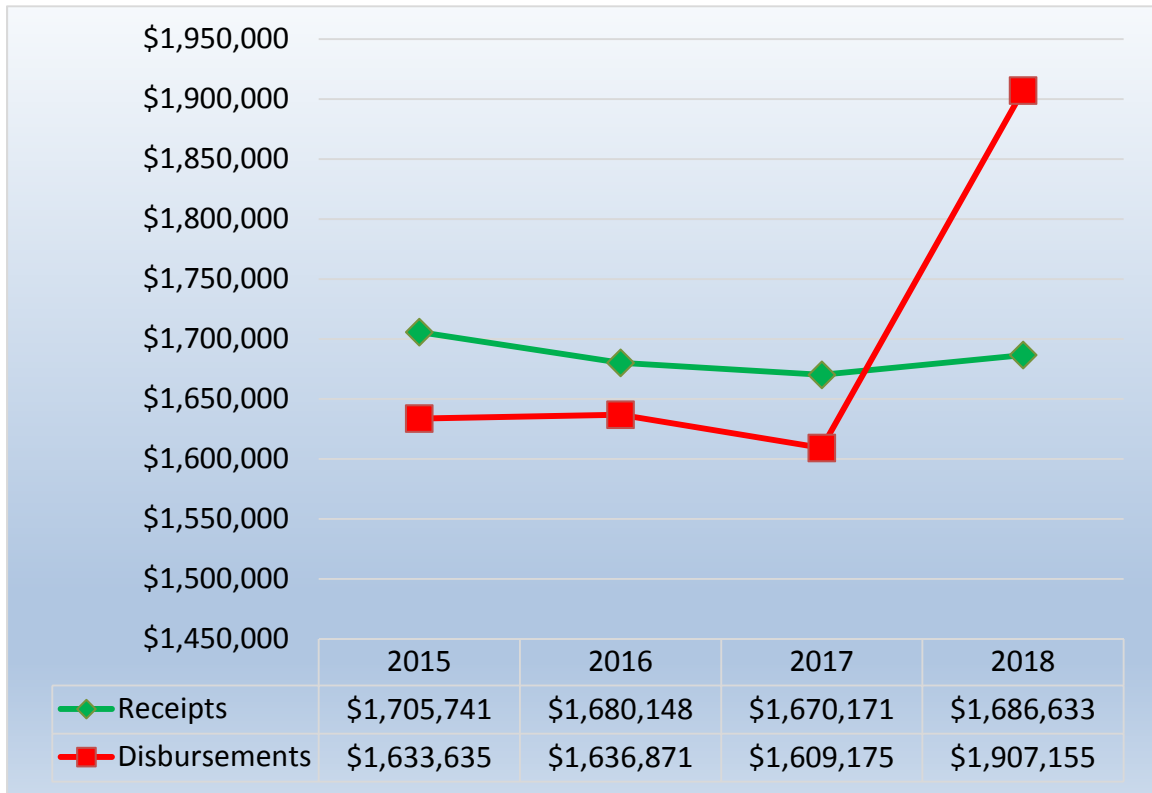
<sup>2</sup>Renewals paid after February 1

## Schedule of Receipts, Disbursements and Balances

October 1, 2014 through September 30, 2018

	<u>2017-2018</u>	<u>2016-2017</u>	<u>2015-2016</u>	<u>2014-2015</u>
<b><u>Receipts</u></b>				
Plumbers & Gas Fitters	\$ 1,460,136.00	\$ 1,451,242.00	\$ 1,473,008.00	\$ 1,476,656.00
Professional or Occupational Exam	101,015.00	86,845.00	86,780.00	87,890.00
Refunds Against Disbursements	519.69	16,924.93	-	280.40
Professional/Occupational Board Penalties	119,304.00	114,619.00	117,910.00	140,225.00
Bad Check Penalties	90.00	540.00	420.00	690.00
Salvaged Equipment	5,568.64	-	2,030.00	-
Total	<u>1,686,633.33</u>	<u>1,670,170.93</u>	<u>1,680,148.00</u>	<u>1,705,741.40</u>
<b><u>Disbursements</u></b>				
Personnel Costs	815,312.59	774,480.01	744,599.73	836,414.70
Employee Benefits	344,195.86	319,865.52	306,051.64	339,613.85
Travel, In-State	94,122.07	83,019.78	64,009.10	30,044.03
Travel, Out of State	25,358.52	13,404.41	19,179.52	13,996.02
Repairs & Maintenance	1,428.70	1,438.29	904.77	1,223.82
Rentals & Leases	69,221.38	61,471.68	66,166.59	59,144.84
Utilities & Communication	60,533.82	57,929.63	50,988.40	56,787.23
Professional Services	265,424.48	191,555.97	275,164.34	171,907.86
Supplies, Materials, & Operating Expenses	46,944.66	55,409.86	59,968.22	62,548.92
Transportation Equipment Operations	50,708.89	50,563.17	48,785.14	56,403.08
Transportation Equipment Purchases	104,589.45	-	-	-
Other Equipment Purchases	29,314.27	36.52	1,053.34	5,550.71
Total	<u>1,907,154.69</u>	<u>1,609,174.84</u>	<u>1,636,870.79</u>	<u>1,633,635.06</u>
Excess (Deficiency) of Receipts over Disbursements	(220,521.36)	60,996.09	43,277.21	72,106.34
Cash Balances at Beginning of Year	<u>541,155.19</u>	<u>480,159.10</u>	<u>436,881.89</u>	<u>364,775.55</u>
Cash Balances at End of Year	320,633.83	541,155.19	480,159.10	436,881.89
Reserved for Unpaid Obligations	<u>(130,102.74)</u>	<u>(119,493.98)</u>	<u>(104,183.20)</u>	<u>(52,119.18)</u>
Unreserved Cash Balance at End of Year	<u>\$ 190,531.09</u>	<u>\$ 421,661.21</u>	<u>\$ 375,975.90</u>	<u>\$ 384,762.71</u>

