

# **RECORD OF PROCEEDINGS**

## **MINUTES OF THE EXAMINING BOARD OF PLUMBERS MEETING HELD AT 1560 BROADWAY, SUITE 1550, DENVER, COLORADO ON THURSDAY, September 4, 2008**

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

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

Acting Board Chair Giles Schurman called the meeting to order at 9:30 AM.

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

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

### **MEMBERS ABSENT:**

Tom Fox	General Contractor, Chair
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### **OTHERS PRESENT:**

Joyce J. Young	Enforcement Unit Supervisor
Daryl Kuiper	Plumbing Inspector Supervisor
Kennetha Julien	Office of Expedited Settlement
Betty Wytias	Assistant Attorney General
Rita Carey	Complaint Analyst
Donna Norman	Complaint, Applications and Felony Analyst
Marian Zabel	Administrative Assistant

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

A motion was made to approve the minutes of the June 5, 2008, meeting as amended. The motion was seconded and unanimously carried.

### **IV STAFF COMMENTS**

Joyce J. Young introduced the new Plumbing Board member Michael Trapp. He was appointed by Governor Ritter as the plumbing contractor member on the Board. A copy of his resume and executive order were provided to all other members.

Ms. Young updated the Board regarding the progress on hiring a new program director for the Electrical and Plumbing Boards. The human resources department extended the due date on applications for this position due to a low number of applications that were received in their office.

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

Inspector Supervisor Daryl Kuiper updated the Board on the following items:

Inspectors, Inspection matters, and Guidelines

- The difficult summer period for state inspectors with increased inspections due to new and remodeled schools has successfully ended.
- John Magee is the new inspector hired for the Sterling area.
- A new law was adopted that requires local school districts to provide structural and mechanical inspections for their schools. Some local jurisdictions have expressed interest that they would like to include electrical and plumbing installations; however, statute mandates state inspectors for all school facilities.
- State Inspector Guidelines were provided for all members for their information which included procedures for water heater pans, clothes washers in toilet rooms, and common lavatories for male and female toilet facilities.
- Daryl provided research on unvented gas heaters as requested by the Board during the June 5, 2008 meeting.

Training and Conferences:

- Inspector teleconference training is being resumed this month. The first class will cover mechanical venting. The class next month will cover plumbing venting systems.
- Mr. Kuiper will travel to Minneapolis for the final ICC action hearings for the adoption of the 2009 codes. Mandatory residential fire suppression systems will be voted on.
- Mr. Kuiper attended a workshop hosted by ICC for the benefit of the State. The State has adopted the IECC 2006 code.
- Mr. Kuiper attended the state ICC conference in Telluride focusing on green building. The building codes will be stressing more energy savings.
- Mr. Kuiper was asked by CICC to teach two basic inspector classes at the March regional training to be held in Denver.
- Mr. Kuiper taught an introductory IPC 2006 plumbing class in July in Ft. Morgan which was well received. Approximately 30 plumbers attended.

## **V GENERAL SESSION**

**Business:** Gary and Laurie Edmonds – Permit 621234 – variance request

**Summary:** The Board considered a variance submitted by Gary and Laurie Edmonds to allow the installation of an unlisted copper tub at their residence located at 0416 Lake Drive in South Fork.

**Action:** A motion was made to grant this request for a variance to the Colorado Plumbing Code in accordance with §12-58-104.5(4), C.R.S., the Board is authorized to review requests for exceptions to the code in unique construction situations where public safety is not compromised and a strict interpretation of the code would result in either unreasonable operational conditions or unreasonable economic burdens with the following findings of fact:

1. Gary and Laurie Edmonds installed an unlisted copper tub. The tub was made of the same material as the listed lav installed in their residence.
2. Two state inspections were performed at the Edmonds residence stating that the 2006 IPC requires listed appliances to be installed.

The motion was seconded and unanimously carried.

**Business:** Kemble Brothers Plumbing – Permit 649501 – variance request

**Summary:** The Board considered a variance request submitted by Kemble Brothers Plumbing to allow the installation of two Trap Guards in lieu of trap primers for

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eye wash stations at the middle school located at 7125 Cherry Creek N. Drive in Denver.

**Action:**

A motion was made to grant this request for a variance to the Colorado Plumbing Code in accordance with § 12-58-104.5(4), C.R.S., the Board is authorized to review requests for exceptions to the code in unique construction situations where public safety is not compromised and a strict interpretation of the code would result in either unreasonable operational conditions or unreasonable economic burdens with the following findings of fact:

1. Floor drains were installed without trap primers.
2. 2006 IPC requires trap primers and is silent on Trap Guard type devices.
3. To retrofit the existing floor drains would require the removal of a portion of concrete floor already in place.

