

State of Oregon
Final

AGENDA
ITEM
I.D.

Oregon State Plumbing Board

Regular meeting minutes

December 15, 2006

Members present: Ken Carlson, chairman
Jonathan Gray, vice-chair
Skai Dancey
Jack Vilendre

Members absent: Kathryn Mattimore
Jacob Polvi
Perry Shinn

Staff present: Mark Long, Building Codes Division administrator
Judith Anderson, assistant attorney general
Terry Swisher, chief plumbing inspector, and board secretary
Martin Pittioni, enforcement and licensing manager
Roseanne Nelson, enforcement and licensing assistant manager
Tamara Brickman, legislative and public affairs manager
Sherri West, training and public affairs coordinator
Heath Lawson, enforcement officer
Paul Persson, enforcement officer
Casey Hoyer, policy analyst
Debi Barnes-Woods, boards coordinator

Guests present: Bob Kimes, Local 290 Training Center
Ron Somers, Somers & Wolf
Jack Wallace
Dwight Perkins, IAPMO
Jon Maupin

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 Building Codes Division, Conference Room "A," 1535 Edgewater NW, Salem, Oregon.

B. Roll call.

Kathryn Mattimore was absent unexcused. Jacob Polvi and Perry Shinn were absent excused.

C. Approval of agenda and order of business.

Agenda Item III.B., Final Order for Jack L. Wallace will be heard before Agenda Item III.A. This item was carried over from the October 20, 2006 board meeting at the respondent's request. Agenda Item III.C., was also heard before III.A.

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

D. Approval of the October 20, 2006 Oregon State Plumbing Board meeting minutes.

Chairman Carlson **RULED** the regular minutes of October 20, 2006 approved.

E. Date of the next regularly scheduled meeting.

February 16, 2007.

II. Public comment – None

III. Reports

(Agenda Items B and C, heard before Item A)

B. Enforcement cases.

Final Order, Jack L. Wallace: This item was carried over from the October 20 board meeting at the request of Ronald Somers, counsel for Jack Wallace.

Heath Lawson, enforcement officer, reviewed the case with the board. He noted that Mr. Wallace was a licensed journeyman plumber until his license expired on April 1, 2005. Mr. Wallace then failed to pay the renewal fee within the statutory 90-day deadline after license expiration. When Mr. Wallace tried to renew after the deadline had expired, the division declined his request. Mr. Wallace requested a hearing contesting the division's action. The administrative law judge's Proposed Order recommended that Mr. Wallace's license not be renewed for failure to meet statutory requirements. The division requested that the board adopt the administrative law judge's Proposed Order as the Final Order. Mr. Lawson noted grammatical changes were made to the [Final Order](#) and the date on lines 14 and 15 of the order was changed from "2006" to "2005," which was the correct date of the violation.

Ronald Somers, attorney for Jack Wallace, distributed a copy of a fax he received from the division dated October 19. The fax stated that the board would consider adopting the Final Order concerning Jack Wallace at its next regularly scheduled meeting (December 15, 2006). *Exhibit "A."* He said that he was not aware that the case was to be heard October 20 at the Oregon State Plumbing Board. Mr. Somers also noted that the administrative law judge found that the division did not send Mr. Wallace a renewal notice.

Jack Wallace addressed the board, noting that he has been a licensed plumber for 40 or 50 years. Mr. Wallace said that he did not receive a renewal notice from the division concerning his license.

Chairman Carlson asked if there is documented evidence that the division did not send out a renewal notice. Mr. Somers noted that the administrative law judge made a finding at the hearing that a renewal notice was not sent to Mr. Wallace.

Chairman Carlson said that he has been a journeyman plumber for 30 years and has maintained his license whether he has or has not received a renewal notice.

Vice-chairman Jonathan Gray, also a journeyman plumber, noted that the license renewal should be denied based on the fact that licensees are responsible for their individual licenses.

MOTION by Jack Vilendre to adopt the amended Final Order denying the renewal of Jack Wallace's journeyman plumbers license based on hearing record.
MOTION CARRIED UNANIMOUSLY.

C. Summary of enforcement actions previously taken by the division for cases 1 through 5 outlined on the enforcement board report. (No board action required.)

Enforcement officer Heath Lawson was present to answer questions regarding cases for which the division has taken action.