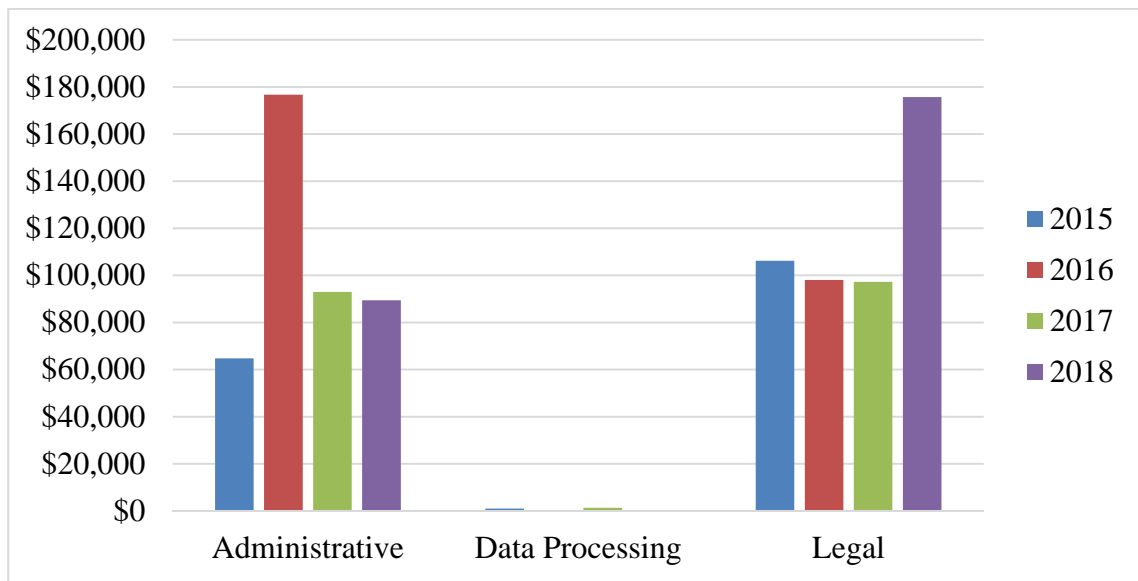
**Operating Receipts vs. Operating Disbursements (Chart)**



<b>SUMMARY SCHEDULE OF PROFESSIONAL SERVICE DISBURSEMENTS*</b>				
As of September 30 <sup>th</sup>				
<b>Type of Service</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
Data Processing	\$ 64,756.24	\$ 176,710.87	\$ 92,942.85	\$ 89,406.80
Legal	950.80	367.90	1,338.00	274.45
Administrative	106,200.82	98,085.57	97,275.12	175,743.23
<b>Total</b>	<b>\$ 171,907.86</b>	<b>\$ 275,164.34</b>	<b>\$ 191,555.97</b>	<b>\$ 265,424.48</b>

\*Detailed information presented in the appendix

**Professional Service Disbursement Chart**



## **QUESTIONNAIRES**

### **Board Member Questionnaire**

A letter was sent to all six members of the Plumbers and Gas Fitters Examining Board requesting participation in our survey. Five participated in the survey. The percentages, where shown, are based on the number who responded to the question.

#### **1. What are the most significant issues currently facing the Plumbers and Gas Fitters Examining Board and how is the Board addressing these issues?**

**Board Member #1** - “The Board currently has one vacancy that needs to be filled to complete the total allowed. In so doing, it is imperative that the new appointee will meet the diversity in representation of the people of this state. The current members have strived to maintain a diverse group in the makeup of this board. We are reaching out to enlist that individual.”

**Board Member #2** - “Plumbers not having journeymen on job with apprentices and undated cards. Fines.”

**Board Member #3** - “Reciprocity is currently one of our major concerns, we are working on emergency procedures, military and family issues as well as state to state recognition of licenses.”

**Board Member #4** - “The past several months/meetings we have been working thru the reciprocity vs. waiver process for allowing out of state plumbers/contractors to come into the state and do work in AL. Each state has differences in how this is handled and we are trying to streamline a solution that is workable for out of state people but also fair to our existing in-state contractors. A national standard for plumbing and gas fitting testing would be the best solution such that all licensed contractors have taken the same test and thus making the reciprocity between states much easier. That being said; I don’t feel like in my lifetime that will ever come to fruition. We have a vacancy on the Board that needs to be filled as soon as possible.”

**Board Member #5** - “Meeting the ever changing demands for qualified personnel, and helping in the establishing of training programs/classes to, ensure demands or met on a continuing basis.”

#### **2. What changes, if any, to the Board’s law are needed?**

**Board Member #1**- “The Board addressed several law changes in the last five years. It took almost two years for the needed changes to make it through the legislature. This Board along with the Executive Director and the staff monitors the needs for any

*Board Member Questionnaire*

changes. Also nation laws that could affect the state and this Board. In addition the Board is currently reviewing several rule changes that will have a positive effect on the functions in case of a declaration of state wide emergency by the Governor’s office.”

**Board Member #2** - “None.”

**Board Member #3** - “None that I am aware of.”

**Board Member #4** - “None at this time”

**Board Member #5** - “The Board’s laws are periodically reviewed by the Chief administrative officer and his staff. Recommendations are given to the board members for their input, review and approval or denial.”

**3. Is the Board adequately funded?**

**Yes                      5                      100%**

**Board Member #1** - “The leadership of the Executive Director and the Executive Operations Administrator do an excellent job in the day to day operation in maintain fiscal and financial responsibility.”

**4. Is the Board adequately staffed?**

**Yes                      5                      100%**

**5. Does the Board receive regular reports on the operations of the board from the chief administrative officer?**

**Yes                      5                      100%**

**Board Member #1** - “At this time, however, if a need is presented, this Board will definitely review and take appropriate steps as needed.”

*Board Member Questionnaire*

**6. Has the Board experienced any significant changes to its operations?**

Yes	2	40%
<b>Other</b>	<b>3</b>	<b>60%</b>

**Board Member #1** - “The Board office relocated from 400 Oxmoor Rd. to 216 Aquarius Drive, Suite 319, Homewood, AL. This new location provides more space, with a larger meeting room and own rest room facility for employees, and better accessibility and means of egress.”

**7. Does the Board plan any significant changes in its operations?**

Yes	1	20.00%
<b>Other</b>	<b>4</b>	<b>60.00%</b>

**Board Member #1** - “None at this time.”



Licensee Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Twenty-one participated in the survey. The percentages, where shown, are based on the number who responded to the question.

**1. Do you think regulation of your profession by the Plumbers and Gas Fitters Examining Board is necessary to protect the public welfare?**

Yes	20	95%
No	1	5%

**2. Do you think *any* of the Board’s laws, rules, and policies are an unnecessary restriction on the practice of your profession?**

Yes	5	24%
No	16	76%

**Respondent #2** - “I believe that some of the rules are unnecessary.”

**Respondent #14** - “All policies and rules must always be based on common sense.”

**Respondent #21** - “Reciprocation with other states.”

**3. Do you think *any* of the Board’s requirements are irrelevant to the competent practice of your profession?**

Yes	6	29%
No	15	71%

**Respondent #14** - “There are craftspeople in the industry that can do the work, but, may not be able to pass the exam.”

**4. Has the Board performed your licensing and renewal in a timely manner?**

Yes	19	90%
No	2	10%

**5. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board doing to address the issue(s)?**

**Respondent #1** - “No answer.”

**Respondent #2** - “Un-licensed plumbers.”

**Respondent #3** - “Enough qualified labor.”

**Respondent #4** - “I think unlicensed contractors and individuals doing work is a huge problem within the construction industry and the board does a great job enforcing licensure in Alabama.”

