MINUTES OF THE COLORADO STATE PLUMBING BOARD MEETING HELD AT 1560 BROADWAY, STE 1250-C, DENVER, COLORADO ON WEDNESDAY, APRIL 23, 2014

The meeting of the Board was publicly noticed according to the Division of Professions and Occupations' Policy 80–17.

I MEETING - CALL TO ORDER

Board Chair Donald P. Crandell called the meeting to order at 9:04 a.m.

II RECOGNITION OF MEMBERS PRESENT

Donald P. Crandell Plumbing Contractor, Chair
Anthony J. Shaffer Plumbing Contractor, Vice-Chair
Janice K. Snidow Journeyman Plumber, Secretary

Jorge A. Delgado, Jr. Ex Officio Member

James Vernon Local Jurisdiction Plumbing Inspector

Robin A. Vidimos Public Member
Matt Wagy Master Plumber
Bruce T. Schneider General Contractor

MEMBERS ABSENT

All members present

OTHERS PRESENT

Mark Browne Program Director

Kye Lehr Plumbing Inspector Supervisor
John J. Roberts Senior Assistant Attorney General

Rebecca Connors Assistant Attorney General Dennis Rhodes Office of Expedited Settlement

Jill Fransua Tech III

Dennis Larson Enforcement Unit Supervisor Jennifer Pankoski Administrative Assistant III

III PREVIOUS BOARD MEETING MINUTES

A motion was made, seconded and carried to approve the minutes of the February 26, 2014 meeting.

IV REPORTS FOR BOARD REVIEW

A. Review of Report of Final Agency Actions

Cease and Desist Orders (CDO) *

- 1. Leathers, Larry*
- 2. Cottonwood Creek Heating, Inc.*
- 3. CP Mechanical Services, Inc.*
- 4. White. Dan*

- 5. Rhodes, Johnathan*
- 6. MJN Plumbing
- 7. My Honey Do Service
- 8. Meadows Plumbing LLC

Stipulations, Final Agency Orders, and Board Orders None

A motion was made, seconded, and carried to ratify the report.

B. License and Registration Report

The Board reviewed the report of active licenses and registrations with no action taken.

V STAFF COMMENTS

Program Director - Mark Browne

Program Director Mark Browne discussed Plumbing Board member term expirations, and requested assistance from the Board in recruiting qualified candidates to replace retiring members.

Mr. Browne reminded the Board that the new legislative session had begun on January 8, 2014. Mr. Browne briefly summarized some of the upcoming bills that may have an impact on the Plumbing Board.

Mr. Browne also reminded the Board that Chief Inspector Supervisor Steve Conrad retired on April 4, 2014.

Inspector Supervisor – Kye Lehr

Inspector Supervisor Kye Lehr reported on recent ICC Training Institute Classes.

Mr. Lehr also provided an update on new inspector recruitment and hiring. New inspectors will begin working on May1, 2014.

Mr. Lehr also reported that significant progress has been made on the project of cataloging all local jurisdictional authorities for compliance to Senate Bill 13-162 which goes into effect July 1, 2014 requiring plumbing inspections in all cities, towns and counties in the State of Colorado.

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^{*} CDO that is the result of a Notice of Alleged Violation (NAV) that was issued by a state inspector per Board Policy 07-3(2)

<u>Enforcement Unit Supervisor – Dennis Larson</u>

Mr. Larson introduced new staff member Jennifer Pankoski, who will be providing Board support.

VI Graywater Presentation: At this meeting, Mr. Brett Icenogle, Engineering Section Manager for the Colorado Department of Public Health and Environment, provided information regarding Graywater proposed regulation. Following the presentation, Mr. Icenogle answered questions from the Board.

VII REVIEW OF BOARD BUSINESS

A. Requests for Variance

The following variance request was submitted to the Board by April 5, 2014, and in accordance with § 12-58-104.5(4), C.R.S., the Board is authorized to review and approve or disapprove requests for exceptions to the code in unique construction situations where a strict interpretation of the code would result in unreasonable operational conditions or unreasonable economic burdens as long as public safety is not compromised.

Business: Summary:

South High School, 1700 E. Louisiana Avenue in Denver, CO Envision Mechanical Engineers, Inc. is requesting a variance to section 310.4 and 310.5 2009 (IRC) Colorado Plumbing Code. This request is to waive the required measured distance from a side wall to a fixture's center for the remodel of several lavatories at South High School, located at 1700 E. Louisiana Avenue in Denver. Colorado.

Action:

A motion was made, seconded, and carried to grant this variance. The Board finds that:

- The age of the building causes a special individual reason that makes the strict letter of the code impractical and that the existing fixture clearances comply with the intent of the code.
- 2. Requiring the existing installation to be brought to current code standards would result in an unreasonable economic burden.
- 3. The existing installation does not compromise public health or safety.

