

Consent Agenda

DIRECTORS' REPORTS:

- Region 1 *submitted by P. Mitchell*
- Region 2 *submitted by B. Fler*
- Region 3 *submitted by J. Walker*
- Region 4 *submitted by M. Padgitt*
- Region 5 *submitted by M. Maynard*
- Region 6 *submitted by R. Brooks*
- Supplier Director *submitted by R. Dimmitt*

COMMITTEE REPORTS:

- Governance Committee Report *submitted by H. Rowell*
- Bylaws Committee Report *submitted by R. Priesing*
- Annual Planning Committee Report *submitted by R. Priesing*
- Vice President Report *submitted by R. Priesing*
- TAC Report *submitted by R. Priesing*
- Ethics Committee Report *submitted by J. Biswell*
- NFPA 31 Representative Report *submitted by J. Pilger*

NCSG Region 1 Report

As usual, the common denominator for the business climate in the Northeast is the weather.

Two extremely heavy rain storms in March seem to have spiked business with calls for water damage due to flashing leaks, water absorption, high demand for chimney caps and the like.

Two sweeps I have communicated with in New York state report a slow first quarter with nearly silent phones. One single-operator sweep in Vermont is very busy due to work forward-scheduled from last year, two from New Hampshire also report an unusually slow winter.

It seems that Rhode Island was hit the worst, and as electricity, waste elimination systems, and other infrastructures got back up and running I'm hearing again that March was better than expected.

Maine, Massachusetts and Connecticut sweeps seem to follow the other states as far as business trends go, with fewer large jobs panning out. Most feel that this is driven by a slow economy.

As for upcoming industry events look for NHACP's Sweepfest in NH June 26 and 27 and the New York State Guild Summer workshop July 25, 26 and 27.

I hope everyone has a safe and productive spring/summer season with no black flies!!

Respectfully submitted,

Phil Mitchell
Region 1 Director

NCSG Region 2 Report

We have had a very strange season. It started out rather wet followed by extreme cold then more rain and lots of snow. Now that spring is here it feels that we have gone directly to summer, it has been in the mid to high 80's. The report from the street shows that those repairs that were put off due to the weather are able to be done now. Also the housing market in the area is moving creating inspection and repair work, some companies are reporting that they are booked out several weeks with this kind of work. Even though the economy is moving homeowners are still price shopping.

Here is info on an upcoming event MAHPBA is having their annual meeting June 13 and 14, 2010 on the 15 they are having a NFI and EPA review and exams. This is being held in Lancaster, PA. For more information go to www.mahpba.com.

Bob Fleer
Director Region 2

Region 3 Report

Since my last Director report, a past Director and NCSG President had a fatal sky diving accident on March 19, 2009. I attended his services, in Roanoke Rapids, N.C. to celebrate his life as a friend and brother sweep. Many other sweeps from the region and all around were in attendance. We should all let Pete Luter's life be a remembrance to live life to its fullest.

Dates and Events in Region 3:

June 11-12, 2010: Plans in Nashville, Tenn. For a workshop. Contact information: Southern Association: Dennis Dobbs or Mark Stoner.

Below are other events listed on the NCSG Web site:

April 16-22, 2010 Wildacres, NC	Masonry Heater Association Annual Workshop	For more information, please contact Richard Smith at (520) 883-0191 or register online at www.mha-net.org
April 23, 2010 Greenville, SC at the home of Bless Your Hearth Sweep, Adam Mabry	S.C. Chimney Sweep Training Seminar	For more information, contact Renee Brigman at 864-682-5422
June 18, 2010 Richmond, VA	CSIA Certified Chimney Sweep Review & Exam	For more information, call (317)-837-5362 or visit www.CSIA.org
August 13, 2010 Atlanta, GA	CSIA Certified Chimney Sweep Review & Exam	For more information, call (317)-837-5362 or visit www.CSIA.org
September 17 - 19, 2010 Lake Murray - Columbia S.C.	The Gathering	For more information please contact Ronnie Brigman 864-682-5422

Currently there are 129 NCSG member companies in Region 3. The break down is:
W.Va. 6, Va. 38, NC 20, SC 9, Ga. 17, Fl.16, Al 8, Tenn. 12, Miss 3

I look forward to our upcoming planning meeting at headquarters.

