

# RECORD OF PROCEEDINGS

## **MINUTES OF THE COLORADO STATE PLUMBING BOARD MEETING 1560 BROADWAY, STE 1250-C, DENVER, COLORADO WEDNESDAY, JUNE 28, 2017**

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

### **I MEETING - CONVENE**

Board Chair Anthony Shaffer called the meeting to order at 9:00 a.m.

### **II RECOGNITION OF MEMBERS PRESENT**

Anthony J. Shaffer	Plumbing Contractor, Chair
Janice K. Snidow	Journeyman Plumber, Vice Chair
James Vernon	Local Jurisdiction Plumbing Inspector
John D. Craco	Plumbing Contractor
Noreen McMahon	Public Member
Bruce T. Schneider	General Contractor
Matt Wagyo	Master Plumber

### **MEMBERS ABSENT**

Jorge A. Delgado, Jr.	Ex Officio Member
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### **OTHERS PRESENT**

Mark Browne	Program Director
Kye Lehr	Chief Inspector
John Roberts	First Assistant Attorney General
Cristel Shepherd	Assistant Attorney General
Dennis Rhodes	Office of Expedited Settlement
Jennifer Pankoski	Enforcement Unit Specialist

### **III APPROVAL OF MINUTES**

A motion was made, seconded and carried to approve the minutes of the April 26, 2017 meeting as amended.

### **IV REPORTS**

#### **A. Review of Report of Final Agency Actions**

#### **A. Cease and Desist Order**

Jeff Masias	Silver Springs Mechanical
Daniel E. Craig	Innovative Roofing and Construction
Jorge F. Espinoza	

#### **B. Stipulations**

William K. Nance  
Fidel E. Garcia  
Mark James DeLano

#### **C. Letters of Admonition**

G&S West Plumbing Inc.  
Brian Patrick Copeli

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Ryan M. Newman

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.

## **C. Staff Comments**

### **Program Director – Mark Browne**

Mr. Browne discussed upcoming Plumbing Board vacancies, and requested that board members let him know of any possible candidates.

Mr. Brown discussed current legislative updates.

### **Chief Supervisor – Kye Lehr**

Mr. Lehr presented a report on Denver water proposed changes to Regulation 84 concerning reclaimed water for flushing plumbing fixtures.

Mr. Lehr gave an update on variance request for Swansea Elementary.

## **V VETERANS OCCUPATIONAL CREDENTIALING AND LICENSING PRESENTATION**

Mr. JB Brower, Veterans Policy Analyst presented for the Colorado State Plumbing Board regarding an ongoing policy implementation initiative within the Division of Professions and Occupations. Colorado HB 16-1197 directs state agencies to implement a program to streamline the granting of occupational credentials to veterans based on military training.

## **VI INITIAL DECISION**

### **I. Initial Decision**

**Business:** Denver Plumbing Pro's, PC #2044

**Summary:** The Board reviewed the Administrative Law Judge's (ALJ) Initial Decision in the matter of disciplinary proceedings concerning the plumbing contractor license of Denver Plumbing Pro's. The ALJ recommended revocation of Denver Plumbing Pro's PC license. A representative of Denver Plumbing Pro's 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 July 17, 2017.

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## VII VARIANCE REQUESTS

The following variance requests were submitted to the Board 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:** Bayfield K-2 Primary School, 511 E. Mustang Street, Bayfield, Colorado  
**Summary:** Chamberlain Architects has requested a variance to 2015 International Plumbing Code 405.3.2 to allow a common hand washing station in the main corridor between the girls and boys restrooms where the code requires the lavatories to be located in the same room as the water closets.. The installation is at the Bayfield K-2 Primary School, located at 511 E. Mustang Street Bayfield, Colorado.

**Action:** A motion was made, seconded, and carried to deny this variance as the Board finds that sufficient grounds have not been met to show that a special individual reason makes it impractical to adhere to the strict letter of the code.