**Respondent #5** - "No answer."

**Respondent #6** - "No answer."

**Respondent #7** - "Too many working without being certified."

**Respondent #8** - "N/A"

**Respondent #9** - "I hear nothing about the Board or what they are doing."

**Respondent #10** - "Lack of candidates coming into the trades. I don't know what the board is doing."

**Respondent #11** - "Not properly being advised of admends to codes and the differences of acceptance of codes based on area of work."

**Respondent #12** - "No clue."

**Respondent #13** - "No answer."

**Respondent #14** - "Qualified people is the largest problem. Further regulations hinder qualified craftspeople from being able to receive the licenses."

**Respondent #15** - "Prosecuting non certifieds – no idea."

**Respondent #16** - "Greater effort needs to be made to recruit apprentices as current professionals retire to maintain public safety."

**Respondent #17** - "No answer."

**Respondent #18** - "Finding and prosecuting the guys with no license and permits."

**Respondent #19** - "Encouraging younger people to enter the profession by offering workshops and classes through Junior Colleges or other avenues."

**Respondent #20** - "Testing is too hard currently average age for master is approximately 60 years old."

**Respondent #21** - "Lack of labor. Not sure."

- 6. Has any member of the Board or its staff asked for money (other than normal fees), services, or any other think of value in return for performing a board service for you?**

No	21	100%
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**Complainant Questionnaire**

A letter was sent to nineteen complainants whose complaint had been resolved within the past two years requesting participation in our survey. Five participated in the survey. The percentages, where shown, are based on the number who responded to the question.

**1. How was your complaint filed with the Plumbers and Gas Fitters Examining Board?**

<b>Mail</b>	<b>3</b>	<b>60%</b>
Email/Online	2	40%

**Complainant #2** - "I inquired originally by email, as well as doing mail correspondence."

**2. Was receipt of your complaint acknowledged?**

<b>Yes</b>	<b>4</b>	<b>80%</b>
No	1	20%

**Complainant #2** - "Nothing was ever resolved or even taken seriously, and it took around 4 months before even an initial phone conversation took place."

**3. If you answer to Question 2 was "YES", was the person who responded to your complaint knowledgeable and courteous?**

Courteous	1	20%
<b>Both</b>	<b>3</b>	<b>60%</b>
Neither	1	20%

**Complainant #2** - "The person who worked for the attorney general's office that finally contacted me, was another attorney in that organization as well, and was nothing but rude and condescending as if I had caused the issue that happened to me personally."

**4. Did the Board communicate the results of the investigation into your complaint to you?**

<b>Yes</b>	<b>5</b>	<b>100%</b>
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**Complainant #1** - "Yes, however it was after several phone calls (I gave them sufficient time to investigate, I believe it was three months) when I was told they were done with their investigation and I would be contacted with the results."

*Complainant Questionnaire*

**5. Do you think the Board did everything it could to resolve your complaint?**

<b>Yes</b>	<b>2</b>	<b>40%</b>
<b>No</b>	<b>2</b>	<b>40%</b>
No Opinion	1	20%

**6. Were you satisfied with your dealings with the Board?**

<b>Yes</b>	<b>2</b>	<b>40%</b>
<b>No</b>	<b>2</b>	<b>40%</b>
No Opinion	1	20%

**Complainant #2** - “No. It was shocking to me that the company in question, [REDACTED], has pages full of complaints and lawsuits against them through [REDACTED], yet they still continued to operate and I was victimized by them. I never received 1 penny in compensation after being ripped off by them.”

## **APPENDICES**

### **Applicable Statutes**

#### **Section 34-37-1 Definitions.**

For purposes of this chapter, the following terms shall have meanings respectively ascribed to them herein unless the context clearly requires a different meaning:

(1) **APPRENTICE GAS FITTER OR PLUMBER.** A person other than a master or journeyman gas fitter or plumber, who is engaged in learning and assisting in the installation of gas pipe, equipment, apparatus, and appliances, and shall work directly under the supervision of a journeyman or master gas fitter or plumber, and who has successfully fulfilled the registration requirements of the board and has been duly registered by the board as such for the current year. The apprentice shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request.

(2) **BOARD.** The State of Alabama Plumbers and Gas Fitters Examining Board as renamed by this chapter. The board shall examine, certify, and regulate plumbers, gas fitters, and medical gas piping fitters on a statewide basis pursuant to this chapter.

(3) **CERTIFICATION.** The process of testing at the state level to determine the knowledge and skill of an individual with respect to plumbing and gas fitting, and the issuing of certificates to indicate that an individual has passed the examination.

(4) **GAS FITTING, GAS SYSTEMS, or GAS WORK.** The installation, repair of pipes, fixtures, fittings, appliances, or apparatus necessary for supplying natural gas for residential or commercial use from the point of delivery and all gas piping before connection to the combustion zone and including the applicable venting of flue gases to the outside atmosphere and the provisions for air for combustion and ventilation, including all gas fitting work further defined by any board rules and all codes currently adopted by the board. This chapter shall not be construed to prevent any contractor certified by the Alabama Board of Heating Air Conditioning, and Refrigeration Contractors from installing, replacing, or performing service or repair on natural gas fired air heating/cooling appliances, excluding piping to them provided the installing contractor has a valid certificate issued by the Alabama Board of Heating, Air Conditioning, and Refrigeration Contractors.

(5) **JOURNEYMAN GAS FITTER.** Every person who engages in or works at the actual installation, repair, or replacement of gas work, who has successfully fulfilled the examination requirements of the board, has been issued a journeyman gas fitter certificate by the board, and possesses a valid and current annual certificate issued by the board. The journeyman gas fitter shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request.

(6) **JOURNEYMAN PLUMBER.** Any person who engages in or works at the actual installation, repair, or replacement of plumbing systems, who has successfully fulfilled the examination requirements of the board, has been issued a journeyman plumber certificate by the board, and possesses a valid and current annual certificate issued by the board. The journeyman plumber shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request.

(7) **MASTER GAS FITTER.** Any person or legal entity that engages in or works at the actual installation, repair, or replacement of gas systems, that has successfully fulfilled the examination requirements of the board, that has been issued a master gas fitter certificate by the board, and that possesses a valid and current annual certificate issued by the board. The master gas fitter shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request. This person may at any time register with the board as principal for any business, firm, or corporation.

(8) **MASTER PLUMBER.** Any person or legal entity that engages in or works at the actual installation, repair, or replacement of plumbing systems, that has successfully fulfilled the examination requirements of the board, has been issued a master plumber certificate by the board, and that possesses a valid and current annual certificate issued by the board. The master plumber shall have in his or her possession a current annual certificate. The certificate shall be available for inspection on request. This person may at any time register with the board as principal for any business, firm, or corporation.