B. Consideration of Initial Decisions

Business: William Budde, JP #290123 (expired)

Case No.: #2012-6572

Summary: The Board reviewed the Administrative Law Judge's (ALJ) Initial

Decision in the matter of disciplinary action concerning the license of William Budde to practice as a plumber. Mr. Budde did not

appear before the ALJ or the Board.

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Action: A motion was made, seconded, and carried to reject the hearing

of oral arguments.

A motion was made, seconded, and carried to accept all the

Findings of Fact.

A motion was made, seconded, and carried to accept all the

Conclusions of Law.

A motion was made, seconded, and carried to accept the

recommended sanction.

A motion was made, seconded, and carried to direct disciplinary counsel to prepare the Final Agency Order by May 14, 2014.

Business: Orion Plumbing and Heating, PC #2051

Case No.: #2012-5108

Summary: The Board reviewed the Administrative Law Judge's (ALJ) Initial

Decision in the matter of disciplinary action concerning the plumbing contractor registration of Orion Plumbing and Heating. The respondent did not appear before the ALJ or the Board.

Action: A motion was made, seconded, and carried to reject the hearing

of oral arguments.

A motion was made, seconded, and carried to accept all the

Findings of Fact.

A motion was made, seconded, and carried to accept all the

Conclusions of Law.

A motion was made, seconded, and carried to accept the

recommended sanction.

A motion was made, seconded, and carried to direct disciplinary counsel to prepare the Final Agency Order by May 14, 2014.

C. Complaints Review

Business: A-1 Plumbing & Heating Appliances, Unregistered

Case No.: 2014-651

Summary: The Board reviewed the complaint filed against A-1 Plumbing and

Heating Appliances, Unregistered (the company), alleging that the

company was performing or offering to perform plumbing contracting services to the general public without the required plumbing contractor registration and in doing so violated the Cease and Desist Order to the company by the Board on July 1,

2013. The company has not responded to the complaint.

Action: A motion was made, seconded, and carried to refer to the OAG for

an injunction to the company for performing plumbing contractor

services without the required registration.

Business: Scott Sperico, Unlicensed

Case No: 2014-652

Summary: This complaint alleges that Scott Sperico is performing plumbing

installation services without the required plumbing license, and in doing so violated the Cease and Desist Order issued to Mr.

Sperico by the Board on July 1, 2013. The Board has reviewed

Mr. Sperico's response to this complaint.

Action: A motion was made, seconded, and carried to dismiss the

complaint against Scott Sperico case as being without merit.

Business: Mike Ames, Unlicensed

Case No.: 2014-954

Summary: This complaint received from Steve Conrad, Chief Inspector

Supervisor, alleges that Mike Ames is advertising on a flyer offering to perform plumbing services without the required plumbing license. The Board also reviewed the company's

response to this complaint

Action: A motion was made, seconded, and carried to issue a cease and

desist order to Mike Ames for performing plumbing contractor

services without the required license.

Business: At Your Service Plumbing, Unregistered

Case No.: 2014-396

Summary: This complaint alleges that At Your Service Plumbing Company

(the company) is advertising on the company's website and other websites offering to perform plumbing contracting services without the required registration and in doing so violated the Cease and Desist Order issued to the company by the Board on July 3, 2012.

The company has not responded to this complaint.

Action: A motion was made, seconded, and carried to refer to OAG to

seek an injunction to the company for performing plumbing

contractor services without the required registration.

Business: Clayton Homes of Evans, Unregistered

Case No.: 2014-387

Summary: This complaint alleges that Clayton Homes of Evans (the

company) performed plumbing contractor services at a property in Sterling, Colorado, without the required registration and failed to obtain a required permit and inspection. The Board also reviewed

the company's response to this complaint.

Action: A motion was made, seconded, and carried to issue a cease and

desist order to Clayton Homes of Evans for performing or offering

to perform plumbing contractor services without the required

registration.

Business: CS Mechanical, Unregistered

Case No.: 2014-909

Summary: This complaint alleges that CS Mechanical (the company)

performed plumbing contracting services without the required registration. The Board also reviewed the company's response to

this complaint.

Action: Based on the information reviewed, a motion was made.

seconded, and carried to initiate a complaint and issue a Cease

and Desist Order to CS Mechanical.

Business: Chad Soll, AP (Expired)

Case No.: 2014-910

Summary: This complaint alleges that Chad Soll performed and is advertising

offering to perform plumbing services without the required license. The Board also reviewed Mr. Soll's response to the complaint.

Action: A motion was made, seconded, and carried to issue a cease and

desist order to Chad Soll for operating as a plumber without a

license.

<u>Business:</u> Discount Plumbing Services, Inc., PC

Case No.: 2014-927

Summary: This complaint alleges that Discount Plumbing Services Inc. (the

company) failed to meet the generally accepted standards of the plumbing practice and employed unlicensed personnel to perform plumbing work at a project located in Brighton, CO. The Board

also reviewed the company's response.