**Business:** Bayfield 3-5 Intermediate School, 720 E. Oak Drive, Bayfield, Colorado  
**Summary:** Chamberlain Architects has requested a variance to 2015 International Plumbing Code 405.3.2 to allow a common hand washing station in the main corridor between the girls and boys restrooms where the code requires the lavatories to be located in the same room as the water closets. The installation is at the Bayfield 3-5 Intermediate School, located at 720 E. Oak Drive, Bayfield, Colorado.

**Action:** A motion was made, seconded, and carried to deny this variance as the Board finds that sufficient grounds have not been met to show that a special individual reason makes it impractical to adhere to the strict letter of the code.

**Business:** Windsor Charter Academy, 810 Automation Way, Windsor, Colorado  
**Summary:** Corporate Plumbing is requesting a variance to the Colorado Plumbing Code (IPC) Section 702.1 requiring sanitary drainage piping to conform to Table 702.1. Corporate Plumbing asks to use Spears CPVC Lab Waste piping for the sanitary drainage piping in the return air ceiling plenum at the Windsor Star Academy. This installation is located at 810 Automation Way, Windsor, Colorado.

**Action:** A motion was made, seconded, and carried to grant this variance as the Board finds that sufficient grounds have been met to justify waiving current code requirements.

## VIII COMPLAINTS

**Business:** Altitude Builders, Unregistered  
**Case No.:** 2017-1341  
**Summary:** This complaint alleges that Altitude Builders was acting as a plumbing contractor without the required registration. The Board reviewed the company's response.

**Action:** A motion was made, seconded, and carried to issue a Cease and Desist Order for advertising as a plumbing contractor without the required registration.

**Business:** Brian Prater, MP #189994  
**Case No.:** 2017-1594  
**Summary:** This complaint alleges that Brian Prater and Prater Plumbing & Heating failed to pull permits and inspections on a regular basis. The Board also reviewed Mr. Prater's response to the complaint.

**Action:** A motion was made, seconded, and carried to dismiss this item.

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**Business:** Dan Sorenson, Expired AP #20247

**Case No.:** 2017-1883

**Summary:** This complaint alleges that Dan's Plumbing & Heating Service was acting as a plumbing contractor without the required registration. The Board reviewed Ms. Terra Brooke's response on behalf of the Company.

**Action:** A motion was made, seconded, and carried to issue a Cease and Desist Order to Mr. Sorenson for working as a contractor without a contractor registration.

**Business:** Hahn Plumbing & Heating Inc., PC #1727

**Case No.:** 2017-2736

**Summary:** This complaint alleges that Hahn Plumbing & Heating Inc. failed to register Trey Kahm as a plumbing apprentice. The Board reviewed Mr. Dennis McKenna's response on behalf of the Company.

**Action:** A motion was made, seconded, and carried to refer to executive session for possible discipline.

After Executive Session, a motion was made, seconded and carried to refer this case to the Office of Expedited Settlement for discipline.

**Business:** Hahn Plumbing & Heating Inc., PC #1727

**Case No.:** 2017-2724

**Summary:** This complaint alleges that Hahn Plumbing & Heating Inc. failed to register Randy Paro as a plumbing apprentice. The Board reviewed the company's response

**Action:** A motion was made, seconded, and carried to refer to executive session for possible discipline.

After Executive Session, a motion was made, seconded and carried to refer this case to the Office of Expedited Settlement for discipline.

**Business:** KB Services LLC, PC #1561

**Case No.:** 2017-2742

**Summary:** This complaint alleges that KB Services LLC failed to register Josh Brooks as a plumbing apprentice and the Company also failed to verify Mr. Brooks' hours. The Board reviewed the company's response.

**Action:** A motion was made, seconded, and carried to table this complaint.

**Business:** Legacy Plumbing and Renovation, Inc., PC #519

**Case No.:** 2017-2741

**Summary:** This complaint alleges that Legacy Plumbing and Renovation, Inc. failed to register Josh Brooks as a plumbing apprentice and the Company also failed to verify Mr. Brooks' hours. The Company has not responded.