(9) **MEDICAL GAS PIPING FITTER.** A master plumber or master gas fitter who holds a current certificate for installation of medical gas piping. A journeyman plumber, journeyman gas fitter, apprentice plumber, or apprentice gas fitter who holds a current certificate for installation of medical gas piping shall be entitled to install medical gas piping under the direction of a master plumber or master gas fitter whose certificate entitles him or her to install medical gas piping. An apprentice plumber or apprentice gas fitter who holds a current certificate for medical gas piping shall at all times be under the direct supervision of either a master or journeyman who also holds a current certificate. The medical gas piping fitter shall have in his or her possession a current annual certificate issued by the board. The certificate shall be available for inspection on request.

(10) **MEDICAL GAS PIPING.** Piping used solely to transport gases used for medical purposes.

(11) **PLUMBING, PLUMBING SYSTEMS, or PLUMBING WORK.** All work associated with the installation, repair, or replacement of pipes, fixtures, or other apparatus necessary either for supplying water or for removing liquid or waterborne waste located on private property. The term is also used to denote installed fixtures, backflow prevention devices, drainage, vents, and water distribution systems located on private property, and all plumbing work further defined by board rules and all codes currently adopted by the board, with the exception of work allowed by this chapter.

(12) **PERSON or PERSONS.** Any individual, apprentice plumber, apprentice gas fitter, corporation, professional corporation, limited liability company, or other legal entity, or any combination thereof.

(13) **PRINCIPAL.** The individual responsible for the contracting, superintending, installation, maintenance, or repair of plumbing or gas fitting systems, or both, for any legal entity, who is actively and continuously connected with the conduct of the business, and is responsible to the board for those responsibilities. The individual shall qualify to be a certified master gas fitter or a certified master plumber, or both. In addition, a principal must meet these requirements.

a. At least one active employee of the legal entity shall be a duly registered and certified master gas fitter or plumber as defined in this section, actively and continuously connected with the conduct of the business and registered with the board as the principal of the business.

b. The principal master gas fitter or master plumber shall have in his or her possession a current annual certificate issued by the board. The certificate shall be available for the inspection on request.

(14) REGISTRATION. The process of application with the board with regard to apprentice plumbers, apprentice gas fitters, all corporations, professional corporations, limited liability companies and all other legal entities engaging in the business of plumbing or gas fitting, or both, within the State of Alabama.

*(Acts 1987, No. 87-812, p. 1616, §1; Acts 1989, No. 89-406, p. 858, §3; Acts 1996, No. 96-795, p. 1496, §1; Act 2015-496, §1.)*

**Section 34-37-2 Board renamed; authority expanded.**

(a) The Plumbers Examining Board as created by Act No. 529 of the 1949 Regular Session of the Legislature (Acts 1949, p. 827), as amended, is renamed the State of Alabama Plumbers and Gas Fitters Examining Board and the authority of the board is expanded to allow the board to examine, certify, and regulate plumbers, gas fitters, and medical gas piping fitters on a statewide basis. The board may make and enforce rules adopted in accordance with Chapter 22 of Title 41, the Alabama Administrative Procedure Act.

(b) The board is authorized to expend funds for purposes of public awareness of the board and its rules and regulations to include advertising, promotional materials, event exhibiting, and other means approved by the board.

*(Acts 1987, No. 87-812, p. 1616, §2; Acts 1989, No. 89-406, p. 858, §3; Acts 1996, No. 96-795, p. 1496, §1; Act 2015-496, §1.)*

**Section 34-37-3 Appointments to board; composition.**

The board members serving on January 1, 2011, shall continue to serve on the board until successor board members are appointed and qualified. Appointments shall be subject to confirmation by the Senate. Commencing on March 26, 2012, as the term of office of a member serving on the board expires, the member shall continue to serve on the board until a successor board member is appointed and qualified. The Governor shall designate the length of term for each of his or her appointees not to exceed four years. The board shall always be composed of the following members: One member appointed by the Governor shall be a master plumber as defined by this chapter; one member appointed by the Governor shall be a journeyman plumber as defined by this chapter; one member appointed by the Governor shall be a registered professional engineer licensed as such by the State Board of Registration of Professional Engineers and Land Surveyors as provided in Article 2 of Chapter 11 of this title, or any subsequent act relating to the licensing of professional engineers; one member appointed by the Governor shall be a municipal or county building official; one member appointed by the Governor shall be a master gas fitter as defined in this chapter; one member appointed by the Governor shall be a journeyman gas fitter as defined in this chapter; and one member appointed by the Governor shall be appointed from the public at large. The member representing the public at large shall not be engaged or otherwise connected to the plumbing or gas industry or the installation of plumbing or gas work nor connected with any person, firm, or corporation handling or dealing in material, fixtures, or appliances connected with plumbing or gas work. Each member of the board

shall be a citizen of this state and the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. (*Acts 1987, No. 87-812, p. 1616, §3; Acts 1989, No. 89-406, p. 858, §3; Acts 1996, No. 96-797, p. 1502, §3; Act 2000-230, p. 365, §3; Act 2008-148, p. 240, §3; Act 2010-147, p. 213, §3; Act 2012-101, p. 173, §3.*)

**Section 34-37-4 Meetings, compensation, and expenses of board.**

(a) The board shall meet when necessary for the proper performance of its duties, but in no case less than once a year. Meetings shall be held at places in the state as the board deems necessary. At its first meeting next following May 2, 1989, and every two years thereafter, the board shall organize itself by electing from its membership a chair, vice-chair, and a recording secretary. The board shall appoint, employ, or contract with an executive director for the board, and may appoint, employ, or contract with a deputy director, neither of whom shall be subject to the state Merit System. The executive director shall serve as treasurer of the board, but the deputy director may serve as treasurer of the board in the absence of the executive director or when otherwise directed by the board. The executive director and the deputy director shall not be a member of the board and shall not be engaged or otherwise connected with the plumbing or gas fitting industry. The board shall set the compensation of the executive director and the deputy director in accordance with regulations of the State Personnel Board. Four members of the board shall constitute a quorum for transacting business. Each member of the board shall receive as compensation for services the sum of two hundred dollars (\$200) per day for each day spent in active service for the board. In addition to per diem compensation, each board member shall be reimbursed for any necessary expense incurred in performing duties as a board member. The expenses allowable to each board member shall not exceed the per diem amount of state travel expenses allowed by law, from time to time, for state employees traveling on state business. Employees of the board shall also be entitled to reimbursement for traveling expenses incurred when traveling on official board business at the rate for state employees traveling on state business. The board may employ or contract for stenographic or clerical help and compliance officers when needed, and may purchase necessary office supplies, equipment, and services.

(b) The compensation and expense provided for in this section, and all other authorized expenses, shall be payable solely from fees collected by or on behalf of the board. In no event shall any expense incurred by the board be charged against any funds of the State of Alabama other than the funds collected under this chapter.

