

## RECORD OF PROCEEDINGS

### **MINUTES OF THE EXAMINING BOARD OF PLUMBERS MEETING HELD AT 1560 BROADWAY, SUITE 1550, DENVER, COLORADO ON THURSDAY, OCTOBER 2, 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 AM.

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

|                 |                           |
|-----------------|---------------------------|
| Tom Fox         | General Contractor, Chair |
| Steven Callahan | Master Plumber, Secretary |
| Donald Crandell | Plumbing Contractor       |
| Michael Trapp   | Plumbing Contractor       |
| Robin Vidimos   | Public Member             |

#### **MEMBERS ABSENT:**

|                  |                               |
|------------------|-------------------------------|
| Giles Schurman   | Building Official, Vice Chair |
| Jorge Delgado    | Ex Officio Member             |
| Michael Wieseler | Journeyman Plumber            |

#### **OTHERS PRESENT:**

|                               |   |
|-------------------------------|---|
| Charles H. Adams              | Program Director                            |
| Daryl Kuiper                  | Plumbing Inspector Supervisor               |
| Kennetha Julien               | Office of Expedited Settlement              |
| David Sexton                  | DORA Investigator, Office of Investigations |
| Betty Wytias / Jason Loughman | Assistant Attorneys General                 |
| Rita Carey                    | Complaint 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 September 4, 2008 meeting as amended. The motion was seconded and carried with Member Fox abstaining.

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

Program Director Charles H. Adams introduced Jason Loughman as the newly appointed Assistant Attorney General for the Board. Mr. Loughman has background working with the Medical Board and as a Criminal Prosecutor in Douglas County.

Mr. Adams updated the Board concerning the freeze imposed for hiring. Mr. Adams will remain the program director until further notice.

Mr. Adams also recapped the process for collecting the 15% surcharge from all programs in the Department. The Executive Director for DORA mandated that all proceeds be deposited into the Outreach program for DORA.

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

Inspector Supervisor Daryl Kuiper updated the Board on policies mandated for state inspectors with the goal of providing safety and consistency throughout the state:

1. Section 904.2 of the 2006 IPC. A policy to assume a design temperature of 0° F for Colorado, thus requiring a 3" minimum vent termination.
2. Section 1002.4. A policy to require trap primers in every trap whose seal could be lost due to evaporation in both commercial and residential installations.
3. Final Inspections. A policy that all fixtures must be set and operational (including hot/tempered) water with the exception of permanently capped stubs and dishwashers and clothes washers.

Member Steve Callahan asked that Mr. Kuiper's monthly Board updates be added to the Plumbing Board's Web site for public access.

An annual outreach seminar was proposed by Member Callahan as a follow-up on the successful program held last year. February 2009 was proposed as a tentative month to hold this seminar.

Mr. Kuiper and Board member Steve Callahan attended a question writing session to develop additional examination items for inclusion in the bank of questions currently used by Pearson Vue.

On Tuesday, September 30<sup>th</sup>, Mr. Kuiper held a class with state inspectors via telephone-conference. The instruction covered safety matters for IFGC venting of gas-fired appliances. The next class will be held October 28, 2008, and will provide training on plumbing/venting options in the IPC.

### **V GENERAL SESSION**

**Business:**

Galaxy Plumbing – Permit #652686 – variance request

**Summary:**

The Board considered a variance request submitted by Galaxy Plumbing to allow the installation of an unlisted trench drain for a CDOT project located at 12700 WCR 14-1/2 in Fort Lupton.

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 grant this request. The motion was seconded and unanimously carried with the following provisions and findings of fact:

Provision:

1. This variance is a one-time approval for this specific location.

Finding of Fact:

1. It is the opinion of the Board that granting this variance would not compromise public safety.

**Business:**

Mary Kay Callahan – Permit #621540 – variance request

**Summary:**

The Board considered a variance request submitted by Mary Kay Callahan to waive the running water test for the final inspection in her cabin located in Como.

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

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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 motion was seconded and unanimously carried with the following finding of fact:

1. Since the property was not inspected by a state plumbing inspector when it was constructed, the cabin must meet present code requirements.

