

**State of Oregon
Final**

Agenda Item I.D.

Oregon State Plumbing Board

Meeting minutes

April 11, 2008

Members present: Ken Carlson, Chairman
Jonathan Gray, Vice-chair
Skai Dancey
Michael Perry *(new member)*

Members absent: Rick Bosch
Jacob Polvi
Jack Vilendre

Staff present: Mark Long, administrator
Andrea Simmons, legislative manager
Terry Swisher, chief plumbing inspector and board secretary
Twyla Knowles, assistant manager of FABS
Jon Hills, enforcement and licensing manager
Robert Salinas, enforcement and licensing assistant manager
Richard Baumann, policy analyst
Heath Lawson, enforcement officer
Matt Rodriguez, enforcement officer
Kaylan McAllaster, boards coordinator
Debi Barnes-Woods, boards coordinator

Guests present: Tony Cracolice, BOLI/ATD
Beth Farmer, BOLI/ATD
Bill Cross, Executive Director for Oregon Building
Officials Association (OBOA)
Kevin Curry, OAPHCC
Frank Wall, PMCA
Devon Lyon, OAPHCC
Hank McDonald, City of Portland
Donald Kool, United Association Local 290
Dave Hensley, City of Corvallis
Rodney Hardcastle, Journeyman license applicant
Gene Hardcastle
Pam Ditty, president of Mike Ditty LLC

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

Rick Bosch, Jacob Polvi, and Jack Vilendre were all absent, excused.

C. Approval of amended agenda and order of business

The amended agenda was approved, which includes exceptions received on Agenda Item III.B.4.

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

D. Date of the next scheduled meeting

June 20, 2008

E. Welcome new board member Michael Perry

Mr. Perry was welcomed to the board. He brings seven months experience from the health department specifically working in the drinking water program on cross/connection control.

II. Public comment

Pam Ditty, president of Mike Ditty, LLC., said the company has been providing plumbing related continuing education in the States of Oregon and Washington since 1995. [Ms. Ditty commended](#) the division on how well information is shared with providers of continuing education.

III. Reports

A. Building Codes Division's report

Administrator of Building Codes Division Mark Long briefed the board on the division's update contained in the document "[BCD Update](#)." Board dates, BCD in Perspective and summary of rulemaking projects were all discussed.

Green building: Green building and sustainability are areas that represent opportunities for dialogue. Portland is currently considering initiatives pertaining to green building: 1.) A carbon tax based on a given project's carbon footprint and, 2.) Developing green building standards through adoption of a local "green building ordinance."

[Oregon eBuildingPermits](#): A vendor for the software has been selected and the division will be moving into the development stage. Approximately seven jurisdictions are ready to start using the system as soon as it is developed. The system is expected to be available Spring 2009.

Training and education: The division will be providing state training to inspectors through video-streaming equipment. A pilot training covering the structural and mechanical portions of the residential code will be video-streamed sometime next week. This training, or “Webinar,” will allow individuals to view training materials through the Web.

Building department accreditation: A workgroup was established to evaluate standards of local building department programs. The division is expecting the group to have a list of standards by the end of 2008.

Administrator Long noted that the division has submitted several legislative concepts to the governor’s office.

Staff changes:

Andrea Simmons: Legislative Manager, will be working directly on legislative matters and rulemaking activities as well as taking the lead on sustainability efforts. Manager Simmons will be managing training and education, including “Webinars.”

Chris Huntington is the Interim Policy and Technical Services Manager.

Administrator Long discussed the adoption of the Low-Rise Residential Specialty Code, specific to Appendix M. He noted that Appendix M was proposed as a statewide alternate method. Statewide alternate methods apply anywhere in the state, if someone wishes to use the alternate method. Alternate methods are not mandated nor do they appear in the body of the code, they are instead acceptable methods of working that building officials statewide must recognize.

B. Enforcement cases

Jon Hills, licensing and enforcement manager introduced a new enforcement officer, Matt Rodriguez. He also noted that the section has assigned Tania Close as the key contact enforcement officer for the Portland/Metro area.

Manager Hills updated the board on enforcement activities. The section has developed a letter it sends to licensees who are delinquent in paying civil penalties. If the licensee does not pay, or make a payment arrangement, the division will suspend his or her license.

- 1. Final Order, TNT Plumbing:** Manager Hills said the company allowed an unlicensed individual to perform plumbing work. The company was issued a civil penalty. The case went to hearing and the ALJ had concerns with the “art of installing.” The ALJ found in hearing that TNT Plumbing was not performing plumbing work.

Manager Hills explained [options](#) the board could use as listed in the board memo.

Motion by Chairman Ken Carlson to withdraw the case for TNT Plumbing making the Final Order moot.

Motion carried unanimous

2. **License denial, William L Gorgen:** Manager Hills explained William L Gorgen failed to submit certification of completion from a registered plumbing apprenticeship program or provide proof of the required hours of training. Therefore, his application to sit for a general journeymen plumbing license was rejected.