(*Acts 1987, No. 87-812, p. 1616, §4; Acts 1989, No. 89-406, p. 858, §3; Acts 1995, No. 95-212, p. 347, §1; Acts 1997, No. 97-718, p. 1488, §1; Act 2015-496, §1.*)

**Section 34-37-5 Deposit and disbursement of funds; bond of the executive director and deputy director.**

(a) There is established a separate special revenue trust fund in the State Treasury to be known as the State of Alabama Plumbers and Gas Fitters Examining Board Fund. All receipts collected by the board under this chapter shall be deposited in this fund and used only to carry out this chapter. The fund shall be disbursed only by warrant of the state Comptroller upon the State Treasury upon itemized vouchers approved by the executive director of the board or, in the absence of the executive director, by the



deputy director. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, as amended, and only in amounts as stipulated in the general appropriation bill or other appropriation bills. All money remaining at the end of the fiscal year which exceeds 25 percent of the board's budget for the previous year shall be transferred to the 501(c)(3) nonprofit Alabama Home Builders Foundation to be used exclusively for classroom training tools at educational facilities that provide plumbing and gas fitting curriculums to include any program approved or accredited by the State of Alabama, the United States federal government, or the board. If at any time the Alabama Home Builders Foundation should lose its nonprofit status, those funds shall be transferred to the State General Fund.

(b) The executive director and the deputy director of the board shall, before entering upon the duties of their office, make and file with the Secretary of State an official bond in the sum of five thousand dollars (\$5,000), unless covered by the state blanket bond. The appropriate premiums on the bond shall be paid out of the funds of the board, and the bond shall be executed by an approved bonding fidelity or guaranty company qualified to do business in Alabama and acceptable to the Secretary of State.

*(Acts 1987, No. 87-812, p. 1616, §5; Acts 1989, No. 89-406, p. 858, §3; Acts 1995, No. 95-212, p. 347, §1; Acts 1996, No. 96-712, p. 1186, §1; Acts 1996, No. 96-797, p. 1503, §3.)*

**Section 34-37-6 Certification, registration, and examination.**

(a) It shall be unlawful for any person or other legal entity to contract, engage in, offer to engage, or convey the impression that he or she is certified in plumbing, gas fitting, or medical gas piping within the State of Alabama unless the person has first registered or received a certificate of competency, hereinafter referred to as "certificate," that is in force and effect at the time the plumbing, gas fitting, or medical gas piping is offered, performed, directed, or superintended, except as hereinafter provided.

(b) The board shall register all legal entities engaging in, or offering to engage in, plumbing, gas fitting, or medical gas piping in the State of Alabama upon forms provided by the board, and upon the applicant first paying all prescribed fees. Disciplinary action for the registered legal entities may be the same as for certified individuals engaged in plumbing, gas fitting, or medical gas piping.

(c) The business name which is registered with the board for each legal entity engaged in plumbing, gas fitting, or medical gas piping shall be displayed in a prominent manner on two sides of each service or construction vehicle. The lettering shall be a minimum of two inches in height.

(d) The board shall register every person who may apply for an apprentice plumber or gas fitter registration certificate upon forms provided by the board, upon the applicant first paying all prescribed fees.

(e) The board shall examine and pass upon the qualification of every person who applies for a journeyman plumber or gas fitter certificate upon forms provided by the board.

(1) An applicant for examination for a journeyman plumber or gas fitter certificate shall submit proof that the applicant has two years of current work experience as an apprentice plumber or gas fitter or has completed an apprentice training program approved by the board.

(2) Applicants for journeyman plumber or gas fitter shall be examined, orally or in writing, upon the fundamentals of plumbing or gas fitting, the theory and practice of plumbing installation and construction or gas fitting work, and the experience and ability of the applicant in practical plumbing installation and construction or gas fitting work.

(3) If the applicant is found to possess an accurate knowledge of the theory and correct practice of plumbing installation and construction or gas fitting work, and sufficient experience and ability in plumbing installation and construction or gas fitting work to safely and competently apply that knowledge and practice, the board shall issue a certificate, upon the applicant first paying all prescribed fees.

(4) The examination shall be administered by an independent examining agency.

(f) The board shall examine and pass upon the qualifications of every person who applies for a master plumber or gas fitter certificate upon forms provided by the board.

(1) Applicants for examination for a master plumber certificate shall submit proof to the board that the applicant has at least one year of current work experience as a journeyman plumber.

(2) Applicants for examination for a master gas fitter certificate shall submit proof to the board that the applicant has at least one year of current work experience as a journeyman gas fitter.

(3) An applicant for a master certificate shall be examined upon knowledge, training, and ability, in the planning, laying out, and supervision of plumbing installation and construction work or gas fitting work, and if found to possess those qualifications, the applicant shall be issued a master plumber or gas fitter certificate by the board upon the applicant first paying all prescribed fees.

(4) The examination shall be administered by an independent examining agency.

(g) No person shall be issued a certificate without passing the prescribed examination.

A person who has passed the examination must become certified within 90 calendar days and shall not be required to take the examination thereafter in order to secure a certificate in subsequent years. An individual who passes the examination but fails to become certified within 90 calendar days shall be required to retake the examination. At least four examinations per year shall be conducted, at a time and place prescribed by the board after reasonable notice.

(h) Any master plumber, master gas fitter, journeyman plumber, journeyman gas fitter, apprentice plumber, or apprentice gas fitter performing medical gas piping shall provide proof to the board that he or she has successfully completed a current medical gas piping certification program approved by the board.

*(Acts 1987, No. 87-812, p. 1616, §6; Acts 1988, No. 88-132, p. 190, §3; Acts 1989, No. 89-406, p. 858, §3; Acts 1992, No. 92-182, p. 340, §3; Acts 1995, No. 95-212, p. 347, §1; Acts 1996, No. 96-795, p. 1496, §1; Acts 1997, No. 97-718, p. 1488, §1; Act 2008-148, p. 240, §3; Act 2015-496, §1.)*

### **Section 34-37-7 Reexamination.**

Any person who fails to pass an examination may, upon reapplication and payment of the regular examination fee, be reexamined at any subsequent examination given by the board.

*(Acts 1987, No. 87-812, p. 1616, §7; Acts 1989, No. 89-406, p. 858, §3.)*

**Section 34-37-8 Renewals; acceptance and inspection of certificate.**

(a) Any person who holds a certificate issued by the board shall be issued statewide certification upon the annual renewal of their existing certificate.

(b) Any certificate issued by the board shall be acceptable by any city, town, or county in the state and any existing local statute or ordinance contrary to this section is repealed, and no other competency certification or examination shall be required of plumbers, gas fitters, or medical gas piping fitters by any local governmental entity.