**Action:** A motion was made, seconded, and carried to table this complaint.

**Business:** O'Connor Plumbing, PC #1693

**Case No.:** 2017-2744

**Summary:** This complaint alleges that O'Connor Plumbing failed to register Josh Brooks as a plumbing apprentice and the Company also failed to verify Mr. Brooks' hours. The Board reviewed the company's response.

**Action:** A motion was made, seconded, and carried to table this complaint.

**Business:** Solutions Plumbing and Mechanical LLC, PC #2647

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**Case No.:** 2017-2743

**Summary:** This complaint alleges that Solutions Plumbing and Mechanical LLC failed to register Josh Brooks as a plumbing apprentice and the Company also failed to verify Mr. Brooks' hours. The Board reviewed the company's response.

**Action:** A motion was made, seconded, and carried to table this complaint.

**Business:** Lowdermilk Plumbing & Heating, Inc., PC #1116

**Case No.:** 2017-2722

**Summary:** This complaint alleges that Lowdermilk Plumbing & Heating, Inc. failed to register Michael Mitchell as a plumbing apprentice within 30 days of hire. The Company has not responded.

**Action:** A motion was made, seconded, and carried to refer to executive session for possible discipline.

After Executive Session, a motion was made, seconded and carried to refer this case to the Office of Expedited Settlement for discipline.

**Business:** NM Industrial Services LLC, PC #2768

**Case No.:** 2017-1883

**Summary:** This complaint alleges that NM Industrial Services LLC failed to obtain an inspection on the storm main of Swansea Elementary School as required. The Board reviewed the company's response.

**Action:** A motion was made, seconded, and carried to refer this case to the Office of Expedited Settlement for discipline.

**Business:** Phillip Bray, AP #9370

**Case No.:** 2017-2342

**Summary:** This complaint alleges that Phillip Bray is advertising to perform plumbing work without the required plumbing contractor registration. The Board reviewed Mr. Bray's response.

**Action:** A motion was made, seconded, and carried to dismiss this item.

**Business:** Systems Plumbing, PC #667

**Case No.:** 2017-2720

**Summary:** This complaint alleges that Systems Plumbing failed to register Andres Valenzuela as a plumbing apprentice within 30 days of hire. The Board reviewed the company's response.

**Action:** A motion was made, seconded, and carried to refer to executive session for possible discipline.

After Executive Session, a motion was made, seconded and carried to refer this case to the Office of Expedited Settlement for discipline.

**Business:** Western Summit Constructors Inc., PC #1131

**Case No.:** 2017-2718

**Summary:** This complaint alleges that Western Summit Constructors Inc. failed to register Matthew Ceresa as a plumbing apprentice within 30 days of hire. The Board reviewed the company's response.

**Action:** This case was tabled and referred to the Office of Investigation for additional information.

**Business:** Zachary Silverberg, AP #24114

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**Case No.:** 2017-1451

**Summary:** This complaint alleges that Zachary Silverberg dba Silver Springs Mechanical is advertising as a plumbing contractor without the required registration. The Board reviewed Mr. Silverberg's response.

**Action:** A motion was made, seconded, and carried to dismiss this item.

**Business:** Amorelli Plumbing, PC #1759

**Summary:** Amorelli Plumbing indicated on their reinstatement application that the Company continued to work as a plumbing contractor after the expiration of their plumbing contractor registration on August 31, 2011. Based on Board Policy 1.3.1.3, a complaint was initiated. The Board reviewed Mr. Joseph Amorelli, responsible master, response on behalf of the Company.

**Action:** A motion was made, seconded, and carried to refer this case to the Office of Expedited Settlement for discipline.

**Business:** S&M Plumbing Inc., Unregistered

**Case No.:** 2017-1965

**Summary:** This complaint alleges that S&M Plumbing Inc. is operating and advertising as a plumbing contractor without the required plumbing contractor registration. Board Secretary, Noreen McMahon recused herself from this case. The Board reviewed Mr. Steven Ball's response to the complaint. Board Member Noreen McMahon recused herself from participating in this case.

