

# **RECORD OF PROCEEDINGS**

## **MINUTES OF THE EXAMINING BOARD OF PLUMBERS MEETING HELD AT 1560 BROADWAY, SUITE 1550, DENVER, COLORADO ON Thursday, January 3, 2008**

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

### **I MEETING - CALL TO ORDER:**

Board Chair Tom Fox called the meeting to order at 9:33 a.m.

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

Tom Fox	General Contractor, Chair
Giles Schurman	Building Official, Vice Chair
Steven Callahan	Master Plumber, Secretary
Donald Crandell	Plumbing Contractor
Jorge Delgado	Ex Officio Member
Robin Vidimos	Public Member
Michael Wieseler	Journeyman Plumber

### **MEMBERS ABSENT:**

John Muniz	Plumbing Contractor
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### **OTHERS PRESENT:**

Charles H. Adams	Program Director
Stephen Conrad	Chief Inspector
Daryl Kuiper	Plumbing Inspector Supervisor
Ofelia Duran	Office of Expedited Settlement
Betty Wytias	Assistant Attorney General
Rita Carey	Complaint Analyst
Donna Norman	Complaint, Applications and Felony Analyst
Joyce J. Young	Enforcement Unit Supervisor
Marian Zabel	Administrative Assistant

### **III APPROVAL OF PREVIOUS MEETING MINUTES:**

A motion was made to approve the minutes of the December 6, 2007 meeting as amended. The motion was seconded and unanimously carried.

### **IV STAFF COMMENTS**

Program Director Charles H. Adams discussed several matters with the Board:

- With code adoption completed, the Board meetings may be scheduled less frequently depending on the urgency of agenda items.
- On Wednesday, December 7, 2007 an informational meeting hosted by John Breece was held at Red Rocks Community College for interested parties regarding the new law requiring plumbing contractors to register with the state. Mr. Adams stated that the meeting included a question and answer session addressing public concerns. Also in attendance were Chief Inspector Stephen Conrad, Plumbing Inspector Bob Scott, Board members Steve Callahan and Donald Crandell.
- The Plumbing Contractor registration has been underway since November 2007. January 1, 2008 is the effective date for the enactment of the law. As of January 3, 2008, there have been 1073 applications received with 938 completed and 135 pending completion.

## RECORD OF PROCEEDINGS

### **IV STAFF COMMENTS (continued)**

Chief Inspector Stephen Conrad introduced Daryl Kuiper as the State Plumbing Inspector Supervisor. Daryl started working for the Examining Board of Plumbers on Wednesday, January 2<sup>nd</sup>. Mr. Kuiper comes from the Pikes Peak Regional Building Department in Colorado Springs where he was employed for seven years as a Plumbing Inspector Supervisor and Plans Examiner. Previously Mr. Kuiper owned and operated a plumbing contracting business in Colorado Springs for 14 years.

Board Members discussed reaching out to municipalities to promote good communication. Members were curious if local municipalities verified licenses when conducting inspections. Plumbing Inspector Supervisor Daryl Kuiper stated that he will convey the Board's concerns at the monthly International Code Council (ICC) meetings which he plans to attend. In addition, Mr. Adams will provide information to municipalities as the opportunity arises.

### **V GENERAL SESSION**

**Business:** 2008 Designation for the location of Board Meeting Notices  
**Summary:** The Examining Board of Plumbers annually designates the location where meeting notices will be posted in compliance with § 24-6-402, C.R.S.  
**Action:** A motion was made to designate the reception area of the Division of Registrations Suite 1350 of the One Civic Center Plaza Building, Denver, Colorado as the posting location for meeting notices. The motion was seconded and unanimously carried.

**Business:** Revised Licensing Applications  
**Summary:** The Board reviewed the current application format for license by endorsement and license by examination. A draft copy of the "Affidavit of Experience" form will be added to the application and will replace letters of experience. Suggestions from staff and Board Members will be provided to the Division's Applications Development Team for their review.  
**Action:** No action taken.