Sincerely,

Jay Walker
NCSG Region 3 Director

Region 4 Report

1. As the new Director for Region 4 I have posted a message on the NCSG Chat list requesting information from members in each state. I will have their responses in my next report. I did talk to several people by phone. I plan to try to contact everyone by phone in the near future.

2. In speaking with NCSG member chimney sweeps and retail stores, the general consensus is that everyone has been affected by the poor economy and has cut back in many ways. Most have laid off employees (if applicable) and made cuts in other areas such as dues, subscriptions, and memberships and non-necessity items. Some owners told me that they are keeping old trucks and fixing them instead of buying new trucks. Those companies that do primarily chimney sweeping seem to be the hardest hit, while the companies that are diversified are faring better. Some have taken a new job somewhere else, while others have added lawn service or gutter installation to their business.

3. The Midwest Chimney Safety Council has five states that are also in the NCSG Region 4: Missouri, Illinois, Ohio, Michigan, and Kentucky. These states and the rest of the MCSC states are participating in a stone chimney restoration workshop June 23-26 at a wildlife refuge in Vian, Oklahoma. This project includes repair and rebuilding of two stone chimneys, remove old fireplace and build a Rumford fireplace, install a CIS spacing and centering system, install a wood stove and flue liners. Jim Buckley and Gene Padgitt are the main presenters, and Jay Endre' and Joe Tyler will also do classes. The Rangers at the site will present classes on wildlife conservation. Visit www.mcsc.net for more info.

4. Several cities in Missouri and Iowa have adopted contractor licensing. Missouri and Iowa do not have state contractor boards and this is handled by the counties and cities. The contractor boards and city code departments have passed regulations making it mandatory to have a Master Mechanical license (HVAC or Class DM) and pull permits for relining gas or wood chimney flues, or installation of gas or wood-burning appliances. These regulations are already in effect, and anyone caught doing installations without a permit or license is subject to fines, tickets, and appearance before a judge. Note: no one in the greater KC area has the license (except my own company).

Other cities such as St. Louis, Missouri are planning similar licensing, and are using the Johnson County Contractor Licensing as a model for their programs.

The MCSC has proposed changes to add a new category or categories to contractor licensing that would allow those persons who are CSIA and/or NFI Certified to do this work without holding the HVAC license. We are also proposing an additional category for chimney sweeps and CSIA Certification as the requirement. The board does have plans to make their own certification for sweeps and it may or may not be good for chimney companies.

The licensing board has been very receptive to the idea and I will be presenting a proposal to a meeting of local code officials from most of the cities in the Kansas City area soon. Note: these ordinances also affect Kansas.

We have the support of the NFI on this and would like support from the NCSG and CSIA as well.

Respectfully submitted,

Marge Padgitt

Region 5 Report

Spring Greetings – Finally –

Good news to report from the region. With the early arrival of spring it has significantly increased business that was very well needed. The constituents that I have talked to are reporting business being strong and back to normal for this time of the year. The companies that are more diversified are the companies that are doing much better. All are hoping that this is the turnaround of the Great Depression! There have been many political concerns with tax laws and IRAs that are being watched closely. And there is some concern with no 2010 tax laws being in place as of yet.

I have just returned from a Region 5 tour that included many of the states in the region. It was nice to see the region and meet some its members on their home front. The only regional event that I am aware of as of now is the WI Guild's summer charity workshop at Oxford, WI. I am unable to attend this event due to a family obligation but know that it will be well attended as it offers significant new materials and ideas to the industry. I will be sure to delegate a region 5 representative to attend and hold a meeting. Feedback to follow.