(c) Any current registration or annual certificate issued to any individual by the board shall be in possession of the individual at any time he or she engages in or proposes to engage as a master, journeyman, or apprentice plumber, gas fitter, or medical gas piping fitter, as the case may be, and upon request he or she shall make the certificate or registration available for inspection and identification by any person or persons for whom he or she engages or proposes to engage as such, and for identification by plumbing, gas, or other authorized enforcement personnel of any governmental entity, board, or agency when requested.

*(Acts 1987, No. 87-812, p. 1616, §8; Acts 1989, No. 89-406, p. 858, §3; Acts 1992, No. 92-182, p. 340, §3; Acts 1996, No. 96-795, p. 1496, §1; Act 2015-496, §1.)*

**Section 34-37-9 Fees; reissuance fees; exceptions.**

The board shall set the necessary fees to administer the requirements of this chapter and when adopted, such fee schedule shall be in lieu of any fee schedule heretofore prescribed by the board. The board shall not change the fee schedule to be effective in the middle of a calendar year.

The certificates or registrations provided for herein shall be issued by the board upon the payment of the prescribed fees. All annual certificates or registrations shall expire on December 31 of the year in which they are issued. The certificate fees herein prescribed shall be in addition to all privilege or license taxes otherwise levied.

Certificates or registrations renewed after December 31 shall include the late renewal penalty established by the board.

All applicants requesting replacement of lost or stolen certificates shall be required to pay a reissuance fee based on the regular fee schedule.

All individuals serving in the armed forces will not be required to pay any back years for a renewal certificate during the calendar year he or she is released from active military duty.

All other individuals shall pay back years and prescribed penalties as set forth by rules of the board.

Any requests for waiver of back years and penalties shall be reviewed and considered by the board. The board shall vote to approve or disapprove each request.

*(Acts 1987, No. 87-812, p. 1616, §9; Acts 1989, No. 89-406, p. 858, §3; Acts 1992, No. 92-182, p. 340, §3; Act 2015-496, §1.)*

**Section 34-37-10 Temporary certificate.**

Repealed by Act 2015-496 effective September 1, 2015.

*(Acts 1987, No. 87-812, p. 1616, §10; Acts 1989, No. 89-406, p. 858, §3.)*

**Section 34-37-11 Reciprocal agreements.**

The board may establish reciprocal agreements with any other state licensing or certifying board which recognizes, as a minimum, the standards prescribed by the board, and may allow certified plumbers and gas fitters to receive a certificate in this state without taking examinations if the plumber or gas fitter is currently licensed in the reciprocating state and upon the payment of the prescribed fees.

*(Acts 1987, No. 87-812, p. 1616, §11; Act 2015-496, §1.)*

**Section 34-37-12 Revocation of certificates.**

The board may revoke or suspend any certificate or registration if obtained through concealment, misstatement, or misrepresentation of any material fact in the application for such certificate. The board may discipline any person as defined in Section 34-37-1 for a violation of any law or ordinance pertaining to the business of the holder and may impose fines, administrative fees, or penalties not to exceed two thousand dollars \$2,000 for each violation. The board may also order restitution. Before a certificate or registration may be suspended or revoked, the holder thereof shall have notice in writing, enumerating the charges against him or her, and be entitled to a hearing by the board not sooner than five days from receipt of notice. The holder of such certificate or registration shall be given an opportunity to present testimony, oral or written, and right of cross-examination and representation by counsel. All testimony shall be given under oath. The board shall have power to administer oaths, issue subpoenas, and compel the attendance of witnesses.

The decision of the board shall be based on the evidence produced at the hearing and made a part of the record thereof. The board may suspend any certificate or registration up to one year or may revoke the certificate or registration. The person whose certificate or registration has been revoked shall not be permitted to apply for a certificate or registration for one year from the date of revocation. No certification or registration shall be suspended or revoked unless the majority of the board members concur. Board procedure shall be the same as defined in the Alabama Administrative Procedure Act, Chapter 22 of Title 42. The board may establish additional procedures as needed, provided that any additional procedures are published and made public and are not in conflict with state law.

*(Acts 1987, No. 87-812, p. 1616, §12; Acts 1989, No. 89-406, p. 858, §3; Acts 1992, No. 92-182, p. 340, §3; Act 2015-496, §1.)*

**Section 34-37-13 Master plumber's and gas fitter's bond.**

Repealed by Act 2015-496 effective September 1, 2015.

*(Acts 1987, No. 87-812, p. 1616, §13.)*

**Section 34-37-14 Wrongful use of certificate; notification of address; inactive status affidavit.**

(a) No person who has obtained a certificate or registration shall allow his or her name to be used by another person, either for the purpose of obtaining permits, or doing business or work under his or her certificate or registration; and every person certified or registered shall notify the board of the address of his or her residence and place of business and the name under which such business is carried on, and shall give written notice within 30 days to the board of any change in either.

(b) Before any individual certified by the board engages in the business of master plumber and/or master gas fitter, he or she shall notify the board of the address of the place of business he or she engages in as such and the name under which such business is carried on and shall give written notice within 30 days of any change in either. All information required by this section shall be furnished on a business certification form furnished by the board.

(c) Any current certified or registered individual who does not intend to engage in the business of plumbing or gas fitting, as defined in this chapter, shall complete an inactive status affidavit obtained from the board. Any individual in inactive status must renew annually by remitting the annual inactive renewal fee set in the fee schedule.

(d) Code officials who hold a certification with the board and wish to be inactive shall be exempt from all renewal fees and re-examination requirements.

(3) Any individual in inactive status who wishes to reinstate active status shall complete an active status affidavit obtained from the board and remit all prescribed fees prior to re-engaging in plumbing or gas fitting, or both.

*(Acts 1987, No. 87-812, p. 1616, §14; Acts 1989, No. 89-406, p. 858, §3; Act 2015-496, §1.)*

**Section 34-37-15 Acts, works, and conduct permitted, without license; applicability of chapter.**

(a) The following acts, work, and conduct may be performed by anyone, without registration or certificate, provided, however, that all work and services herein named or referred to shall be subject to an inspection and approval in accordance with the terms of all state laws and applicable municipal ordinances:

(1) Plumbing work performed by anyone who is regularly employed or acting as a maintenance person incidental to and in connection with the business in which he or she is employed and engaged, provided the plumbing work is performed on the premises of the employer, and who does not engage in the occupation of a plumber for the general public.

(2) Plumbing work performed upon the premises or equipment of a railroad or other businesses or industry, by an employee thereof who does not engage in the occupation of a plumber for the general public.

(3) Plumbing or gas fitting work performed, not on private property, with the exception of easements, by persons engaged by or employed by any public utility company in the laying, maintenance, and operation of its service mains or lines and the installation, alteration, adjustment, repair, removal, and renovation of all types of appurtenances, and equipment provided such work does not alter gas piping on consumer side of meter.

(4) Any person engaged solely in the testing of backflow devices.

