



## COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

State Plumbing Board  
December 20, 2017 Minutes

### RECORD OF PROCEEDINGS STATE PLUMBING BOARD PUBLIC MINUTES December 20, 2017

*Notice of this meeting was given in accordance with Division of Professions and Occupations  
Policy Number 80-17*

#### **CONVENE**

The meeting of the State Plumbing Board was convened in the Civic Center Plaza Building, 1560 Broadway, Conference Room 1250C, Denver, Colorado 80202, at 9:02 AM, by Anthony Shaffer, Board Chair.

**Present, in addition to, Anthony Shaffer, Board Chair, Plumbing Contractor, were Board Members:** 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; and Jorge A. Delgado, Jr., Ex-Officio Member

#### **Staff present:**

Mark Browne, Program Director; Cheryl Ruiz-Lucero, Assistant Program Director; Kye Lehr, Chief Inspector; Cristel Shepherd, Assistant Attorney General; Dennis Rhodes, Office of Expedited Settlement; and Jennifer Pankoski, Enforcement Unit Specialist

#### **APPROVAL OF MINUTES**

A motion was made, seconded, and carried to approve the minutes of the October 25, 2017 meeting as amended.

#### **REPORTS AND DISCUSSION ITEMS**

##### **Review of Report of Final Agency Actions and License and Registration Report**

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

##### **Program Director Report**

Mr. Mark Browne introduced Ms. Cheryl Ruiz-Lucero, Assistant Program Director. Cheryl has a background in executive leadership, managing large teams, compliance, implementation of program policies, and board management. Cheryl has experience in non-profits and in regulatory environments, experience in the real estate industry, including private industry as well as the Denver Housing Authority.

The Board was also informed about internal program organizational changes.

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

#### **VARIANCE REQUESTS**

##### **Agenda Item #1                      D&D Plumbing**

Variance request submitted in accordance with section 12-58-104.5(4), C.R.S.

A motion was made, seconded, and carried to grant variance request and finds that sufficient grounds have



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been met to justify waiving current code requirements.

### Agenda Item #2                      TAB Associates - Architect

Variance request submitted in accordance with section 12-58-104.5(4), C.R.S.

A motion was made, seconded, and carried to grant variance request and finds that sufficient grounds have been met to justify waiving current code requirements.

### NEW BUSINESS

### Agenda Item #3                      Around the Clog, LLC - Unregistered                      Case #2017-6509

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to issue a Cease and Desist Order to the respondent.

### Agenda Item #4                      Marquez, Demetrius - Unlicensed                      Case #2017-6506

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to refer the case to the Office of Investigations.

### Agenda Item #5                      Rouso, Matthew – MP 189734                      Case #2017-1320

The Board reviewed the complaint, response, and additional information.

A motion was made, seconded, and carried to table the matter pending additional information.

### Agenda Item #6                      Mr. Rooter of Nothern Colorado - PC 2946                      Case #2017-6514

The Board reviewed the complaint, and additional information.

A motion was made, seconded, and carried to refer the case for disciplinary settlement, and the Board provided guidance.

### Agenda Item #7                      Plumbing Upgrad Inc - PC 3644                      Case #2017-6564

The Board reviewed the complaint, and additional information.

A motion was made, seconded, and carried to refer the case for disciplinary settlement, and the Board provided guidance.

### Agenda Item #8                      Rusty Pipes Plumbing & Mechanical - PC 2727(exp)                      Case #2017-6502

The Board reviewed the complaint, and additional information.

A motion was made, seconded, and carried to refer the case for disciplinary settlement, and the Board provided guidance.

### Agenda Item #9                      Town of Mancos - Unregistered                      Case #2017-6028

The Board reviewed the complaint, and additional information.

A motion was made, seconded, and carried to dismiss the case as being without merit. A motion was made, seconded and carried to allow the Colorado State Plumbing Board to take over inspections and waive the required notice effective immediately.

### Agenda Item #10                      Butkus, Zachary – AP 36727(exp)                      Case #2017-6025

The Board reviewed the complaint, and additional information.

A motion was made, seconded, and carried to issue a Cease and Desist Order.



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**Agenda Item #11 Rutter Plumbing and Drain Cleaning Inc - PC 1700 Case #2017-6741**

The Board reviewed the complaint, and additional information.  
A motion was made, seconded, and carried to dismiss the case as being without merit.

**ADDENDUM Above and Beyond Plumbing and Heating –Unregistered Case #2017-6404**

The Board reviewed the complaint, and additional information.  
A motion was made, seconded, and carried to issue a Cease and Desist Order.

**ADDENDUM Scott Cannell – JP 289323 Case #2017-6995**

The Board reviewed the complaint, and additional information.  
A motion was made, seconded, and carried to table this complaint pending further information.

**LICENSING**

**APPLICATIONS**

**Agenda Item #12 Dakota Nesmith Pending Application**

The Board reviewed Applicant’s statement, and additional information.  
A motion was made, seconded, and carried to approve Mr. Nesmith’s application.

**Agenda Item #13 Cox, Alton G - JP 288221 Reinstatement Application**

The Board reviewed Applicant’s statement, and additional information.  
A motion was made, seconded, and carried to approve Mr. Cox’s reinstatement application.

**Agenda Item #14 Wells, Thomas W. - MP 18838 Reinstatement Application**

The Board reviewed Applicant’s statement, and additional information.  
A motion was made, seconded, and carried to approve Mr. Wells’ reinstatement application.

**ADDENDUM Cannell, Scott - JP 289323 (MP Pending) Pending Application**

The Board reviewed Applicant’s statement, and additional information.  
A motion was made, seconded, and carried to table Mr. Cannell’s application.

**MOTION TO MOVE INTO EXECUTIVE SESSION**

At 12:56 PM, Board Chair, Anthony Shaffer, asked for a motion that the Board enter into executive session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402(3)(a)(II).

**The legal basis for potential disciplinary action, and where warranted, recommended settlement guidance and/or legal advice/guidance:**

- 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 #2017-1598, #2016-2619
- The Case Status Report of the Office of Expedited Settlement; and
- The Case Status Report of the Office of the Attorney General.



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There was a motion, which was seconded. The vote was unanimous with at least two-thirds of the membership of the Board approving the motion to go into executive session and none opposing.

By unanimous agreement, the Board exited executive session at 1:55 PM and reconvened in open session.


**OPEN SESSION**

Board motions made in open session for matters referred to executive session are noted above, if applicable.

**ADJOURN**

The Board formally adjourned the meeting at 1:55 PM. The Board will reconvene on Wednesday, February 28, 2018, at the Civic Center Plaza Building, 1560 Broadway, Denver, CO 80202, at approximately 9:00 AM.

As Board Chair/Vice-Chair, I attest that these minutes of the open public meeting of the Colorado State Plumbing Board substantially reflect the substance of the discussions and actions taken related to matters under the authority of the Board, pursuant to Colorado Revised Statutes section 12-58-104, and in compliance with Colorado Revised Statutes section 24-6-402.

  
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Board Chair

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Vice-Chair