Yours in soot –

Mark Maynard

Region 6 Report

Fellow members of region six,

This is my first report as the director of the new region six. I welcome our members from the several new states and look forward to serving you all as your representative this next year.

This last year has been a rough one for members from the region. The state guilds have noticed a marked reduction in membership and participation in events as has the NCSG.

As the economy devours member after member, we that remain must diversify our businesses as many have. Being resilient in these times is one of the only things that will see us through.

I encourage everyone to get involved, take advantage of the many resources available to you as an NCSG member and strive to stay ahead of the curve by advancing your knowledge through the many opportunities available throughout the industry.

I make myself available to everyone and will continue to keep the health and well being of all members in my thoughts and prayers.

Respectfully submitted,

Randy Brooks

NCSG President
Region 6 director

Supplier Director Report

Most suppliers have seen increasing interest as the reports of economic health creeping back are reported by various media outlets. The last two wicked winters have done a tremendous amount of damage to chimneys and heating systems have been used and abused. Many areas saw record cold and or snow this last winter and that bodes well for the upcoming fall. Traditionally tough winters generate business the following fall. All indications are for a good summer and fall season.

Russ Dimmitt
Supplier Director

NCSG Governance Committee Report

The results of the NCSG 2010 election were announced at the Indianapolis convention in February. Congratulations to Phil Mitchell Region 1, Bob Fleeer Region 2, Jay Walker Region 3, and Marge Padgitt Region 4 directors. The board also confirmed two at large seat recommendations from the GC of Jeremy Biswell and Dennis Dobbs. All incoming directors have gone through the Director Orientation training conducted by Mark McSweeney and myself shortly after the February convention.

The GC is currently working on identifying candidates for the 2011 election cycle. The director seats up for this election are for Region 5 and Supplier Director. Looking ahead to the 2012 election cycle there are eight Director seats that will come up for election.

At the Long Range Planning meeting directors will take part in a board development session facilitated by Dave Pomeroy. This training will help the board and staff to function as a team to implement change and meet objectives coming out of the LRP session.

The GC is confident with recommendations from board members and committee chairs that we will achieve our nomination goals and will be a resource for those not ready for board service looking to serve on a committee or task force.

Respectfully Submitted,

Howard Rowell
Governance Committee Chairman

Bylaws Committee

No report

Long Range Planning

No report

Vice President's Report

I remain concerned about the separation of the Presidency of the NCSG and the CSIA. I'm afraid this will result in conflicts of interest if the employment of a common Executive Director remains, as well as potential issues with other shared staff and resources. I would like to have a review of the reasons and benefits of the split. This review should include actual benefits realized to date, as well as potential benefits not yet experienced.

Technical Advisory Council (TAC) Report

The 2010 NFPA 211 is now available. There have been changes, including minimum height requirements for chimney caps.

The process of converting technical assistance to an e-mail only format is underway. This will offer greater protection to the TAC members and the NCSG. It gives NCSG members who request TAC assistance the ability to include photos with their requests. An e-mail system will also help in compiling a FAQ feature for the membership.

Respectfully Submitted,

Bob Priesing
NCSG VP
At-Large Director

Ethics Committee Report

NCSG

Opened	1
Closed	1
Currently Open	1

It has still been pretty quiet since convention. Very few cases have come in. I would as always like to thank my committee and our staff contacts for all their hard work.

The new NCSG Ethics Committee for 2010-2011 is as follows:

Jay Walker (FL), Chair
Jim Bostaph (VA)
Rich Martinez (IL)
Amie Ryan (CA)
Mark Stoner (TN)

Thanks to all,

Jeremy Biswell
Past NCSG Ethics Committee Chair

NFPA 31 Report

On April 22 I attended the NFPA 31 committee meeting. None of the changes to the code that the NCSG proposed were challenged. Most of the discussion had to do with above ground oil storage tanks.

We are still working on funding to get for verification of the NFPA 31 chimney liner sizing charts so they can be moved from the Annex to Chapter 6 in the body of the code.