The motion was seconded and failed. The variance is therefore denied.

**Business:**  
**Summary:**

Steven R. Mooring – Permit 652088 – variance request

The Board considered a variance request submitted by Steven R. Mooring to allow the removal of a 3 foot by 4 foot wall and cap-off hot and cold water at his cabin located at 62730 Dawnia Road in San Luis. This wall was built to accommodate the code-required washing machine connection drain and vent.

**Action:**

A motion was made to grant this request for a variance to the Colorado Plumbing Code in accordance with § 12-58-104.5(4), C.R.S., the Board is authorized to review requests for exceptions to the code in unique construction situations where public safety is not compromised and a strict interpretation of the code would result in either unreasonable operational conditions or unreasonable economic burdens with the following findings of fact:

1. The 3 foot by 4 foot wall was built to comply with code requirements.
2. Lack of electrical service renders the washing machine issue moot.

The motion was seconded and unanimously carried.

**Business:**  
**Summary:**

Christiansen, Reece & Partners, PC – Permit pending – variance request

The Board considered a variance request submitted by Bob Snow of Christiansen, Reece & Partners, PC to allow the student lavatories in eight (8) pair restrooms at Cimarron Middle School in Douglas County to be considered "located in the same room" as the water closets/urinals, and to find that the clustered lavatories meet the intent for "separate facilities provided for each sex," although they are co-located in this project.

**Action:**

A motion was made to grant this variance to the Colorado Plumbing Code in accordance with § 12-58-104.5(4), C.R.S., the Board is authorized to review requests for exceptions to the code in unique construction situations where public safety is not compromised and a strict interpretation of the code would result in either unreasonable operational conditions or unreasonable economic burdens with the following provisions and findings of fact:

Provisions:

1. This variance applies to Douglas County in the Cimarron Middle School only.

Findings of Fact:

1. This is neither a health nor safety issue.
2. This may result in an economic hardship.

The motion was seconded and unanimously carried.

**Business:**  
**Summary:**

Shaffer Baucom Engineering & Consulting – Permit 629836 – variance request

The Board considered a variance request submitted by Shaffer Baucom Engineering & Consulting for exemption from the 2006 International Plumbing Code requirement to supply hot or tempered water in the classroom sinks used for general clean-up at Gold Rush Elementary in Douglas County.

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In accordance with § 12-58-104.5(4), C.R.S., the Board is authorized to review requests for exceptions to the code in unique construction situations where public safety is not compromised and a strict interpretation of the code would result in either unreasonable operational conditions or unreasonable economic burdens.

**Action:**

A motion was made to deny this request. The Board finds that denying this variance would not result in unreasonable operational conditions, cause economic burden, or compromise public safety. The motion was seconded and carried.

### **VI APPLICATION REVIEW**

**Business:**

Miguel Angel Morales, master application –review

**Summary:**

The Board considered the plumbing experience submitted by Miguel Angel Morales along with his application for the master license and the April 24, 2008 Report of Investigation submitted by the Office of Investigations.

**Action:**

A motion was made to deny Miguel Angel Morales application to test at the master level, deny 9,254.5 hours of experience obtained under an invalid social security number, and allow credit for 2,724 hours of experience obtained under his properly issued social security number. The motion was seconded and unanimously carried.

A second motion was made, seconded and unanimously carried to refer Miguel Angel Morales for discipline for contracting without registering with the Board.

A final motion was made, seconded and unanimously carried to initiate a complaint against Plumbing Unlimited, Inc. for deception, misrepresentation, or fraud in obtaining or attempting to obtain a license (includes loaning a license).

### **VII COMPLAINTS / DISCIPLINE**

**Business:**

Report of final actions May 1, 2008 through July 31, 2008

**Summary:**

**Cease and Desist Orders**

- Julian P. Cordova/Julian Electric, unlicensed
- Robert Brown, unlicensed
- James E. Grimaldo, unlicensed
- David J. Darling, apprentice
- Clayton Miner, apprentice
- Herman Moore, apprentice

**Citations Issued**

- Chad D. Chavez, master
- Matthew S. Husmann, master
- John F. Starkweather, master
- Thomas M. Vendola, master
- Melvin S. Vigil, master
- John T. Schaffer, apprentice

**Finalized Letters of Admonition (LOA)**

- Robert Leroy Ford, Jr., journeyman
- Jeremy M. Startzer, master
- Pro Plumbers Inc., plumbing contractor

**Stipulations**

- Bill Hatter, unlicensed
- Jason Paul Maldonado, journeyman
- Paul David Kisselbach, master

**Action:**

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

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**Business:**

Consent Agenda for Review of Quarterly Reports

**Summary:**

The Board reviewed the quarterly reports submitted through July 10, 2008.

