

**DRINKING WATER & WASTEWATER PROFESSIONALS**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 2/5/2014**

**BOARD MEMBERS PRESENT:** Barry N. Burnell - Chair  
Dr. Joan M. Cloonan  
Larry Annen  
John R. Lee  
Jack V Bennion  
Brad Don Andersen  
Dion W Holton

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, Legal Counsel  
Cherie Simpson, Administrative Assistant  
Mary Miles, Technical Records Specialist I

**OTHERS PRESENT:** Mike Shepherd, City of Weiser  
Shelley Roberts, Idaho Rural Water Association  
Leslie Wilder, BAT & Supply  
Howard Barrows, Idaho Backflow  
Curt Prindle, Backflow Northwest  
Jared Croke, Pacific Backflow  
Terry Fackrell, Fackrells Service  
Shane Wendler, City of Nampa  
Hank O'Krakel, City of Nampa  
Scott Bennett, Bennett Backflow

The meeting was called to order at 8:30 AM MST by Barry N. Burnell.

**APPROVAL OF MINUTES**

A motion was made by Ms. Cloonan to approve the minutes of 11/6/2013. It was seconded by Mr. Annen. Motion carried.

A motion was made by Ms. Cloonan to approve the minutes of 11/22/2013. It was seconded by Mr. Bennion. Motion carried.

## **LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She said that the proposed law revisions were printed as H 405. The bill passed the House on 2/4/2013. We will inform the board when it is scheduled for the senate. The proposed rules were approved and will go into effect at the end of the Legislative Session.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$446,989.41 as of 1/31/2014.

## **DISCIPLINE**

Ms. Peel presented a memorandum regarding case numbers WWP-2014-1. After discussion, the Board gave recommendations for appropriate discipline.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **BACKFLOW ASSEMBLY TESTER LAW: REPAIR AND REPLACEMENT**

Mr. Ellsworth told the Board that, as requested, he looked into the authority of a licensed backflow assembly tester to clean, maintain, repair and replace a backflow assembly/device. It appears the laws and rules of the Plumbing Board do not directly address the issue. He discussed it with Patrick Grace, the Deputy Attorney General who advises the Plumbing Board, and with John Nielson, the Plumbing Program Manager within the Division of Building Safety.

Mr. Ellsworth said that Mr. Grace indicated several regulatory or other entities have or assert jurisdiction over backflow assemblies/devices depending on the circumstances. These include the Department of Environmental Quality, some counties and cities, the state Fire Marshal and fire chiefs, and some public and private water purveyors. The Board of Plumbing generally defers to these, and indicates that its primary concern is to regulate the installation of plumbing, and they "only go where a permit has been issued." They do not have inspection authority or responsibility where there is no permit for such. Mr. Grace suggested discussion of the issue with Mr. Nielsen.

Mr. Nielsen says he always understood that BATs are permitted to clean, maintain and repair ("swap out parts") backflow assemblies/devices, and their performing of such work is allowed. He indicated that replacement may not be allowed, however. He said that he does not think the Plumbing Board or DBS would "push back" if the Water and Wastewater Professionals Board proposes a rule that includes cleaning, maintaining and repairing backflow assemblies/devices within the scope of practice of BATs.

## **TO DO LIST**

The Board reviewed the to do list.

## **MINIMUM STANDARDS FOR THE BAT REFRESHER COURSE**

The Board discussed the minimum standards for the BAT refresher courses. Mr. Andersen will develop guidelines on the content of BAT refresher courses and present them to the Board for review and discussion at the May 5, 2014 Board meeting.

Ms. Wilder addressed the Board and stated she would like to have guidelines regarding the criteria for the BAT refresher courses.

## **BAT CODE OF CONDUCT**

The Board members reviewed and discussed the comments received from the public regarding the BAT code of conduct draft. After discussion, the Board revised the draft taking into consideration comments from the public. The revised draft will be posted to the Board's website for additional public comments.

Mr. Shepherd, Ms. Roberts, Ms. Leslie Wilder, Mr. Terry Fackrell, and Mr. Shane Wendler all addressed the Board with their concerns regarding the code of conduct. The main concern was the repair and replacement language.

Ms. Roberts stated that the Idaho Rural Water Association supports the Board creating the BAT code of conduct and would like to see it in the Board's rules.

A motion was made by Ms. Cloonan to revise the code of conduct draft as discussed post it to the Board's website and seek comments from the public and stakeholders. It was seconded by Mr. Andersen. Motion carried.

## **2015 POSSIBLE RULES CHANGES**

The discussion of possible rule changes for the 2015 Legislative Session was tabled.