I was appointed Chair of the revision of Chapter 6 in the code which includes the connector pipes, chimneys and relining. I am also on the task force for Chapter 5 combustion air. This is a good appointment because I can push our Chimney Physics program. Chapter 5 also deals with house depressurization.

This next year we will be doing a 3 year cycle instead of a four year cycle.

We will need an alternative representative being Royal is no longer with us.

John Pilger
NCSG Rep to NFPA 31

New Business

- 2010-2011 Committee Assignments
- Annual Consideration of Conflict of Interest Disclosures
- Request for Licensing Support *M. Padgitt*
- Trademark Violator Compliance Policy *M. McSweeney*
- Date for Annual Budget Meeting: **August?, Plainfield, IN**

NCSG CONFLICT OF INTEREST POLICY

INTRODUCTION

National Chimney Sweep Guild (“NCSG”) leaders are acting in their official capacities and their actions and decisions should be based on what they honestly and reasonably believe to be in the best interests of NCSG. It is also what is expected by NCSG members and other constituencies. If the judgment of an NCSG official is influenced by an outside interest, the Guild may suffer harm directly from an ill-advised decision.

DEFINITION OF “CONFLICT OF INTEREST”

A conflict of interest exists when a volunteer leader has a direct or indirect business, professional, or personal situation or relationship that might influence the judgment or actions of the leader when serving the Guild. Conflicts of interest may arise under numerous scenarios, including but not limited to:

1. Serving as an officer or director of another nonprofit organization in the general areas of interest to the Guild.
2. Receiving compensation (*e.g.*, consulting fees, speaking or writing honoraria, etc.) from a company offering products or services related to the interests of the Guild.
3. Doing business with Guild or having a relationship with any company or organization doing business or wishing to do business with Guild.

DISCLOSURE

Those Guild officials subject to this Conflict of Interest Policy must disclose all conflicts as defined above. It should be noted that the definition of conflict or interest adopted in this Policy includes any relationship that *might* influence the actions or decisions of a Guild official. Therefore, even if one believes that a relationship or other circumstance will not affect one’s judgment or conduct, if it could do so, then it should be disclosed. Those covered by this Policy will have the burden of defending any decision not to disclose and therefore should err on the side of disclosure.

Disclosure shall be made on at least an annual basis on forms provided by the Guild. Completed forms will be reviewed by the Guild’s Executive Director who may take such further action as is deemed appropriate. In addition, any relationship or circumstance that is created or arises in the interim should be disclosed to the Executive Director of the Guild as soon as possible. The Executive Director of the Guild’s disclosure shall be reviewed by the President of the Guild.

Finally, all those covered by this Policy have an obligation to bring to the attention of the Guild any conflict or perceived conflict of any other Guild official also subject to this Policy.

COVERED OFFICIALS

The following are subject to the Guild's Conflict of Interest Policy:

- (a) Board of Directors (including Officers)
- (b) Executive Director

EFFECT OF A CONFLICT OR PERCEIVED CONFLICT

Once a conflict of interest arises, in addition to disclosure, the person with the conflict should use their best judgment as to whether and to what extent they should recuse themselves from deliberations, voting, decision making, and other participation with respect to the matter at issue, and whether they should resign from an office or position. In making this determination, the best interests of the Guild should be the sole criteria. The Board of Directors may require full or limited recusal or other measures, including resignation from a Guild office or position.

VIOLATION OF THIS POLICY

Violations of this Policy may result in disciplinary action, up to and including removal from a Guild office or position and expulsion from the Guild.

Request to the NCSG Board of Directors Support for Licensing

Several cities in Missouri, Kansas, and Iowa have adopted contractor licensing. These states do not have state contractor boards and this is handled by the counties and cities.

The contractor boards and city code departments have passed regulations making it mandatory to have a Master Mechanical license (HVAC or Class DM) and pull permits for relining gas or wood chimney flues, or to install gas or wood-burning appliances.

