

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE PLUMBING BOARD MEETING 1560 BROADWAY, STE 110-D, DENVER, COLORADO WEDNESDAY, OCTOBER 25, 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 9:03 a.m.

II RECOGNITION OF MEMBERS PRESENT

Anthony J. Shaffer	Plumbing Contractor, Chair
Matt Wagy	Master Plumber, Vice Chair
Noreen McMahon	Public Member, Secretary
Catherine Duniho	Journeyman Plumber
Glen Ratliff	Local Jurisdiction Plumbing Inspector
John D. Craco	Plumbing Contractor
Bruce T. Schneider	General Contractor
Jorge A. Delgado, Jr.	Ex-Officio Member

MEMBERS ABSENT

OTHERS PRESENT

Mark Browne	Program Director
Kye Lehr	Chief Inspector
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 August 23, 2017 meeting as amended.

IV REPORTS

A. Review of Report of Final Agency Actions

A. Cease and Desist Order

S&M Plumbing, Inc.
Patrick Condon
Liberty Plumbing & Contracting, LLC
Ball, Steven James
Stark, Jason D

B. Stipulations

A-Approved Plumbing
NM Industrial Services
Systems Plumbing
Amorelli Plumbing.

RECORD OF PROCEEDINGS

C. Revocations

Jackson, Ryan J

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 requested the Board's guidance regarding currently application review processes; currently an application is referred to the Board for approval when a complaint is initiated against a PC where policy 1.1.2.3 has been violated. If the complaint reveals the PC was at fault for failing to register the AP:

The options are to continue to review the applications for approval or give the PD (or the Board would review the complaint against the PD for discipline).

Mr. Browne informed the Board members that there might be a bill introduced requiring licensed plumbers to complete Continuing Education Units (CEU) before they would be able to renew their licenses.

Mr. Browne also discussed the upcoming legislative session and expectations for the Board members.

Chief Inspector – Kye Lehr

Mr. Lehr announced that Plumbing Inspector Monty Hood has retired and Plumbing Inspector Robert Agosti will be retiring in March 2018 creating new inspector openings.

V 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: GTC

Summary: The property owner is requesting a variance to section 406.1 of the Colorado Fuel Gas Code for the visual portion of the inspection as the gas lines were bored rather than trenched for the private natural gas line which extends from the existing to the AET/Welding building riser, as well as Building E/F and G. This installation is located at Aims Community College, 5401 W. 20th Street, Greeley, 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.

RECORD OF PROCEEDINGS

Business: In-Line Plumbing Company

Summary: The property owner is requesting a variance to Section 1103.1 Colorado Plumbing Code (IPC) to allow a drain installed outside of a covered wash bay open to the elements that will allow storm water to drain into the public sewer. This installation is located at 17777 Highway 385, Burlington, Colorado.

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

VI COMPLAINTS

Business: COS Plumbing LLC, PC #3318

Case No.: 2017-5237

Summary: This complaint alleges that COS Plumbing LLC (the "Company") is selling their license to Jorge Garcia and A+ Sewer & Drain; and the Company failed to register plumbing apprentice, Robert Caires. The Board reviewed the Company's response.

Action: A motion was made, seconded, and carried to refer this case to the Office of Investigations for additional information.

A motion was made, seconded, and carried to initiate a complaint against Jorge Garcia for engaging and advertising in the business, trade or calling of a master plumber without a license and A+Sewer for advertising as a plumbing contractor without the required registration.

Business: Leon Leiba, Unlicensed

Case No.: 2017-3989

Summary: This complaint alleges that a permit needed to be pulled for the work performed at the Lucero residence, and a licensed plumber was needed. The Board reviewed Mr. Leiba's response.

Action: A motion was made to issue a CDO against Leon Leiba for operating without a license.

A motion was made, seconded, and carried to initiate a complaint against Greenway Chem Lawn Inc. for operating as a plumbing contractor without the required registration.

Business: Sergio Moreno, Unlicensed

Case No.: 2017-3988

Summary: This complaint alleges that Mr. Moreno did not pull a permit for the work performed at the Lucero residence, and is not a licensed plumber. Mr. Moreno has not responded.

Action: A motion was made to issue a CDO against Sergio Moreno for advertising as a plumber without a license.

A motion was made, seconded, and carried to initiate a complaint against S&B Landscaping for operating as a plumbing contractor without the required registration.