Motion by Vice-chairman Gray to adopt the final order as proposed for William L Gorgen.

Motion carried unanimously

3. **License denial, Statewide Plumbing, Inc.:** Manager Hills explained the reason for the license denial. A history exists between Rose City Plumbing and Mr. Maksimov who is now affiliated with Statewide Plumbing, Inc. Mr. Maksimov was the owner of Rose City Plumbing at the time civil penalties were assessed on two separate occasions. Mr. Maksimov requested a hearing after receiving the denial and failed to appear.

Motion by Vice-chair Gray to adopt the final order as proposed for Statewide Plumbing, Inc.

Motion carried unanimously

4. **License denial, board review exceptions received by Lee P Boches:** Manager Hills noted that the reciprocal license application was denied for Mr. Boches due to the reciprocal agreement requirements. One requirement of the reciprocal agreement is that the applicant must reside in the original state of reciprocity for one year, and be in good standing with that state's licensing requirements. Mr. Boches had four months residence in the State of Montana.

Enforcement and Licensing Assistant Manager Robert Salinas explained to the board that Mr. Boches submitted written exceptions for review. Because the Agenda was amended to include the exceptions, the board must act separately on the exceptions.

Motion by Chairman Carlson to take no action on the written exceptions submitted by the Applicant after a thorough review by board members.

Motion carried unanimously

Motion by Chairman Carlson to adopt the final order as written for Lee Boches.

Motion carried unanimously

C. Summary of enforcement actions previously taken by the division for cases 1 through 3, outlined on the enforcement board report. (No board action required)

Robert Salinas, enforcement and licensing assistant manager, briefed the board on the enforcement activities. He noted that greater presence in the field is a focus for the section.

D. Program update

Chief Plumbing Inspector Terry Swisher announced the new plumbing code books are now available. He also noted that for the first time the division has a “read only” plumbing code available for viewing on the division’s [Web site](#). Code books were distributed to board members.

IV. Communications

Board review alternate method ruling for rainwater harvesting systems

Administrator Long explained that rainwater harvesting is being converted to a statewide alternate method ruling. He noted the ruling is not mandated and it is not a requirement, it is an option available in Appendix M.

Chairman Carlson said the language used in the alternate method ruling is geared toward potable water use. He added that the language is restrictive for retrofits.

Administrator Long reminded the board that this issue was recommended by the board through Appendix M at its last board meeting. The division did not change any language in the Appendix, the only change is to the adoption process. This change goes from a local ordinance adoption, which would only apply in jurisdictions that chose to adopt the ordinance, to an alternate method ruling allowing people statewide to choose to use the standards. Mr. Long said discussions should continue to develop the correct standards for rainwater harvesting.

Chairman Carlson noted that the City of Portland has been working with this issue for several years. He would like the language to be clearer so that jurisdictions will have a better idea of what is expected. He also would like the standards to be used statewide.

Vice-chair Gray noted that engineers, as well as himself, are willing to discuss issues of concern with clearer language in a workgroup setting if necessary. He added he is in favor of sustainability.

Chairman Carlson agreed that a group needs to gather with the design community, engineers, the division, the Chairman, and the Vice-chair of the Oregon State Plumbing Board.

V. Appeals – None

VI. Unfinished business

Board review OBOA's completed A-level training program

Chief Swisher explained OBOA submitted an outlined course consisting of 16-20 weeks of training that places an emphasis on commercial plumbing installation applications. OBOA indicated Mike Ditty, City of Hillsboro plumbing/mechanical inspector, will be the instructor.

Chairman Carlson made a correction to the rule addressed in the second paragraph of the [board memo](#). The correct reference should be [OAR 918-695-0400\(9\)\(a\)\(C\)](#).

Donald Kool, United Association Local 290 is before the board representing plumbers and steamfitters Local 290. The group strongly opposed the adoption of OBOA's training program. Mr. Kool noted a sentence in the [board memo](#), "The division asks the board to work with OBOA and a taskforce of stakeholders to discuss the proposal." Mr. Kool noted that their group is the largest group representing plumbers in the State of Oregon and Local 290 was not contacted concerning the proposal. He said Local 290 has an approved 5-year apprenticeship program for journeyman plumbers. He said the proposed training program contains no practical experience for A-level inspectors. Mr. Kool said that the inspectors should be as qualified as the journeyman installing the piping. Mr. Kool said, "The policy would undermine and lower the standards for inspections in the state and put public safety at risk."

Frank Wall, executive director of PMCA, is in opposition to the training program. Mr. Wall said the hours do not meet the minimum requirements.

Kevin Curry, OAPHACC, strongly opposes the adoption of the proposed training program. He corrected point 1 of his [handout](#). Mr. Curry said the reference was changed and does not apply to the issue.