## **ASSOCIATION OF BOARDS CERTIFICATION CONFERENCE UPDATE**

Ms. Cloonan and Mr. Lee updated the Board members regarding the 2014 ABC Annual Conference held in South Carolina. Discussions at the conference included Models of Standards, workforce development, Class III and IV education requirements, CE approvals, and operator certification programs. The 2015 conference will be held in Florida.

## **ABC MEMBERSHIP DUES**

A motion was made by Mr. Holton to pay the 2014 ABC annual membership dues. It was seconded by Mr. Lee. Motion carried.

## **CORRESPONDENCE**

The Board reviewed an e-mail received from Mark Larsen, Idaho State Fire Marshal, regarding inappropriate tagging. It was determined that he should contact the company because the Board's rules do not require tagging.

The Board reviewed an e-mail received from Carol Tally, the City of Nampa, regarding continuing education. The Board determined that the course entitled *High Density Polyethylene (HDPE) Pipe Systems Seminar* is approved for 0.3 CEUs for the Nampa operators who attended the seminar.

## **EXECUTIVE SESSION**

A motion was made by Mr. Lee that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Cloonan. The vote was: Mr. Lee, aye; Ms. Cloonan, aye; Mr. Annen, aye; Mr. Holton, aye; Mr. Bennion, aye; Mr. Andersen, aye; and Mr. Burnell, aye. Motion carried.

A motion was made by Mr. Lee to come out of executive session. It was seconded by Mr. Bennion. The vote was: Mr. Lee, aye; Ms. Cloonan, aye; Mr. Annen, aye; Mr. Holton, aye; Mr. Bennion, aye; Mr. Andersen, aye; and Mr. Burnell, aye. Motion carried.

A motion was made by Mr. Bennion that the Bureau should respond to correspondence regarding a waiver of a reinstatement fee stating the reinstatement fees would not be waived. It was seconded by Mr. Holton. Motion carried.

## **LUNCH BREAK 12:00 – 1:00**

## **EXECUTIVE SESSION**

A motion was made by Mr. Bennion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Andersen. The vote was: Mr. Lee, aye; Ms. Cloonan, aye; Mr. Annen, aye; Mr. Holton, aye; Mr. Bennion, aye; Mr. Andersen, aye; and Mr. Burnell, aye. Motion carried.

A motion was made by Mr. Holton to come out of executive session. It was seconded by Ms. Cloonan. The vote was: Mr. Lee, aye; Ms. Cloonan, aye; Mr. Annen, aye; Mr. Holton, aye; Mr. Bennion, aye; Mr. Andersen, aye; and Mr. Burnell, aye. Motion carried.

## APPLICATIONS

A motion was made by Mr. Holton to approve 16 applications for licensure; to approve 107 applications for exam; to deny nine applications; and to hold four applications pending more information. It was seconded by Mr. Annen. Motion carried.

### Approved for Licensure

BABB STEVEN P	WWT1-19645
BANN CHRISTOPHER MICHAEL	DWT1-19728
COTTLE DAVID	WWT1-19714
CRUIKSHANK KYLE JEFFREY	DWTOIT-19795
DAVILA MATTHEW RENE	DWD1-19678
FORD AARON JEFFREY	WWT1-19743
FORWARD CHARLES H	WWC1-19811
HAGEMANN DUSTIN LEE	WWT1-19796
HAWKER RODGER BEN	WWT1-19745
HORYZA RYAN D	DWD2-19665
HORYZA RYAN D	DWT4-19666
OGDEN LESLIE RENEE	WWT1-19644
PETTINGER DADE ANDREW	WWC1-19798
RIDER MARISSA LEIGH	WWT1-19744
TAGUE JOSEPH DANIEL	WWT1-19732
WILLIAMS STEPHEN JAY	DWD1-19807

### Approved for Exam

ALVAREZ ALFRED	WWT2
BABCOCK BRETT WYLIE	DWDVSWS
BARTON JOHN D	DWD2
BISTO KC J	WWT2
BLACKNER RUSTY KENT	WWC1
BRANSON ALAN LEE	WWT1
BRAUBURGER JASON L	DWDVSWS
BREWER AARON	WWL1
BRIGGS CHRIS	WWT3
BROWN JON MARC	WWC3
CAMPBELL ROSS HYRUM	WWC1
CASTANEDA JESSE	WWT1
CHAFFEE TIMOTHY W	DWT1
CHAVEZ JASON LEE	WWC4
CHILDS PAUL	DWD1
COTTLE DAVID	WWC1