(5) Plumbing work performed by a property owner in or about a building owned or occupied by the owner.

(6) Any person may install washing machines to existing piping installation or waste lines, provided such plumbing work does not necessitate tying into waste or sewer lines on the outlet side of the trap.

(b) This chapter does not apply to any plumbing work performed by a property owner in or about a building owned or occupied by him or her, or plumbing work performed by anyone who is regularly employed by the property owner to provide maintenance or

other repair services if the work is incidental to and in connection with the property for which he or she is employed and engaged and is done on the premises of the employer. (*Acts 1987, No. 87-812, p. 1616, §15; Acts 1988, 1st Ex. Sess., No. 88-918, p. 512, §1(7); Acts 1989, No. 89-406, p. 858, §3; Acts 1992, No. 92-182, p. 340, §3; Act 2011-152, p. 282, §3; Act 2015-496, §1.*)

**Section 34-37-16 Restrictions.**

(a) No person shall use nor allow their certificate to enable anyone other than the certificate holder and his or her employees directly supervised by the certificate holder to perform plumbing or gas fitting. Local officials may require the certificate holder to be present if any problems develop on the work.

(b) No certificate issued by the board can be sold or transferred. Any certificate which is misused may be revoked by the board.

(*Acts 1987, No. 87-812, p. 1616, §16; Acts 1989, No. 89-406, p. 858, §3.*)

**Section 34-37-17 Violation; penalty.**

(a) The board shall have the administrative authority to discipline or require a certificate holder to attend training specific to violations. The board has the authority to levy civil fines or penalties to any registered apprentice, certificate holder, or legal entity registered by the board for a violation of any provision of this chapter regulating plumbers, gas fitters, or medical gas pipe fitters up to two thousand dollars (\$2,000) per violation and actual hearing cost.

(b) In addition to or in lieu of the criminal penalties and administrative sanctions provided in this chapter, the board may issue an order to any person or legal entity engaged in any activity, conduct, or practice constituting a violation of this chapter, directing the person or legal entity to forthwith cease and desist from the activity, conduct, practice, or performance of any work then being performed or about to be commenced.

(c) It shall be unlawful for any person or legal entity to violate any provision of this chapter regulating plumbers, gas fitters, or medical gas piping fitters. Any person convicted of such violation shall be punished as prescribed for a Class A misdemeanor. (*Acts 1987, No. 87-812, p. 1616, §17; Acts 1989, No. 89-406, p. 858, §3; Acts 1996, No. 96-795, p. 1496, §1; Act 2015-496, §1.*)

**Section 34-37-17.1 Records and confidentiality.**

(a) The board shall keep a record of its proceedings.

(b) The records of the board shall be evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the executive director of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(c) Board records and papers of the following class are of a confidential nature and not public record: Examination material for examinations not yet given; exam scores; letters of inquiry and reference concerning applicants; board inquiry forms concerning applicants; pending or closed complaints and investigative files which shall remain confidential until an actual formal hearing may commence; and all other materials of like confidential nature.

(*Act 2015-496, §2.*)

**Section 34-37-18 Repealer.**

All laws or parts of laws which conflict with this act are hereby repealed and Act No. 529, H. 977, 1949 Regular Session (Acts 1949, p. 827), is hereby specifically repealed. (Acts 1987, No. 87-812, p. 1616, §18; Acts 1989, No. 89-406, p. 858, §3.)

**Professional Services by Vendor**

<b>Data Processing</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Department of Finance	\$ 9,813.24	\$ 9,792.73	\$ 8,697.72	\$ 9,528.54
Cyberbest Technology	-	112,000.00	28,000.00	24,400.00
Office of Information Technology	-	-	-	8,150.06
Key Asset Lifecycle Management	16,060.00	14,600.00	21,450.00	21,825.76
Department of Finance - FRMS	5,883.00	7,318.14	1,795.13	752.44
Department of Finance - STAARs	33,000.00	33,000.00	33,000.00	24,750.00
<b>Total Data Processing</b>	<b>64,756.24</b>	<b>176,710.87</b>	<b>92,942.85</b>	<b>89,406.80</b>
<b>Legal</b>				
<b>Legal Services</b>				
Attorney General's Office	-	-	975.00	-
<b>Court Reporting Services</b>				
Henderson & Associates	950.80	367.90	363.00	274.45
<b>Total Legal</b>	<b>950.80</b>	<b>367.90</b>	<b>1,338.00</b>	<b>274.45</b>
<b>Administrative</b>				
<b>Advertising</b>				
Dept. of Finance	-	-	380.26	-
AL Assoc. of Plumbing Gas & Mech. Inspectors	999.00	999.99	999.99	-
Home Builders Association of Alabama	10,000.00	10,000.00	7,500.00	12,500.00
Code Officials Assoc of AL	-	400.00	400.00	-
Legislative Services Agency	-	1,980.00	-	1,270.00
OCI South	5,190.00	-	-	-
<b>Education/Training Consultants</b>				
AL Association of Regulatory Boards	-	3,150.00	3,225.00	4,925.00
AL Assoc. of Plumbing Gas & Mech. Inspectors	5,175.00	1,200.00	1,200.00	1,350.00
Association of East Alabama Code	300.00	-	-	-
Federal Assoc of Regulatory Boards	1,375.00	700.00	925.00	-
Auburn University Montgomery	297.00	297.00	-	436.00
Code Officials Assoc of AL	610.00	1,980.00	1,760.00	2,310.00

Home Builders Association of Alabama	1,525.00	2,050.00	1,750.00	3,634.00
Council on Licensure	4,775.00	-	-	-
NASCLA	720.00	225.00	1,485.00	990.00
North Alabama Code Officials	150.00	-	-	-
North Central Alabama Chapter	50.00	-	-	-
Phillip Till	650.00	-	-	-
South Alabama Code Officials	300.00	-	-	-
The National Construction	700.00	-	-	-
PSI Services	60,368.00	55,860.00	59,388.00	93,492.00
Troy University	394.00	335.00	-	-
<b>Collection Services</b>				
First Data Merchant Services	-	-	2,668.99	-
<b>Sanitation Services</b>				
Vital Records Control of AL	-	-	-	280.00
<b>Information and Research Service</b>				
US Homeland Security	250.00	200.00	100.00	175.00
<b>Mailing</b>				
Dept. of Finance	595.17	2,146.81	3,097.03	751.50
<b>Answering Services</b>				
Calling Post Comm Inc	-	467.00	-	-
<b>Moving Services</b>				
Digitel Corp	-	-	-	7,345.00
Industrial Revolving Fund	-	-	-	6,700.00
Patterson Pope Inc	-	-	-	25,349.00
<b>Finance and IT Planning</b>				
Department of Finance	1,125.00	980.00	1,007.50	172.50
Office of Information Technology	-	-	-	1,009.58
<b>Comptroller Services</b>				
Department. of Finance	7,022.65	8,713.77	6,617.35	6,976.65
<b>Personnel Services</b>				
Personnel Department	3,630.00	6,401.00	4,771.00	6,077.00
<b>Total Administrative</b>	<b>106,200.82</b>	<b>98,085.57</b>	<b>97,275.12</b>	<b>175,743.23</b>
<b>Total Professional Services</b>	<b>\$ 171,907.86</b>	<b>\$ 275,164.34</b>	<b>\$ 191,555.97</b>	<b>\$ 265,424.48</b>



