

**State of Oregon
Draft**

Agenda Item I.D.

State Plumbing Board

Meeting minutes

February 18, 2010

Members present: Jonathan Gray, Chair
Robin Scheffer, Vice-chair
Rick Bosch
Skai Dancey
Sarah Heinicke
Michael Perry
Jack Vilendre

Members absent: None

Staff present: Chris Huntington manager of policy and technical services
Katharine Lozano, assistant Attorney General
Terry Swisher, chief plumbing inspector and board secretary
Brent Griffiths, lead enforcement officer
Homer Humelbaugh, assistant chief plumbing inspector
Ree Armitage, policy analyst
Richard Baumann, policy analyst
Shauna Parker, rules coordinator
Debi Barnes-Woods, division boards coordinator

Guests present: Ken Carlson, former board Chairman
Jack Beuschel, STUDOR Inc.
Steve Zettle
G.F. Scheuermann, Local 290
Tony Cracolice, BOLI/ATD

I. Board business

A. Call to order

Chairman Jonathan Gray called the 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

All members were present.

C. Approval of agenda and order of business

Chair Gray **RULED** the agenda and order of business approved.

D. Approval of the regular board meeting minutes

Chair Gray **RULED** the December 17, 2009 minutes approved.

E. Date of the next scheduled meeting

The regularly scheduled meeting April 15, 2010 has been rescheduled to April 1, 2010.

II. Public comment - None

III. New business

A. *In the Matter of Bend Radiant Heating, Inc.* – request for Alternative Dispute Resolution from Steve Zettle

Manager of Policy and Technical Services Chris Huntington explained that Mr. Zettle has received a proposed assessment of civil penalty from the division concerning a case that has not yet gone to hearing. Manager Huntington noted that Mr. Zettle is present to ask that the board accept a settlement agreement apart from what has been established in the enforcement penalty matrix.

Steve Zettle, owner and operator of Bend Radiant heating, Inc., explained that his company is a good company that follows the rules, has licensed employees, obtains permits when needed, and is in compliance with the Construction Contractors Board. He noted that this is the company's first citation and he believes the penalty does not meet the crime and asked that the board take the company's history into consideration.

B. Request from "STUDOR, Inc." to speak to the board regarding current litigation

Jack Beuschel, Studor Inc., noted that the company is the distributor of the STUDOR brand products in the USA, Canada, Mexico and Puerto Rico. Mr. Beuschel explained that the air admittance valves are devices that can be used in lieu of open pipe vents. He said that millions of systems have been installed nationwide since 1989. The valves have been tested and are operating successfully with no health issues associated with the product. Mr. Beuschel added that all STUDOR air admittance valves are listed and certified by one or more of the following:

- ASSE 1050
- ASSE 1051
- NSF Certified for DWV to NSF Standard 14
- IAPMO File No. C-3803
- ICC-ES PMG 1025
- Warnock Hersey Intertek
- UL Classified

Mr. Beuschel asked the board to consider the product as an option to open pipe venting.

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

(Break to clear room for executive session)

IV. Executive session

- A. Consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. ORS 192.660 (2)(h)**
- B. Executive session to consult with counsel concerning legal rights and duties with regards to Studor, Inc. V. State of Oregon Marion County Circuit Court No. 98C11685 (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 10:30 a.m.

At this time board action was taken on Agenda Item III.A.

- A. Motion by Chair Gray** to deny the request for negotiations and advised Mr. Zettle, Bend Radiant Heating, Inc. to proceed to hearing as requested.
Motion carried

Jack Vilendre abstained from the vote. Mr. Vilendre is a manufacturer of radiant heating equipment and Bend Radiant Heating, Inc. is a customer.

V. Reports

A. Building Codes Division report

Manager of Policy and Technical Services Chris Huntington discussed legislative implementation and code activities that are noted in the BCD Update packet.

HB 3462 has two major components related to inspector certification:

- The first Phase, (Phase 1) included establishing renewal periods and fees for certifications. A committee was established and completed its work focusing exclusively on rulemaking dealing with the inspector and building official certification renewal periods, processes, and fees. The rule will go into effect July 1, 2010 with the first renewal cycle beginning November 2010, then every 3 years.
- The second Phase (Phase II) authorizes the division to create a pilot program to develop specialized inspector certifications and training. A committee will be formed sometime in February to begin its work.

Manager Huntington noted that SB 79 accomplishes three things:

- Creates a task force on energy performance scores
- Requires an increase in the energy efficiency of 10-25 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 codes

Manager Huntington explained that in order to ensure that the energy code meets the statutory obligations of energy efficiency improvement in commercial buildings by 15-percent, the code committee had to meet several times to complete its work. The code went before the Building Codes Structures Board February 3, 2010 for its review and recommendations. The division is anticipating the likely effective date for the 2010 Oregon Structural Specialty Code, 2010 Oregon Mechanical Specialty Code, and the 2010 Oregon Energy Efficiency Specialty Code to be July 1, 2010.

Manager Huntington noted that the Solar Energy Code committee encountered some issues related to firefighter access for solar panels installed on rooftops and the structural components that may be related to those types of installations. He added that the committee is only addressing the most common type of photovoltaic solar installations. Once the committee is through with its work, the Construction Industry Energy Board will be the board that will be reviewing and making recommendation on the code.

B. Enforcement cases

Manager of enforcement services Liz Browder highlighted some of the enforcement activities for 2009. She noted that what is included in the BCD Update packet shows the year-end activities for the section.

1. Consideration of proposed order assessing civil penalties in the matter of Tim A. Leslie

Brent Griffiths, lead enforcement officer, noted that Mr. Leslie made a plumbing installation without a contractor's license, without a journeyman plumber's license and without a permit. Mr. Leslie requested a hearing. The ALJ found in favor of the division.

Motion by Skai Dancy to adopt the proposed order issuing a final order with no changes.

Motion carried unanimously

C. Summary of enforcement actions previously taken by the division outlined on the enforcement board report. (No board action required)

No discussion for this agenda item.

IV. Communications – None

V. Appeals – None

VI. Unfinished business - None

VII. New business – None

VIII. Announcements

Chair Gray announced that the next State Plumbing Board meeting has been rescheduled to Thursday, April 1, 2010.

IX. Adjournment

There being no other business Chair Gray adjourned the board meeting at 11:15a.m.

Respectfully submitted by,

Debi Barnes-Woods
Division Boards Coordinator