These regulations are already in affect, and anyone caught doing installations without a permit or license is subject to fines, tickets, and appearance before a judge (this has happened several times). Note: no one in the greater KC area has the license (except my own company). The Master Mechanical license requires advance training, usually a technician program through a college; a prep course; taking the BLOCK/Experior test (8-hour test) on 10 books including heating systems, cooling systems, refrigeration, plumbing, ventilation, electrical, and the IRC code, NFPA 54, and more. There are NO questions on the test regarding chimney relining or wood appliances, or gas inserts or stoves. Very little of this program is helpful to most sweeps in their jobs. Additionally, the installer must provide a letter from three to five other HVAC companies attesting that they know of his work. These requirements are nearly impossible for most chimney sweeps.

Other cities such as St. Louis, Missouri and Springfield, MO are planning similar licensing, and are using the Johnson County Contractor Licensing Program as a model for their programs. See more information at www.contractorlicensing.jocogov.org.

The MCSC has proposed changes to add a new category or categories to contractor licensing that would allow those persons who are CSIA and/or NFI Certified to do this work without holding the HVAC license. We have added “sweeping” and “inspections” to the category, because I know this is an issue they are discussing regulating now. If we can get this wording in for sweeps it will stop the building officials from addressing chimney sweeps in their own way. See the proposal on the next page.

The licensing board has been very receptive to the idea, and I will be presenting a proposal to a meeting of local code officials from most of the cities in the Kansas City area in June. Note: these ordinances also affect Kansas. The person from JO CO Licensing who is helping me on the project said that they need to have requests from the city code officials before proceeding with a new licensing category. So we must first convince most of the city officials, then work with JO CO Licensing to develop the new licensing category.

Very likely, most of the current requirements for companies will include what they have set up for other categories now: Proof of insurance, payment of a fee (\$300 per year), proof of CSIA Certification (a badge or letter) and references. See the attached forms from their website.

The MCSC and would like support from the NCSG in the form of the following:

1. A Letter from the NCSG stating that the NCSG supports the idea of Licensing Chimney Sweeps in areas that have licensing programs in place. See sample letter following.
2. One copy of the latest Sweeping manual to give to the code officials to review.
(There are 28 cities involved)

Suggested Licensing Requirements for Chimney Sweeps and Hearth Appliance Installers.

Chimney Sweep/Technician: Anyone who sweeps or inspects wood, pellet, or gas-burning appliance chimneys and chimney flues, vents and connecting pipes; installs chimney flue liners serving wood-burning or gas-burning heating and decorative appliances; does modifications or repairs to chimneys and chimney liners; does chimney replacement or repair of any components of a prefabricated or masonry wood or gas-burning chimney; does replacement, repair, or installation of wood stove chimneys and connecting pipes, or does installation or repair of gas burning appliance chimneys, vents, connecting pipes, and components. Includes vents and chimneys serving wood-burning, pellet, alternative bio fuels, natural gas, and propane furnaces and boilers. Qualification: Shall be a *Certified Chimney Sweep* by the Chimney Safety Institute of America.

Gas Hearth Appliance Installer/Technician: Anyone who installs or services gas-burning heating hearth appliances such as gas logs, gas heating stoves, gas-burning fireplace inserts, and gas-burning fireplaces along with vents or flues that come with the appliance.

Qualification: Shall be a *Certified NFI Gas Specialist* by the National Fireplace Institute.

Wood-Burning Hearth Appliance Installer/Technician: Anyone who installs or services wood-burning heating appliances such as fireplaces, fireplace stove inserts, wood-burning heating stoves, or wood-burning furnaces.

Qualification: Shall be a *Certified Woodburning Specialist* by the National Fireplace Institute.

Pellet or Alternative Fuel Appliance Installer/Technician: Anyone who installs or services pellet-burning, corn-burning, wheat-burning or other alternative fuel heating hearth appliances along with vents that come with the appliance.

Qualification: Shall be a *Certified Pellet Specialist* by the National Fireplace Institute.

-The above requirements would apply to all field personnel who do installation or service work for the company.