**Action:**

A motion was made, seconded, and unanimously carried to approve the following quarterly reports:

Black, Michael E.	Caple, Steven Lee	Knight-Walker, Christian
Burger, Reggie Gene	Cardenas, Dominic	May, Curtis Allen
Burke, Matthew W.	Corrado, Kelly Brian	Stone, Phillip James

The following Quarterly Reports were pulled from the consent agenda for further review and voted on as noted.

Penny Sue Beach Holloway – AP 20956

A motion was made, seconded, and unanimously carried to accept Ms. Holloway's final report and lift probation on her affected registration.

Kevin Scott King – JP 281546

A motion was made, seconded and unanimously carried to accept Mr. King's quarterly report with a beginning date of May 16, 2008.

Wesley King – JP 285584 (lapsed 8/31/2007)

A motion was made, seconded, and unanimously carried to deny Mr. King's report and toll time for unemployed status.

Franklyn Everette Lowder – JP 289426

A motion was made, seconded, and unanimously carried to refer this matter for discipline for not submitting quarterly reports.

Curtis Gaylen Stednitz – JP 289444

A motion was made, seconded, and unanimously carried to deny Mr. Stednitz's sixth report and toll time for late submittal and to approve the seventh report.

Glen Robert Stevens – JP 288958; MP 189474

A motion was made, seconded, and unanimously carried to table a decision on the quarterly report to research Mr. Stevens' registration as a plumbing contractor.

Nicholas Paul Valenti – AP 18866; RP Pending; JP pending

A motion was made, seconded, and unanimously carried to approve Mr. Valenti's report.

**Business:**

Initial complaint review with response

**Case:**

2009-000503 Colorado's Best Plumbing & Heating – PC 2237

**Summary:**

The Board reviewed the complaint filed against Colorado's Best Plumbing & Heating by the Examining Board of Plumbers. This complaint alleged that Colorado's Best Plumbing & Heating installed DWV and gas pipe at 350 Marian Street in Bailey without a plumbing/gas permit.

**Action:**

A motion was made, seconded, and unanimously carried to refer this matter for discipline and combine for closure with a case that is pending in the Office of Expedited Settlement.

**Business:**

Initial complaint review with response

**Case:**

2008-003415 Frank J. Gonzalez – Unlicensed

**Summary:**

The Board reviewed the complaint filed against Frank J. Gonzalez by the Examining Board of Plumbers. This complaint alleged that Mr. Gonzalez was observed contracting and installing plumbing at a commercial business in San

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Luis without a plumbing license or registration by State Inspector Gardner and State Inspector Supervisor Kuiper.

**Action:** A motion was made, seconded, and unanimously carried to issue a Cease and Desist Order to Frank J. Gonzalez.

**Business:** Initial complaint review with response

**Case:** 2008-003902 Brian Malouff – unlicensed

**Summary:** The Board reviewed the complaint filed against Brian Malouff by the Examining Board of Plumbers. This complaint alleged that Brian Malouff's crew installed a backflow preventer at the corner of Murphy and Sunset in Alamosa without a permit or the proper licensure as a master plumber or registration as a plumbing contractor.

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

**Business:** Initial complaint review with response

**Case:** 2008-003900 Trinity Mechanical – PC 2108

**Summary:** The Board reviewed the complaint filed against Trinity Mechanical by Chris C. Busch, University of Colorado. This complaint alleged that apprentices of Trinity Mechanical were observed working without supervision on several occasions by facility management for the University of Colorado.

**Action:** A motion was made, seconded, and unanimously carried to refer Trinity Mechanical for discipline.

A second motion was made, seconded, and unanimously carried to initiate a complaint and refer master plumber Mark Dalton for discipline.

A final motion was made, seconded, and unanimously carried to initiate a complaint and issue a Cease and Desist Order to Sean Britton for unlicensed practice.

### **VIII EXECUTIVE SESSION**

A motion was made for the Board to go into executive session pursuant to §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 and unanimously carried.

Attorney-client items were considered in executive session from 2:10 PM to 2:56 PM. By unanimous agreement, the Board went out of executive session.

### **IX ADJOURNMENT**

With all business completed, the meeting was adjourned at 2:57 PM. The next meeting is scheduled for Thursday, October 2, 2008, at 9:30 AM.

*Approved by: Steve Callahan, Secretary*

*Date: October 2, 2008*

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## **EXECUTIVE SESSION ATTESTATION September 4, 2008**

Pursuant to §24-6-402(2)(d.5)(I)(B), CRS, 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: Steve Callahan, Secretary*

*Date: October 2, 2008*

Pursuant to §24-6-402(2)(d.5)(I)(B), CRS, 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: October 2, 2008*