**Business:** Proposed Policy for the timely canceling of apprentice registration  
**Summary:** The Board reviewed a draft policy to require Plumbing Contractors to cancel the registration of apprentice(s) in a timely manner.  
**Action:** A motion was made, seconded and unanimously carried to approve the following policy:

**08-2** It is the policy of the Examining Board of Plumbers that Plumbing Contractors notify the Board within thirty days after the termination of a plumbing apprentice.

**Business:** Statistics for newly licensed plumbers in 2007  
**Summary:** The Board reviewed the statistics for plumbers licensed this past year and found that there were 121 master plumbers, 138 journeyman plumbers, and 37 residential plumbers licensed in 2007. Member Donald Crandell requested additional statistics for several years of licensing. Mr. Adams volunteered to provide a spreadsheet for the next meeting.  
**Action:** No action taken.

## RECORD OF PROCEEDINGS

### VI APPLICATION REVIEW

**Business:** William Silvi, JP 286044 - reinstatement application with felony record  
**Summary:** The Board considered William Silvi's application for the reinstatement of his journeyman plumbing license 286044. Mr. Silvi failed to disclose his felony conviction on his reinstatement application dated November 19, 2007.  
**Action:** A motion was made to deny Mr. Silvi's request for reinstatement for two years for violation of his signed stipulation and § 12-58-110(1)(b) and (h), C.R.S. for deception, misrepresentation, or fraud in obtaining or attempting to obtain a license. The motion was seconded and unanimously carried.

### VII COMPLAINTS / DISCIPLINE

**Business:** Felony audit progress reports through December 17, 2007  
**Summary:** The Board reviewed the reports on the progress the administrative staff has made on the backlog resulting from the 2005 and 2006 felony audits. The report indicated that 10 open cases remain from the October 2005 and 6 cases remain open on the April 2006 report.  
**Action:** A motion was made, seconded and unanimously carried to ratify the report.

**Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2004-000750 Wesley King, JP 285584  
**Summary:** The Board reviewed Wesley King's first quarterly report dated December 11, 2007, in compliance with his Stipulation and FAO. During discussion, the Board noted that Mr. King failed to have his employer sign the report. In addition, Mr. King's journeyman license expired August 31, 2007.  
**Action:** A motion was made to deny Mr. King's report and toll the time on his probation. The motion was seconded and unanimously carried.

**Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2005-004901 Reggie Gene Burger, JP 279580  
**Summary:** The Board reviewed Reggie Gene Burger's fourth quarterly report dated December 3, 2007, in compliance with his Stipulation and FAO.  
**Action:** A motion was made to accept Mr. Burger's report. The motion was seconded and unanimously carried.

**Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2006-002152 Rod Malcolm Craig, MP 188594  
**Summary:** The Board reviewed Rod Malcolm Craig's fifth and sixth quarterly reports dated August 4, 2007 and November 3, 2007, in compliance with his Stipulation and FAO.  
**Action:** A motion was made to table Mr. Craig's fifth report for additional information and toll the time on his sixth report for not working in the plumbing field during that quarter. The motion was seconded and unanimously carried.

## RECORD OF PROCEEDINGS

**Business:** Case update  
**Case:** 2004-000245 Richard Alvarado – JP pending / AP 11036 - canceled  
**Summary:** The Board discussed complaint 2004-000245, initiated by Laura Wandrey. Ms. Wandrey alleges that Richard Alvarado is advertising, contracting and practicing plumbing without a license. During the October 7, 2004 meeting the Board voted to fine Mr. Alvarado \$1000. To date, no response or payment has been received.  
**Action:** A motion was made, seconded, and unanimously carried to refer this matter for discipline.

**Business:** Initial complaint review with response  
**Case:** 2008-001308 Franklin Thurman, A&T Plumbing, Inc. / JP 278179  
**Summary:** Board Member Giles Schurman recused from the discussion and vote and left the room. The Board discussed complaint 2008-001308, initiated by Andy Smith from the City of Broomfield regarding A & T Plumbing Inc.'s failure to provide licensed supervision for apprentice Juan Palacios and apprentice Jose Pacheco. Journeyman Franklin Thurman responded in a letter dated November 27, 2007.  
**Action:** A motion was made, seconded, and carried to refer Franklin Thurman's case for discipline.