**Action:** A motion was made to initiate a complaint against S&M Plumbing Inc. for working as a plumbing contractor without the required registration, and (3) issue a CDO against Steven Ball for working as a contractor without a contractor registration.

**Business:** Westside Plumbing LLC – PC #2484

**Summary:** This complaint alleges that Westside Plumbing LLC failed to register Mr. Haviland as an apprentice within 30 days of employment. The Company has not responded to the complaint

**Action:** A motion was made, seconded, and carried to refer this case to the Office of Expedited Settlement for discipline.

**Business:** A-Reliable Plumbing Inc., PC #2275

**Summary:** This complaint alleges that A-Reliable Plumbing Inc. failed to register Mr. Rabii as an apprentice within 30 days of employment. Mr. Joe Calabrese has responded on behalf of the Company.

**Action:** A motion was made, seconded, and carried to refer this case to the Office of Expedited Settlement for discipline.

**Business:** A-Approved Plumbing, Expired PC

**Summary:** This complaint alleges that A-Reliable Plumbing Inc. failed to register Mr. Rabii as an apprentice within 30 days of employment. Mr. Joe Calabrese has responded on behalf of the Company.

**Action:** A motion was made, seconded, and carried to refer this case to the Office of Expedited Settlement for discipline.

### IX REVIEW OF APPLICATION

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**Business:** Kasra Rabii

**Summary:** On March 19, 2017, Kasra Rabii submitted an application for the master plumber's license by examination. The Board reviewed the Affidavits of Experience submitted with Mr. Rabii's application.

**Action:** A motion was made, seconded, and carried to accept Mr. Rabii's Affidavits and approve the application for license by examination.

### X **COMPLIANCE MONITORING**

**Business:** Ryan Jackson, AP #36997

**Case No.:** 2017-2506

**Summary:** Ryan Jackson failed to submit his quarterly reports to meet the requirements of paragraph 16(b) of the October 18, 2016 Stipulation and Final Agency Order. Due to Mr. Jackson's noncompliance with this order, a complaint was initiated and a 30-day letter was sent. Mr. Jackson has not responded to the complaint.

**Action:** A motion was made, seconded, and carried to refer to the Office of the Attorney General for revocation of Mr. Jackson's Apprentice Registration.

**Business:** Elijah J. King, JP #600408

**Case No.:** 2017-2507

**Summary:** Elijah King failed to submit his quarterly reports to meet the requirements of paragraph 13(b) of the August 23, 2016 Stipulation and Final Agency Order. Due to Mr. King's noncompliance with this order, a complaint was initiated and a 30-day letter was sent. Mr. King has not responded to the complaint.

**Action:** A motion was made, seconded, and carried to refer to the Office of the Attorney General for revocation of Mr. King's Journeyman's License.

XI **EXECUTIVE SESSION:** At 11:54 a.m., Board Chair Anthony Shaffer 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 in case #2016-5740, #2014-3767 and #2016-4432
- 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 seven members in attendance, all seven voting. At least two-thirds of the entire membership of the Board voted in favor of the motion.

### ACTION ON DISCIPLINARY CASES

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- Business:** Dominic Christopher Cardenas, MP  
**Case:** 2016-5740  
**Summary:** In executive session, the Board reviewed a Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Dominic Cardenas, MP.  
**Action:** A motion was made, seconded, and carried in open session, to table this item.
- Business:** Ronald W. Johnson, Expired RP  
**Case:** 2014-3767  
**Summary:** In executive session, the Board reviewed a Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Ronald W. Johnson, Expired RP.  
**Action:** A motion was made, seconded, and carried in open session, to issue a Cease and Desist Order for operating as a plumbing contractor without the required registration.

### XII ADJOURNMENT

With all business completed, the meeting was adjourned at 1:45 p.m. The next meeting is scheduled for Wednesday, August 23, 2017, at 9:00 a.m.

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*Approved by: Anthony J. Shaffer, Chair*

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*Date: August 23, 2017*