Business: Mr. Rooter of Northern Colorado, PC #2946

Case No.: 2017-4368

Summary: This complaint alleges that Mr. Rooter of Northern Colorado (the "Company") is employing unlicensed personnel to do plumbing work, and; the Company is advertising under a different name than the name registered with the Department of Regulatory Agencies pursuant to Rule 4.13. The Company has not responded.

RECORD OF PROCEEDINGS

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

A motion was made, seconded, and carried to initiate a complaint against Mr. Rooter of Northern Colorado for advertising by a licensee or registrant which is false or misleading.

A motion was made, seconded, and carried to initiate a complaint against Mr. Eagle King for advertising as a plumber without a license.

Business: Plumbing Upgrade Inc., PC #3644

Case No.: 2017-5233

Summary: This complaint alleges that Plumbing Upgrade Inc. (the "Company") is employing unlicensed personnel, Rodin Stanev, to perform plumbing work. The Board reviewed the Company's response.

Action: A motion was made, seconded, and carried to refer this case to the Office of Investigations for additional information.

A motion was made, seconded, and carried to initiate a complaint against Plumbing Upgrade for operating as a plumbing contractor without a master plumber.

Business: Redwine Plumbing & Service Company, PC #3472

Case No.: 2017-538

Summary: This complaint was initiated to Redwine Plumbing & Service (the "Company"), for failure to remove a cause for disapproval of any plumbing installation within a reasonable time at the Moore residence, per CRS 12-58-110(1) (c). The Company has not responded to this complaint.

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

Business: Reliant Heating & Air Conditioning Services, Unreg.

Case No.: 2017-5233

Summary: This complaint alleges that Reliant Heating & Air Conditioning Services (the "Company") is advertising to perform plumbing contractor work without the required registration from the Board. The Board reviewed the company's response.

Action: A motion was made to issue a CDO against Reliant Heating & Air Conditioning Services, for advertising and performing plumbing without the required registration.

Business: Roto-Rooter Services Company, PC #1044

Case No.: 2017-4390

Summary: This complaint alleges that Roto-Rooter Services Company (the "Company") failed to register Michal Taylor within 30 days of employment, and that the Company failed to verify Mr. Taylor's hours pursuant to Rule 3.2. 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: Skul Plumbing Inc., PC #1518

Case No.: 2017-4394

Summary: This complaint alleged that Skul Plumbing Inc. (the "Company") failed to verify Rodney Bruggeman's hours pursuant to Rule 3.2. At the August 23, 2017 the Board tabled this

RECORD OF PROCEEDINGS

complaint pending receipt of Mr. Bruggeman's hours. The Company has responded with the hours. 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 in open session to dismiss this case.

Business:

Varnell Jenkins, Cancelled AP #4125

Case No.:

2017-5234

Summary:

This complaint alleges that Mr. Jenkins is performing plumbing work without being licensed by the Board; and Jenkins Enterprise LLC is advertising as a plumbing contractor without being registered with the Board. Mr. Jenkins has not responded.

Action:

A motion was made, seconded, and carried to issue a CDO against Varnell Jenkins for operating as a plumber without the required license.

A motion was made, seconded, and carried to initiate a complaint against Jenkins Enterprise LLC., for advertising as a plumbing contractor without the required registration.

Business:

5 Star Plumbing, Inc., PC #2514

Case No.:

2017-4535

Summary:

This complaint alleges 5 Star Plumbing, Inc. (the "Company") failed to register a plumbing apprentice within 30 days of employment.

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 in open session to dismiss this case.

Business:

Braveheart Construction LLC, PC #3259

Case No.:

2017-4742

Summary:

This complaint alleges Braveheart Construction LLC. (the "Company") The Company failed to register an apprentice within 30 days, lost the services of responsible master plumber and continued to operate as a plumbing contractor; and the Company may have provided false information to the Board with the intent to deceive or mislead the Board. The Board reviewed the Company's response to the complaint.

Action:

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

Business:

Platte River Plumbing Inc., PC #1354

Case No.:

2017-4743

Summary:

The Company failed to register an apprentice within 30 days of employment. The Board reviewed the Company's response to the complaint.

Action:

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

Business:

Sunshine Mechanical Inc., PC #2701

Case No.:

2017-4507

Summary:

The Company failed to register an apprentice within 30 days of employment and the Company may have provided false information to the Board with the intent to deceive

RECORD OF PROCEEDINGS

or mislead the Board. The Board reviewed the company's response to the complaint.