Action: Based on the information a motion was made, seconded and

carried to dismiss the case. The Board found that there was no

reasonable cause to warrant further action at this time

Business: William D. Fisher, MP #600138

Case No.: 2014-360

Summary: This complaint alleges that William D. Fisher, owner of Good Guys

Plumbing, Heating, & Air Conditioning, is operating and advertising as a plumbing contractor on several websites without the required registration or license. The Board also

reviewed the company's response to the complaint.

Action: Based on the information a motion was made, seconded to

dismiss the case.

Business: Good Guys Plumbing, Heating and Air Conditioning, Unregistered

Case No.: 2014-359

Summary: This complaint alleges that Good Guys Plumbing, Heating & Air

Conditioning (the company) is operating and advertising on several websites offering plumbing contracting services without the required plumbing contractor registration. The

company has not responded to this complaint.

Action: Based on the information reviewed, a motion was made,

seconded, and carried to issue a Cease and Desist Order to Good

Guys Plumbing, Heating and Air Conditioning.

Business: Shawn Fox, AP #25303

Case No.: 2014-460

Summary: This complaint alleges that Shawn L. Fox is advertising that he is

a licensed journeyman plumber without the required license, is advertising using a journeyman license number that is not in his name, and is advertising offering plumbing contracting services without a plumbing contractor registration. Mr. Fox has not

responded to this complaint.

Action: Based on the information reviewed, a motion was made,

seconded, and carried to issue a Cease and Desist Order to

Shawn Fox.

Business: Bruce Hall, Unlicensed

Case No.: 2014-454

Summary: This complaint alleges that Bruce Hall is advertising on a business

card offering to perform Plumbing Contracting services without the required license and registration. The Board also reviewed Mr.

Hall's response to this complaint.

Action: Based on the information reviewed, a motion was made,

seconded, and carried to issue a Cease and Desist Order to Bruce Hall for advertising without the proper license and

registration.

Business: Hometown Handyman, Unregistered

Case No.: 2014-667

Summary: This complaint alleges that Hometown Handyman (the company)

is advertising on the company website and on company vehicles offering to perform plumbing contracting services without the required registration. The Board also reviewed the company's

response to this complaint.

Action: Based on the information reviewed, a motion was made,

seconded, and carried to issue a Cease and Desist Order to

Hometown Handyman.

Business: Ralph and Joe's Plumbing, Unregistered

Case No.: 2014-793

Summary: This complaint received from Don Crandell alleges that Ralph &

Joe's Plumbing (the company) is advertising offering to perform plumbing contracting services without the required registration. The Board also reviewed the company's response to this

complaint.

Action: Board Chair Don Crandell recused himself from voting in this

case. Based on the information reviewed, a motion was made, seconded, and carried to issue a Cease and Desist Order to

Ralph and Joe's Plumbing.

Business: Tony Spade, Unlicensed

Case No.: 2014-732

Summary: At the February 26, 2014 meeting, the Board reviewed the

complaint filed against Neighborhood Plumbing (the company) for

advertising plumbing contracting services without the

required registration. At that time the Board issued the company a Cease and Desist Order (CDO) for this violation. Further, the board initiated a complaint and issued a CDO against Tony Spade, owner of the company, for advertising plumbing services

without the required license.

Upon further staff research, it was discovered that Mr. Spade was issued a similar CDO in 2009. Based on this, staff initiated a complaint and Mr. Spade for violating the earlier CDO. Mr. Spade

has not responded to this complaint.

Action: Based on the information reviewed, a motion was made,

seconded and carried for the case to be referred to the OAG for an injunction for violating the 2009 CDO issued to Mr. Spade.

IX <u>EXECUTIVE SESSION</u>

At 1:17 p.m., Board Chairman Donald Crandell moved that the Board enter into executive session for the purpose of discussing disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, or receiving legal advice on specific legal questions pursuant to Colorado Revised Statutes section 24-6-402(3)(a)(II) and (III), including discussion with legal counsel regarding:

- The legal basis for potential disciplinary action and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session;
- The Reports of Investigation regarding case numbers 2013-1973 and 2013-3899;
- The Case Status Report of the Office of Expedited Settlement; and
- The Case Status Report of the Office of the Attorney General.

The motion was seconded by Janice Snidow and unanimously carried with all seven members voting. At least two-thirds of the entire membership of the Board voted in favor of the motion.

The Board returned to open session at 1:32 p.m.

X <u>ADJOURNMENT</u>

With all business completed, the meeting was adjourned at 1:40 p.m. The next meeting is scheduled for Wednesday, June 25, 2014, at 9:00 a.m.

Approved by: Donald P. Crandell, Chair Date: June 25, 2014

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