Bill Cross, executive director of Oregon Building Officials Association responded to the individuals testifying. He noted Ron Murray, Local 290 was invited, but was unable to attend the taskforce group. He also reminded the board that the proposed training program prepares individuals to take the state inspectors exam that determines whether the applicant is qualified to be an inspector. Mr. Cross added that the program is equivalent to four years of residential plumbing experience.

Chairman Carlson said in a commercial application the inspector needs to be more knowledgeable than the plumber doing the installation.

Vice-chair Gray expressed his concern with the experience level of the individuals after completing the proposed training course.

Mark Long, administrator, reviewed the issues related to the training program. He said rules allow the division to approve the training program, although the division wanted to get feedback from the board, and the division is sensitive to industry's needs.

Chairman Carlson refrained from making a motion and deferred the proposed training program recommendation to the division.

VII. New business

A. Board review and approve draft permanent reciprocal licensing rules for public hearing and subsequent adoption

Chief Swisher explained that the division has a temporary rule in place, effective January 3, 2008. The proposed draft rule was written to meet the needs of the plumbing program, as well as the electrical program. Chief Swisher noted that the draft rule only ensures consistency in administering the existing agreements with both programs.

Motion by Skai Dancy to approve draft permanent reciprocal licensing rules for public hearing and subsequent adoption unless substantially changed.

Motion carried unanimously

B. Board review and approve technical and scientific facts relating to Alternate Method Ruling No. 08-2 Graywater conservation systems

Chief Swisher reminded listeners of what Administrator Long discussed for rainwater harvesting. The alternate method ruling allows for statewide installation of plumbing systems that conserve graywater. Chief Swisher noted two standards for graywater applications: 1.) CSA B128.1 and, 2.) IAPMO IGC 207-2006.

Hank McDonald, City of Portland, said the City of Portland is concerned with the health and safety of the community and the residences using graywater systems.

Chairman Carlson said there is a big difference between the harvest of rainwater and the reuse of graywater. He added that the State of Oregon does not have a definition for, "what is graywater." He also noted that the standard CSA B128.1 is a general standard that deals with the piping system and does not address water quality issues.

Vice-chair Gray stated his company is currently working on a study of a pathway for reuse of graywater, blackwater, and rainwater within the State of Oregon. The results will be nationally published in a report using the State of Oregon as a model state. He agreed with the Chairman that a definition for graywater is needed.

Although Administrator Long understands there are issues related to water quality, he asked the board's permission to move forward using the IAPMO IGC 207-2006 Standard as a framework to work on developing a new alternate method ruling for the board to review at its June meeting.

Board members agreed to address the issue at the June board meeting.

C. Consideration of alternate verification in the matter of Rodney Hardcastle
Additional information was submitted by the Applicant at the meeting and distributed.

Chief Swisher noted that the agenda item deals with a specific rule for alternate verification. The denial of the application was based on the qualification rules for journeyman plumbers. The rule contains a provision requiring 144 hours of approved classroom training per year, which is the only component Mr. Hardcastle's application is missing. Mr. Hardcastle is appealing to the board instead of asking for a contested case hearing. Chief Swisher said Mr. Hardcastle would need to provide an alternate to the 144 hours per year of classroom training. Those specific documents for the alternate verification are not included in any of the information received from Rodney Hardcastle.

Rodney Hardcastle addressed the board indicating that he worked for a university in its plumbing department in the State of California, although he does not have any supporting documentation.

Chief Swisher noted that the additional information just received from Mr. Hardcastle indicates he wants to become a plumbing contractor. This does not require an individual to become a journeyman plumber. Chief Swisher explained he would need to apply and qualify for a plumbing contractors license, be licensed with the Construction Contractors Board, and the division for a business license. Also, he needs to hire a licensed journeyman plumber to do the work.

Chairman Carlson said because there is not a licensing system set up for journeyman plumbers in the State of California, the State of Oregon cannot address the experience unless Mr. Hardcastle has documented proof of equivalent classroom training. Chairman Carlson said the board cannot approve Mr. Hardcastle to sit for the test without the required training.

Gene Hardcastle, father, questioned if his son were to contact the college in California where Rodney Hardcastle worked and have them verify the work experience, if that would be sufficient.

Chief Swisher's response was that the State of California has an apprenticeship program that is not mandatory, and Oregon requires individuals to have a specific amount of classroom training as well as experience. Mr. Hardcastle is lacking the required classroom training or any alternate training hours to sit for the exam.

Twyla Knowles, assistant manager of FABS, past assistant manager of policy and technical services, clarified the requirements needed.

Motion by Chairman Carlson to deny the alternate verification to sit for a general journeyman's plumbing exam after board review of the 20 years work experience that does not contain the required classroom training submitted by Rodney Hardcastle from the State of California.

Motion carried unanimously

VIII. Announcements - None

IX. Adjournment

Chairman Ken Carlson adjourned the board meeting at 12:30 pm.

Respectfully submitted by,

Debi Barnes-Woods
Division Boards Coordinator