

State of Oregon
Draft

Agenda
Item
I.D.

Oregon State Plumbing Board

Meeting minutes

August 15, 2008

Members present: Ken Carlson, Chairman
Rick Bosch
Skai Dancey
Michael Perry

Members absent: Jonathan Gray, Vice-chair
Jack Vilendre

Staff present: Nicole Defever, assistant Attorney General
Katharine Lozano, Oregon Department of Justice
Patrick Allen, administrator
Andrea Simmons, deputy administrator
Chris Huntington manager of policy and technical services
Terry Swisher, chief plumbing inspector and board secretary
Liz Browder, manager of enforcement services
Homer Humelbaugh, assistant chief plumbing inspector
Brent Griffiths, lead enforcement officer for the section
Aeron Teverbaugh, policy analyst
Richard Baumann, policy analyst
Shauna Parker, rules coordinator
Debi Barnes-Woods, division boards coordinator

Guests present: Marv Morlan, City of Portland
Dwight Perkins, IAPMO

I. Board business

A. Call to order

Chairman Ken Carlson called the Oregon State Plumbing Board meeting to order at 9:30 a.m. The meeting was held at the Building Codes Division, Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Vice-Chairman Jonathan Gray and Jack Vilendre were both absent excused.

C. Approval of agenda and order of business

Chairman Carlson **RULED** the agenda and order of business approved.

D. Approval of the June 19 regular board meeting minutes

Chairman Carlson **RULED** the June 19, 2009 minutes approved.

E. Date of the next scheduled meeting

October 16, 2009

At this time Chair Carlson read a script to announce the start of executive session

(Break to clear room for executive session)

- A. Executive session to consult with counsel concerning legal rights and duties regarding potential settlement agreement offer for Studor, Inc. V. State of Oregon Marion County Circuit Court No. 08c11685 (ORS 192.660(2)(f) and (2)(h))**

(Break to allow audience to be seated)

As the audience returned to Conference Room A, the meeting was brought back into regular session at 10:55 a.m.

II. Public comment - None

III. Reports

A. Building Codes Division report

Manager of Policy and Technical Services Chris Huntington announced that Andrea Simmons, recently appointed as acting deputy administrator of Building Codes Division, has accepted a position at the Oregon Department of Energy. The division will begin recruitment for the deputy administrator position. Aeron Teverbaugh, policy analyst, has accepted a new position at the division. This policy analyst position was created by SB 79 to provide policy support for energy efficiency codes.

After a brief update on staff changes, Manager Huntington reviewed the content of the [BCD Update packet](#).

Legislative overview:

HB 2200 became effective July 1, 2009. The bill makes changes to boiler and elevator permit and inspection fees. Boiler installation permits will go to a flat-rate fee rather than an hourly rate, and the elevator hourly inspection rates and re-inspection fees will increase.

HB 2014 clarifies and corrects existing law allowing school districts to assess a construction tax, which the division has been mandated to collect. Further review of what the division's responsibilities are in this issue is currently in the process.

SB 79 accomplishes three things:

- Creates a task force on energy performance scores
- Requires an increase in the energy efficiency of 15-25 percent in commercial structures and 10-15 percent in residential structures by 2012
- Authorizes the development of a voluntary “reach code” containing construction methods for achieving higher levels of energy efficiency than under the statewide code.

HB 2950 will create a new Construction Industry Energy Board, which will include two members from each of the following boards, Electrical and Elevator Board, Building Codes Structures Board, and Residential Structures Board, and one member appointed by the Oregon Department of Energy. Manager Huntington noted that the authority of each of the boards would remain the same.

HB 2080 will put the definition of gray water in statute and the bill requires the Department of Environmental Quality to develop rules for permits to allow for use of gray water for beneficial uses, including irrigation. New rules may impact the division's current alternate methods regarding gray water.

HB 3367 changes outdoor lighting standards to encourage use of shielded fixtures and prohibits the sale of mercury vapor fixtures and installation outdoors.

HB 3462 creates a pilot program for a training academy for inspectors targeting courses provided to support specializations that more accurately meet the needs of various jurisdictions. Chair Carlson expressed his concerns with saving money by using a less qualified individual to do what is required by statute.

HB 3450 requires carbon monoxide alarms in certain one -and two-family dwellings and in multi-family housing at time of sale or transfer. All new construction will require the alarm after April 1, 2011.

C. Enforcement cases

Final Order after hearing – License denial (*Although this item is listed under enforcement, Chief Swisher discussed the case due to it being a license denial*)

1. Consideration of final order after hearing for Kord L. Dickson.

Oregon State Plumbing Inspector Terry Swisher explained that Mr. Dickson was previously licensed in the State of Washington and Idaho, but allowed those licenses to expire at the time he applied for an Oregon journeyman plumbing license. Mr. Dickson acquired the Washington license through experience with the State of California then reciprocated the Washington license with the State of Idaho without testing for the license. Mr. Dickson did not complete an approved apprenticeship program. A hearing was requested and held for denial of the application to test for the license. The Administrative Law Judge agreed with the division to deny the application based on Mr. Dickson not having the required training hours or a valid journeyman plumbing license from a reciprocating state.

Motion by Chair Carlson to adopt the proposed order issuing a final order for Kord L. Dickson with no changes.

Motion carried unanimously

D. Summary of enforcement actions previously taken by the division for cases 1 through 11, outlined on the enforcement board report. (No board action required)

Manager of Enforcement Services Liz Browder reminded the board that as of March, each enforcement officer was assigned a specific region in Oregon. Enforcement officers have made visits to a total of 764 sites with 128 site-checks for plumbing in these regions since March 2009.

Lead Enforcement Officer Brent Griffiths noted that Case No. 2009-0138 Restaurant Construction Specialties, Inc is being pulled off the summary report and is being re-opened. The enforcement section will report on this case at a later board meeting.

Case No. 2009-0105 and 2009-0106 Herb's Plumbing Services LLC and Bryan T. Haberlach, was assessed \$10,000 each for not paying for a journeyman plumbing license after passing the test in 2006. In addition Mr. Haberlach did not complete the required continuing education courses to maintain the license. As part of the settlement agreement, Mr. Haberlach is required to complete and supply evidence of completion of 24 hours approved continuing education by the end of 2009. Mr. Griffiths noted that the settlement agreement was discussed with various stakeholders and board members prior to sending it out.

E. Program update

This item was discussed under division update.

IV. Communications - None

V. Appeals – None

VI. Unfinished business - None

VII. New business - None

VIII. Announcements - None

IX. Adjournment

There being no other business Chairman Ken Carlson adjourned the board meeting at 11:30 a.m.

Respectfully submitted by,

Debi Barnes-Woods
Division Boards Coordinator