



**POLICY STATEMENTS
AUGUST 24, 2011**

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**COLORADO STATE
EXAMINING BOARD OF PLUMBERS
POLICY STATEMENTS**

DISCIPLINE

07-1 Confidential Letters of Concern: It is the policy of the Board that complaints that are dismissed with letters of concern are not dismissed as being without merit but rather are dismissed due to no reasonable cause to warrant further action at that time. Cases that are dismissed with a confidential letter of concern will be retained in the Board's files for a period of five years.

The Board may reopen a case that was dismissed with a letter of concern in the face of a change in circumstances. Such a change in circumstances would include but not be limited to:

- discovery of new evidence supporting the underlying charges
- evidence that the licensee has engaged in further unprofessional conduct/grounds for discipline following issuance of the letter of concern in which there is a nexus between the new conduct and that was addressed in the case that was dismissed with the letter of concern

After five years from the date of the letter of concern, the file will be disposed of in accordance with the Division's records management procedures. If the licensee has other active cases pending at the end of the five year retention period, the letter of concern may be kept for a longer period of time at the discretion of the Board/Program staff.

Adopted 11/2/06; Revised 4/2/09

07-2 Disciplinary Action Regarding Expired Licenses. It is the policy of the Board to take disciplinary action when the board finds that a licensee practiced plumbing with an expired license, that a plumbing apprentice practiced plumbing with an expired registration, or that a plumbing contractor operated or advertised as a plumbing contractor with an expired registration. Renewal of an expired license or registration is subject to Board rule 50. If the Board finds that a licensee or registrant practiced with an expired license or registration for a period of 60 days up to one year, it is the policy of the Board to issue a confidential letter of concern. If the Board finds that a licensee or registrant practiced with an expired license or registration for a period of one to two years, it is the policy of the Board to issue a Letter of Admonition. If the Board finds that a licensee or registrant practiced with an expired license or registration for more than two years, it is the policy of the Board to take disciplinary action as it deems appropriate.

Adopted 11/2/06; Revised 06/4/09; Revised 4/27/11

07-3 Delegation of Authority to Program Director

- (1) **Investigative Subpoena Enforcement.** When, in the course of investigation of a complaint, a subpoena needs to be enforced pursuant to Article 58 of Title 12, C.R.S. or the Administrative Procedure Act, the Board specifically authorizes the Program Director to refer such matter directly to the Office of the Attorney General for enforcement.

Adopted 4/2/09; Revised 2/4/10

- (2) **Execution of Board Orders.** The Board delegates to the Program Director authority to sign, on behalf of the Board, the following documents, the terms of which the Board has previously approved: Confidential Letters of Concern, Letters of Admonition, Orders

to Show Cause, Cease and Desist Orders, stipulations and other settlement agreements, and Final Agency Orders. Signature of such documents by the Program Director shall be considered execution by the Board.

Adopted 4/2/09; Revised 2/4/10

- (3) **Orders to Show Cause and Cease and Desist Orders.** Upon issuance of a Notice of Alleged Violation by a state inspector and appropriate review by the Program Director, the Board delegates to the Program Director authority to sign, on behalf of the Board, the following documents, the terms of which the Board had previously approved: Orders to Show Cause and Cease and Desist Orders. Signature of such documents by the Program Director shall be considered execution by the Board.

Adopted 2/4/10

- (4) **Board Procedural Order Regarding Review of Initial Decisions.** The Board delegates to the Program Director, Section Director or their designee the authority to issue on the Board's behalf the adopted "Board Procedural Order Regarding Review of Initial Decision" with the directive that the Order be issued upon receipt of all initial decisions.

Adopted 10/27/10

- (5) **Acceptance of Quarterly Reports.** The Board delegates to the Program Director or the Program Director's designee the authority to accept completed quarterly reports that document current compliance with court-ordered probation or parole and are signed by a probation or parole officer.

Adopted 4/27/11

- (6) **Lifting Probation upon Successful Completion of Court Parole or Probation.** The Board delegates to the Program Director authority to lift the Board-ordered probation of persons who:
- (a) Have signed a stipulation with the Board related to a felony conviction, and,
 - (b) Who have provided proof of successful completion of their court-ordered probation or parole, and,
 - (c) Who have no more than two overdue quarterly reports.

Adopted 4/27/11

- (7) **Placing Stipulations in Abeyance.** The Board delegates to the Program Director authority to place a stipulation in abeyance when the licensee or registrant who signed the stipulation with the Board:
- (a) Has failed to meet the terms of the stipulation, and,
 - (b) Whose license or registration is in a non-active status.