Martin Pittioni, enforcement and licensing manager, noted that the enforcement section is now fully staffed.

A. Building Codes Division administrator's report.

Building Codes Division Administrator Mark Long discussed and distributed a handout detailing BCD's projects' status. *Exhibit "B."*

Proposed legislation: Documents concerning proposed legislation for the Department of Consumer & Business Services were distributed. The division's three legislative concepts were included in this handout. *Exhibit "C."* LC 634, LC 575, and LC 326 were discussed individually.

LC 634: Exhibit "D." This concept makes certain boilers and pressure vessels in single-family dwellings, and certain water heaters, subject to municipal building inspection programs. This bill also revises permit definitions and requirements, and defines inspection requirements and the duties of a special inspector. It will allow the division to grant an exemption from regulation for certain boilers and pressure vessels.

LC 575: Exhibit "E." The bill would allow the division to suspend or revoke a license without an initial hearing if there has been an egregious code violation that threatens public health or safety. The bill would also expand the list of building trade law violations qualifying as grounds for sanctions against the construction contractor license.

LC 326: Exhibit "F." Administrator Long explained that this concept is a continuance from House Bill 2181 to help ensure consistent licensing procedures in all program areas. Chairman Carlson complimented all involved in preparing this concept. Draft copies were taken to the board chair/vice-chair group to keep the group updated on the process.

E-permitting (LC 785): Administrator Long noted that language for this proposed legislative concept is expected to be completed December 29, 2006. This program allows for 24-hour access, 7 days a week to a full range of building department services including plan review and permit and inspection tracking. The division is asking the industry to support this request by paying a four percent surcharge on all building permits.

D. Program update.

Chief Plumbing Inspector Terry Swisher noted that the changes to the plumbing test questions are complete. The average testing scores are in the 80-percentile range.

IV. Communications

Update for the 2008 Oregon Plumbing Specialty Code adoption process.

Chief Swisher noted the proposed timetable to collect proposed code amendments for the 2008 Oregon Plumbing Specialty Code adoption process starts February 15, 2007.

Chief Swisher explained that Oregon's current plumbing code is the 2005 Oregon Plumbing Specialty Code (OPSC), which is based on the 2003 edition of the Uniform Plumbing Code (UPC) with Oregon amendments. The division proposes to update the OPSC with the recently published 2006 UPC. The UPC will likely be adopted with Oregon amendments to become effective April 1, 2008.

Administrator Long commended the board chair/vice-chair group for its work on developing the code adoption and amendment process.

BCD's new employees:

Paul Persson, enforcement officer

Tamara Brickman, legislative and public affairs manager

Sherri West, training and public affairs coordinator

V. Appeals – None

VI. Unfinished business - None

VII. New business

Board review and approve for public hearing and subsequent adoption of draft rule OAR 918-030-0015, "Contractor Licenses."

Casey Hoyer, policy analyst, explained the contractor licenses draft rule. He explained that the rule was developed with the assistance of the board chair/vice-chair group. He noted that this rule accomplishes two things:

- 1.) Requires contractors to provide verification of Construction Contractors Board (CCB) licensing when applying to the division for a new license, or for license renewal; and
- 2.) Allows the division or the board to suspend, revoke, or refuse to renew a division-issued license if a licensee fails to maintain a CCB license.

MOTION by Chair Carlson to approve the draft rule OAR 918-030-0015, "Contractor Licenses" for public hearing and subsequent adoption as they relate to plumbing licensing.

MOTION APPROVED UNANIMOUSLY.

VIII. Announcements – None

IX. Adjournment

Chairman Ken Carlson adjourned the meeting at 10:45 a.m.

Respectfully submitted by,

Debi Barnes-Woods
Boards Coordinator

Exhibit:

- A. Faxed document from the division to Ronald Somers, attorney for Jack Wallace, *Agenda Item III.B., page 2.*
- B. BCD's project's status, *Agenda Item III.A., page 3.*
- C. Proposed legislation for DCBS, *Agenda Item III.A., page 3.*
- D. LC 634, *Agenda Item III.A., page 3.*
- E. LC 575, *Agenda Item III.A., page 3.*
- F. LC 326, *Agenda Item III.A., page 4.*