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

VII REVIEW OF APPLICATION

Business: Jeremy J. Romero

Summary: On March 31, 2017, Jeremy Romero submitted an application for the master plumber's license by examination. The Board reviewed the Affidavits of Experience submitted with Mr. Romero's application. A motion was made, seconded, and carried to table Mr. Romero's application until evidence of hours was provided. The Board reviewed Mr. Romero's response to the request for additional information.

Action: A motion was made, seconded, and carried to approve Mr. Romero's application.

Business: John C. Doyle

Summary: On April 28, 2017, John Doyle submitted an application for the master plumber's license by examination. The Board reviewed the Affidavits of Experience submitted with Mr. Doyle's application. A motion was made, seconded, and carried to table Mr. Doyle's application until evidence of hours was provided. The Board reviewed Mr. Doyle's response to the request for additional information.

Action: A motion was made, seconded, and carried to approve Mr. Doyle's application.

Business: Anthony R. Wolf

Summary: On May 16, 2017, Anthony R. Wolf submitted an application for the journeyman plumber's license by examination. The Board reviewed the Affidavits of Experience submitted with Mr. Wolf's application.

Action: A motion was made, seconded, and carried to approve Mr. Wolf's application.

Business: Brent M. Dusza

Summary: On June 15, 2017, Brent Dusza submitted an application for the master plumber's license by examination. The Board reviewed the Affidavits of Experience submitted with Mr. Dusza's application.

Action: A motion was made, seconded, and carried to approve Mr. Dusza's application.

Business: Dakota Nesmith

Summary: On July 7, 2017, Dakota Nesmith submitted an application for the journeyman plumber's license by examination. The Board reviewed the Affidavits of Experience submitted with Mr. Nesmith's application.

Action: A motion was made, seconded, and carried to table Mr. Nesmith's application pending further documentation.

Business: Scott E. Cannell

Summary: On September 5, 2017 Scott Cannell submitted an application for the master plumber's license by examination. Mr. Cannell first obtained his journeyman's license on September 16, 2006.

Action: A motion was made, seconded, and carried to table Mr. Cannell's application and initiate a complaint to Mr. Scott Cannell for engaging in the business, trade or calling of a master plumber without a license.

RECORD OF PROCEEDINGS

A motion was made, seconded, and carried to initiate a complaint against Above and Beyond Plumbing for operating as a plumbing contractor without the required registration.

Business: Theodore Welker Jr.

Summary: On July 17, 2017, Theodore Welker Jr submitted an application for the master plumber's license by examination. The Board reviewed the Affidavits of Experience submitted with Mr. Welker's application.

Action: A motion was made, seconded, and carried to approve Mr. Welker's application.

VIII REVIEW OF REINSTATEMENT

Business: Thomas W. Wells, MP #188381

Summary: Thomas W. Wells indicated on his reinstatement application that he continued to work as a plumber after the expiration of his license on August 31, 2009. Based on Board Policy 2.3.1.3, a complaint was initiated. The Board reviewed Mr. Well's response to the complaint.

Action: A motion was made, seconded, and carried to table Mr. Well's application pending further information.

IX **EXECUTIVE SESSION:** At 2:41 p.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 #2016-1419, #2016-5740
- 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.

X **ACTION ON DISCIPLINARY CASES**

Business: Einstein Plumbing

Case: 2017-1419

Summary: In executive session, the Board reviewed a Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Einstein Plumbing.

Action: A motion was made, seconded, and carried in open session, to take no action as the Company is unable to locate.

Business: Dominic Cardenas MP, #187102

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.

Action: A motion was made, seconded, and carried in open session, to dismiss this case.

RECORD OF PROCEEDINGS

XI ELECTION OF BOARD MEMBERS

Pursuant to its bylaws, the Board is required to hold elections for Board Officers. A motion was made, seconded, and carried to appoint the following Vice Chair Officer:

Board Vice-Chair – Matthew Wagy

XII ADJOURNMENT

With all business completed, the meeting was adjourned at 3:35 p.m. The next meeting is scheduled for Wednesday, December 20, 2017, at 9:00 a.m.

Approved by: Anthony J. Shaffer, Chair

Date: December 20, 2017