**Board Members**



**Kay Ivey**  
Governor

**STATE OF ALABAMA  
PLUMBERS & GAS FITTERS  
EXAMINING BOARD**

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HOMEWOOD, AL 35209  
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[www.pgfb.alabama.gov](http://www.pgfb.alabama.gov)



**James M. Morgan**  
Executive Director

The current Board Members for the Alabama Plumbers and Gas Fitters Examining Board are:

	<u>Expiration of Term</u>
BOBBY BULLOCH City: Birmingham	10/01/2019
PHILLIP GUTHRIE City: Athens	10/01/2019
HENRY MCCOY, CHAIRMAN City: Montgomery	10/01/2019
CHARLES OWENBY City: Eclectic	10/01/2019
JANICE WARREN City: Albertville	10/01/2019
SCOTTY WINFREY, VICE CHAIRMAN City: Huntsville	10/01/2019

**EXECUTIVE DIRECTOR**

James Morgan  
T: (205) 945-4857  
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[jimmy.morgan@pgfb.alabama.gov](mailto:jimmy.morgan@pgfb.alabama.gov)

Sincerely,



James Morgan  
Executive Director

**Board's Response to Significant Issues**



**Kay Ivey**  
Governor

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**James M. Morgan**  
Executive Director

August 21, 2019

**RE: Significant Issues Letter**

Dear Ms. Catledge:

Thank you all for your politeness, professionalism and accessibility during this process. This being my first audit as Executive Director of the Plumbers & Gas Fitters Examining Board, I didn't know exactly what to expect, but I was pleasantly surprised by the nature of our interaction. All of that having been said, the timing of the letter was such that it allowed me to bring it before the Board for discussion at our August 15, 2019 Board meeting. The Board discussed the comments at length and through that discussion, have given me the desired path of my response. I, at the direction of the Board, respectfully request that the responses to each of the items listed in our significant issues letter be considered on their merit as acceptable explanations/solutions.

If you have any questions, contact me at (205)945-4857, or by email at jimmy.morgan@pgfb.alabama.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "James M. Morgan".

James M. Morgan  
Executive Director  
Plumbers & Gas Fitters Examining Board



Kay Ivey  
Governor

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## SIGNIFICANT ISSUES

**Significant Issue 2019-01** – Based upon an applicant’s work experience, the Board voted to waive the two years of current work experience as an apprentice for applicants applying for the journeyman plumber or gas fitter examination. During the review period, the Board waived the work requirement for fifteen applicants applying to take the examination. The Board cannot waive a requirement for licensure that is required by law.

According to the *Code of Alabama 1975*, Section 36-27-6(e)(1), “An applicant for examination for a journeyman plumber or gas fitter certificate shall submit proof that the applicant has two years of current work experience as an apprentice plumber or gas fitter or has completed an apprentice training program approved by the Board.

### Response:

The Board no longer issues waivers for licensing requirements. The last waiver was approved August 9, 2018.

**Significant Issue 2019-02** - The Board’s Administrative Rule 720-X-10-.01 conflicts with the *Code of Alabama Sections 34-37-6(e)(3) and 34-37-6(f)(3)* regarding the requirements for paying licensure fees in the first year. The *Administrative Rule 720-X-10-.01* states, “(1) The Board shall be allowed to waive the first year fee for issuing a certificate for Journeymen and Master Plumbers and Gas Fitters who pay the examination fee and pass the examination for the respective classification. (2) The Board shall be allowed to prorate the first year fee for issuing a certification or registration after July 1 of the calendar year in which the certification or registration is issued for Apprentice, Journeyman, and Master Plumbers and Gas Fitters who register with the Board or pay the examination fee and pass the examination for the respective classification.”

The *Code of Alabama 1975*, Section 34-37-6(e)(3) states, “If the applicant (journeyman plumber or gas fitter) is found to possess an accurate knowledge of the theory and correct practice of





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Executive Director

plumbing installation and construction or gas fitting work, and sufficient experience and ability in plumbing installation and construction or gas fitting work to safely and competently apply that knowledge and practice, the Board shall issue a certificate, upon the applicant first paying all prescribed fees."

The *Code of Alabama 1975*, Section 34-37-6(f)(3) states, "An applicant (plumber or gas fitter) for a master certificate shall be examined upon knowledge, training, and ability, in the planning, laying out, and supervision of plumbing installation and construction work or gas fitting work, and if found to possess those qualifications, the applicant shall be issued a master plumber or gas fitter certificate by the board upon the applicant first paying all prescribed fees." (Emphasis added)

#### Response:

The Board has not issued a waiver under Rule 720-X-10-.01(1) since 2008 and will be offering an amended rule removing that section.

**Significant Issue 2019-03 – The Board is charging licensees graduated late penalty fees that are not authorized by statute.** Certificates and registrations expire annually on December 31. The Board adopted an administrative rule to charge licensees a late penalty equal to 50% of the renewal fee if the certificates or registrations are renewed after December 31 but prior to February 1. Late renewals received after February 1 is subject to a late renewal penalty equal to the renewal rate for the respective registration or certificate. According to the *Code of Alabama 1975*, Section 34-37-9, "Certificates or registrations renewed after December 31 shall include the late renewal *penalty* established by the board." The Board is authorized to charge a late renewal penalty, not multiple penalties.

#### Response:

Each level of license issued by the Board carries a different fee amount: Apprentice = \$25.00; Journeyman = \$50; and Master = \$150. As far back as 1992, the late penalty was based not on a flat dollar amount, but specifically on the renewal rate for the respective license type. Therefore, due to the graduated nature of our licensing fees, this singular penalty inherently has



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found expression by more than one dollar amount. In 2018, in an effort to encourage regulatory compliance, the Board followed this graduated fee concept and adopted Rule 720-X-9-.01 to implement a lowered penalty calculation (i.e., 50% of the renewal rate for each respective certificate or registration) for those delinquent licensees who choose to renew sooner rather than later after the December 31 deadline has passed. On February 1, the penalty calculation then graduates to the full renewal rate of the delinquent licensee's particular certificate or registration level. There are no multiple assessments which accrue to a licensee's account; the penalty amount is determined solely by the date of renewal. Most importantly, at no time is any delinquent licensee assessed more than one penalty for late renewal of his or her certificate in any one year.