COURTRIGHT ROBIN L	DWD1
CREAGER GATLIN BAILEY	WWT1
CUNNINGHAM JASON PAUL	DWD2
DAVIS CAMERON LEE	WWT1
DAVIS SCOTT	DWD2
DAWSON NANCY K	WWT2
DELANEY JOHNNY LYNN	DWT2
DUROCHER DAN L	DWD1
EATINGER PAUL	DWDVSWS
ERICKSON JAMES DAVID	DWD2
FILKINS DAVID CLARK	WWC2
FLESHER MICHAEL T	DWD4
FORD AARON JEFFREY	WWC1
FRENSDORF JEFFREY RAY	WWT1
GOOD JERRY L	DWT1
GREEN CRYSTAL ROCHELLE	WWT2
GREGORY DEBBIE	DWD1
GRIFFEL BRETT L	WWC3
GRIMM BOB W	WWT3
GRISSOM DEAN	DWDVSWS
GRYTNESS ROBIN WADE	WWC2
GUNTER HEIDI MAY	DWT1
HAMMOND RANDALL L	WWT3
HANCOCK R KIM	DWD1
HASSELSTROM SCOTT J	WWT2
HAWKER RODGER BEN	WWL1
HEINZE JONATHAN LYNN	WWC1
HENESH JARED RAY	WWC1
HERNANDEZ MIGUEL A	WWT2
HERNANDEZ RICARDO	DWD1
HIGGINS RONALD TODD	DWDVSWS
HILL KELLY F	WWT3
HOOSICK CHRISTOPHER	WWTLA
HORTON ROGER JOSEPH	DWD4
HOVEY NORMAN SCOTT	WWC2
HOWE DUSTIN MICHAEL	WWT2
HUNT RICK	WWC2
HURLEY JOHN W	WWTLA
JACOBS SCOTT DANIEL	DWD2
JARBOE JONATHAN G	WWT2
JARBOE JONATHAN G	WWC2
JENSEN DELRAY L	DWT1
JOHNSON JASON S	DWT1
KEEN VICTOR JEWEL	DWT1
KEISTER JOSEPH JAY	WWC1
KEISTER JOSEPH JAY	WWT1
KELLER KEVIN C	DWD1
KISSIRE TRAVIS J	WWL1

KUNTZ KERWIN R	WWC2
LONG MICHAEL V	WWC3
LUBKE TRACY LYNN	WWT2
MARTINDALE TODD L	DWT1
MARVIN CHRIS M	WWTL
MARVIN CRAIG EUGENE	DWD2
MCGOVERN BRIAN	DWDVSWS
MCVEY LAURELEI ROSE	WWC4
MCVEY LAURELEI ROSE	WWT4
MEAGHER MELANIE JANE	DWD1
MITCHELL MICHAEL B	WWC1
MOHLER JOSEPH KURT	WWC2
MORRIS MICHAEL TODD	DWD1
MORRIS MICHAEL TODD	WWT1
MORROW BROCK W	WWT3
NYDEGGER BEN	WWT1
CONNOR MARCUS BRANDON	DWD1
PARKER MICHAEL S	DWT2
PETTINGER DADE ANDREW	WWT2
POTTENGER JOHN WESLEY	WWC1
QUINTON KEN R	DWD3
RIDER MARISSA LEIGH	WWL1
ROBINSON SHAUN P	WWT2
SCHEIDT JIM	DWDVSWS
SERR ROBERT JAMES	DWD2
SHIPP RYAN	DWD1
SIFFORD PAUL D	WWT3
SMITH DARIN M	WWT2
SMITH STEVEN DOUGLAS	DWD1
SQUIRES DANIEL W	WWT3
STILL CHET AARON	WWT1
STOLTENBURG RICHARD THOMAS	DWT1
STREET CHARLES J	WWT4
SUTTON KENT VAL	DWDVSWS
TATE ADAM	WWT3
TEED GARREN LEE	DWD2
TOUPIN DEREK	WWT1
TOWNSEND MATTHEW W	WWT2
VEENSTRA JAMES EVERETT	WWT1
WALDRON ROBERT W	DWT1
WEISGRAM TANNER NICHOLAS	WWT2
WOODLAND KYLE W	WWT3
YAMAMOTO STEPHEN P	DWT1

Denied

BECK TONI  
 BONNER EMMETT LEE  
 DUNCAN CASEY BRUCE

FLEMING TRAVIS  
MILLER MARTIN L  
POELSTRA GLEN C  
WHITE JEFFERY SCOTT

Pending

901105467  
901032952  
901131435

**NEXT MEETING** was scheduled for 5/7/2014 at 8:30 A.M.

**ADJOURNMENT**

A motion was made by Mr. Holton to adjourn the meeting at 2:45 P.M. It was seconded by Mr. Bennion. Motion carried.

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Barry N. Burnell, Chair

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Dr. Joan M. Cloonan

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Larry Annen

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John R. Lee

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Jack V Bennion

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Brad Don Andersen

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Dion W Holton

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Tana Cory, Bureau Chief