**Business:** Reddy & Reddy Architects – Permit #646846 – variance request  
**Summary:** The Board considered a variance request submitted by Jeffrey S. Reddy of Reddy & Reddy Architects to allow a drinking fountain in the toilet room constructed inside the classroom area shared by two classrooms. 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, seconded, and unanimously carried to deny this request with the following finding of fact:

1. The 2006 IPC provides for safe plumbing installations.

### **VI APPLICATION REVIEW**

**Business:** Travis J. Guerrero, JP #287791, lapsed 8/31/2003 – reinstatement application  
**Summary:** The Board considered Travis Javier Guerrero's application for reinstatement of his journeyman license #287791. Mr. Guerrero stated on his reinstatement application that he continued to work with a license that lapsed August 31, 2003.

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

After discussion in executive session, a motion was made in open session to approve Mr. Guerrero for the journeyman examination with conditions. The motion was seconded and unanimously carried.

**Business:** Russell L. Ralston, JP #279539, lapsed 8/31/1993 – reinstatement application  
**Summary:** The Board considered Russell Lee Ralston's application for reinstatement of his journeyman license #279539. Mr. Ralston stated on his reinstatement application that he continued to work with a license that lapsed August 31, 1993.

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

After discussion in executive session, a motion was made in open session to approve Mr. Ralston for the journeyman examination with conditions. The motion was seconded and unanimously carried.

### **VII COMPLAINTS / DISCIPLINE**

**Business:** Report of final actions August 1, 2008 through August 31, 2008  
**Summary:** Citation Issued  
Kemble Brothers Plumbing

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### Stipulation

Jason Joseph Patton, journeyman

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

**Business:** Felony audit progress report through September 2008

**Summary:** Board reviewed progress reports for felony audits of October 2005, April 2006, April 2007, and October 2007.

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

**Business:** Consent Agenda for Review of Quarterly Reports

**Summary:** Board reviewed quarterly reports submitted through September 10, 2008.

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

Cardenas, Dominic  
Craig, Rod Malcolm  
Shaw, Larry Jay

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

Burger, Reggie Gene – JP #279580

A motion was made, seconded and unanimously carried to accept the final report and lift probation.

Caple, Steven Lee – MP 179665

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

A second motion was made, seconded, and unanimously carried to initiate a complaint against Mr. Caple for violation of his Stipulation and FAO for contracting without a plumbing contractor registration.

Stevens, Glen Robert – JP #288958, MP #189474, PC #1925

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

Wilbourn, Nathaniel J. – JP #289379

A motion was made, seconded, and unanimously carried to accept the final report and lift probation.

**Business:** Initial complaint review – no response

**Case:** 2009–000504 Dave Darling/Godley Plumbing – Unlicensed

**Summary:** The Board reviewed the complaint filed against Dave Darling of Godley Plumbing by George Shook. This complaint alleged that Mr. Darling contacting and installing plumbing with a license or registration. The Board noted that Mr. Darling did not respond to these allegations.

**Action:** A motion was made, seconded, and unanimously carried to refer this matter to the Office of the Attorney General for injunction proceedings.

## **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

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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 12:03 PM to 12:43 PM. By unanimous agreement, the Board went out of executive session.

### **IX OTHER BUSINESS**

**Business:** Mark Tapia – case review from the Office of the Attorney General  
**Case:** 2008-001230  
**Action:** After discussion in executive session, a motion was made in open session to rescind referral of case 2008-001230 against Mark Tapia from the Office of the Attorney General for failure of the respondent to uphold his Cease and Desist Order with the following finding of fact:  
1. Respondent abandoned his appeal to the Cease and Desist Order.  
The motion was seconded and unanimously carried.

### **X. ADJOURNMENT**

With all business completed, the meeting was adjourned at 12:50 PM. The next meeting is scheduled for Thursday, December 4, 2008, at 9:30 AM.

*Approved by: Tom Fox, Chair*                      *Date: December 4, 2008*

### **EXECUTIVE SESSION ATTESTATION October 2, 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: December 4, 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: Jason Loughman, Assistant Attorney General*    *Date: December 4,, 2008*