When a stipulation is held in abeyance, the Board directs the Program Director to cause an alert to be placed on the record that will require the Board's review upon the individual's application to reactivate registration or licensure.

Adopted 4/27/11

07-4 Unpaid Citation Fines. It is the policy of the Board to take action when a licensee or registrant fails to pay citation fines issued by the Board or its designee. The Board delegates to the Program Director authority to take the following actions on behalf of the Board:

- (1) First instance a licensee or registrant fails to pay citation fine
 - (a) If the licensee or registrant has not paid the citation fine within twenty (20) days after a citation is issued, the Program Director may initiate a complaint for failure to pay the citation fine and request that the licensee or registrant provide a written response to the complaint.
 - (b) The Program Director may enter into negotiations for a stipulated agreement with the licensee or registrant. A stipulated agreement for payment of a citation fine may include a payment plan.
 - (c) If the licensee or registrant has not paid the citation fine within fifty (50) days after the citation is issued, the Program Director may issue a Letter of Admonition (LOA) to the licensee or registrant for failure to pay the citation fine.
 - (2) Subsequent instance a licensee or registrant fails to pay citation fine
 - (a) If the licensee or registrant has not paid the citation fine within twenty (20) days after a citation is issued, the Program Director may initiate a complaint for failure to pay the citation fine and request that the licensee or registrant provide a written response to the complaint.
 - (b) The Program Director may enter into negotiations for a stipulated agreement with the licensee or registrant. A stipulated agreement for payment of a citation fine may include a payment plan.
 - (c) If the licensee or registrant has not paid the citation fine within fifty (50) days after the citation is issued, the Program Director may refer the complaint to the Office of the Attorney General (OAG) for revocation of the license or registration.
- Actions by the Program Director in accordance with this policy shall be considered actions of the Board.

Adopted 6/4/09

07-5 Process for Handling Complaints Involving Board Members of the Examining Board of Plumbers. It is the policy of the Board that any signed complaint received by the Board against a current licensee who is a member of the Board or one who has served on the Board within the past five years, or a licensee who has an ongoing formal relationship with the Board will be handled as follows:

- If the complaint alleges a violation of Title 12, Article 58 of the Colorado Revised Statutes, the complaint will be sent to the Office of Investigations within the Division of Registrations for a formal investigation.
- If the complaint alleges substandard practice, the Office of Investigations will also have the case reviewed by an independent consultant selected by the Office of Investigations.

Upon completion of the investigation, the report will be referred to the Board for appropriate action. If the complaint is against a current board member, he or she shall recuse from all discussions regarding the complaint and physically leave the meeting room during these discussions.

All other customary procedures for the handling of a complaint by the Board will apply. These may include but are not limited to issuance of a 30-day letter, notification to the licensee and complainant of Board decisions, and the confidentiality of the complaint and investigation as provided by Title 12, Article 58 of the Colorado Revised Statutes.

Anonymous complaints filed against a current licensee who is a member of the Board or one who has served on the Board within the past five years, or a licensee who has an ongoing formal relationship with the Board will be evaluated by the Board on a case by case basis.

Adopted 8/6/09

07-6 Anonymous Complaints: It is the policy of the Board to discourage anonymous complaints. Further, the Board will not automatically investigate anonymous complaints. Rather, they will be subject to review on a case-by-case basis.

Adopted 4/1/10

LICENSING AND REGISTRATION

08-1 Reserved
Repealed 10/27/10

08-2 Apprentice Registration and Recordkeeping

- (1) **Registration.** It is the policy of the Board that all apprentice registration cards must be filled out completely and signed by the master plumber for, or any signatory authority of, the plumbing contractor and the apprentice.
 - (a) When an apprentice registration is submitted more than *90 days after the date of hire*, the following is required:
 - i. Completed apprentice registration card;
 - ii. Registration fee; and,
 - iii. A written attestation from the responsible master plumber verifying that the apprentice has been performing plumbing work during the unregistered period.
 - (b) An individual that holds an active residential plumber's license and is working on a commercial job site must be registered as an apprentice.
 - (c) The Board may take disciplinary action upon a finding of repeated and/or willful violation of § 12-58-105(2)(a), C.R.S. requiring the timely registration of apprentices.
- (2) **Recordkeeping.** Plumbing Contractors shall maintain employment records or work reports for their apprentices in order to provide experience verification. This should accurately document the number of hours and months the apprentice performed plumbing as defined by § 12-58-102, C.R.S.

Adopted 8/6/09; Revised 8/24/2011

08-3 Reserved
Repealed 10/27/10

For rules, regulations, and policies adopted after this printing, please visit our web site at: www.dora.state.co.us/plumbing