-CEU credits for renewal of any of the above licenses may be obtained through Johnson County Contractor Licensing, the Chimney Safety Institute of America, the National Fireplace Institute, or the Midwest Chimney Safety Council.

**National Fireplace Institute: www.nficertified.org Chimney Safety Institute of America: www.csia.org
Midwest Chimney Safety Council: www.mcsc-net.org**

Sample Letter from NCSG:

To Whom it May Concern:

The National Chimney Sweep Guild advises its members to get professional training and certification of chimney sweeps. Our sister organization, the Chimney Safety Institute of America, has the only chimney sweep training school in the United States, and the only nationally recognized certification program. The school provides additional professional training services on site, and educational seminars at national, regional, and state conventions year-round.

Chimney sweeps typically sweep and inspect all types of wood and gas-burning chimneys and venting systems, reline and repair chimneys and fireplaces, and install Class A and B-vent chimneys. The NCSG supports licensing of chimney sweeps, using the CSIA Certified Chimney Sweep program as the primary requirement, in cities where licensing is required or anticipated.

The NCSG does not support licensing using the HVAC or Master Mechanical test because the program does not adequately cover most of the systems that chimney sweeps typically encounter, and includes items that chimney sweeps do not service or install (HVAC systems) and are not applicable to our work.

The CSIA test covers NFPA 211 Standards for Chimneys, Fireplaces, and Solid Fuel Appliances, the International Residential Code, and the SWEEPING manual which includes wood, gas, and oil chimneys, flues, connecting pipes, wood and gas-burning fireplace inserts, freestanding stoves, “decorative” appliances (fireplaces, gas logs), pellet stoves and vents, Class A, B-Vent; Masonry, and prefabricated chimneys; smoke chambers; exterior chimneys and components; and safety and health issues that are unique to chimney sweeps.

Yours Truly,

Marge Padgitt

NCSG Member Trademark Violator Compliance Policy

The following policy shall apply to individuals and/or companies that have used the NCSG Member and/or Sweep With Umbrella trademark [United States Patent and Trademark Office, Registration No. 1,250,041] without authorization (“violator”). Specifically, this policy will address the requirements for a trademark violator to come into compliance with NCSG’s trademark use policy.

1. If the violator has been authorized to use the trademark at anytime within the 12 month period immediately preceding notification of the violation: The violator will be given the opportunity to come into compliance by renewing their membership in the Guild. Renewal is subject to any restrictions that may have been placed on the company by NCSG and must occur within 30 days of notification of the violation. The company’s next future renewal date will be based on their most recent join date. In the case of the individual who is recertifying, the next renewal date for his/her certification will be based on their previous expiration date. *Example: A company’s membership expired October 2009. In May 2010 NCSG is notified that the company is still using the NCSG trademark. The violator is notified and the company rejoins June 2010. Their membership will be due for renewal again in October 2010.*

2. If the violator has never been authorized to use the trademark, or their most recent authorized use was more than 12 months prior to notification of the violation, and they have not had a prior NCSG trademark violation within the preceding 3 year period: The violator will be required to immediately cease and desist from the use of the trademark, and provide NCSG with written verification of such. The violator will be required to pay a licensing fee equivalent to the current membership dues rate for the year(s) proven to be in violation. In addition, the violator will be required to demonstrate that they have complied with the Cease and Desist request for a minimum period of 2 years prior to being eligible to apply for membership and authorization. *Example: A violator is found to be using the NCSG trademark in violation in May 2010. In addition to signing a cease and desist order, the violator will be required to pay a fee for their use of the trademark over the preceding 12 months (or longer if the use can be proven). In addition, the violator will not be considered eligible to apply for membership, or otherwise be authorized to use the trademark, until May 2012.*

3. If the violator has had a prior NCSG trademark violation within the preceding 3 year period: Compliance is subject to the minimum requirements as outlined in #2 above, and may be subject to additional penalties including legal sanctions as authorized by the NCSG Board of Directors.