**Second Action:** A second motion was made, seconded and carried to initiate a complaint against master plumber Nathan Townsend for failure to supervise Juan Palacios and Jose Pacheco.

**Third Action:** A final motion was made, seconded and carried to issue a letter to apprentice Juan Palacios and a letter to apprentice Jose Pacheco regarding statutory requirements for apprentices.

**Business:** Initial complaint review with response  
**Case:** 2008-001380 Wayne Hinkle – S & S Plumbing - MP 185288  
**Summary:** Board Member Giles Schurman recused from discussion and vote. The Board discussed complaint 2008-001380, initiated by Andy Smith from the City of Broomfield regarding Wayne Hinkle's failure to provide supervision for apprentice Antonio Cabral. Mr. Hinkle responded in a letter dated November 27, 2007. In addition, the Board noted that Mr. Hinkle had been previously warned about violation of state statutes on apprentice supervision by means of a Board directed letter resulting from review of complaint 2004-000143.

**Action:** A motion was made, seconded, and carried to refer this matter for discipline.

**Second Action:** A second motion was made, seconded and carried to issue a letter to apprentice Antonio Cabral regarding statutory requirements for registration.

**Business:** Initial complaint review with response  
**Case:** 2008-001406 Colorado Natural Gas - Unlicensed  
**Summary:** The Board discussed complaint 2008-001406, initiated by State Inspector Bob Gallegos. Colorado Natural Gas (CNG) was cited in a Warning Notice from Inspector Gallegos for installing gas piping without obtaining a permit or inspection at 414 Rimrock Road in Pine, Colorado. Responses for the complaint were received from William A. Hatter, President of CNG in a letter received December 5, 2007 and Kenneth C. Wolfe, General Counsel for CNG in a letter dated December 13, 2007 stating that CNG is a public utility and therefore is not in violation of plumbing statutes as stated in § 12-58-102 (1.5), C.R.S. The portion of the gas pipe installed was between the meter and the home.

**Action:** A motion was made, seconded, and unanimously carried to dismiss the complaint.

## **RECORD OF PROCEEDINGS**

**Business:** Initial complaint review with response  
**Case:** 2008-001843 Colorado's Best Plumbing & Heating, William Hatter - AP 4306  
**Summary:** The Board discussed complaint 2008-001843, initiated by State Inspector Bob Gallegos. Colorado's Best Plumbing & Heating was cited in a Warning Notice from Inspector Gallegos for installing gas piping without obtaining a permit or inspection. William A. Hatter, President of Colorado's Best Plumbing & Heating responded in a letter received December 5, 2007.  
**Action:** A motion was made, seconded, and unanimously carried to refer this matter for discipline.  
**Second Action:** A second motion was made, seconded and unanimously carried to initiate a complaint against William Hatter for advertising to provide plumbing installations without a responsible master plumber.

### **VIII EXECUTIVE SESSION**

Tom Fox moved that the Board go into Executive Session pursuant to section § 24-6-402(3)(a)(II) and (III) C.R.S., for the sole purpose of considering disciplinary matters which are subject to attorney-client privilege, other matters which are subject to attorney-client privilege, and matters which are required to be kept confidential. The motion was seconded by Don Crandell and unanimously carried.

The Board was in Executive Session from 12:12 p.m. to 12:25 p.m. By unanimous agreement, the Board moved to go out of Executive Session.

### **IX ADJOURNMENT**

With all business completed, the meeting was adjourned at 12:28 p.m. The next meeting is scheduled for Thursday, March 6, 2008 at 9:30 a.m.

*Approved by: Tom Fox, Chair*

*Date: March 6, 2008*

# **RECORD OF PROCEEDINGS**

## **EXECUTIVE SESSION ATTESTATION**

January 3, 2008

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., I attest that the portion of the executive session that was not recorded was confined to a discussion of the topics identified in the motion authorizing the Examining Board of Plumbers to convene in executive session.

*Approved by: Tom Fox, Chair*

*Date: March 6, 2008*

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., a portion of this executive session was not recorded because the discussion constituted a privileged attorney-client or work product communication.

*Approved by: Betty J. Wytias, Assistant Attorney General*

*Date: March 6, 2008*