

**PLUMBERS' EXAMINING BOARD  
MEETING MINUTES**

Meeting Date: August 28, 2013

Meeting Location: Central Conference Room, State of Maine - Gardiner Annex, Northern Avenue,  
Gardiner, Maine

Time Meeting Began: 9:00a.m.

**Roll Call of Officers:**

The following members were present:

Percy Brown, Jr, Chairman.

Lawrence Kent

William Longley, Jr.

Lawrence Dempsey

Staff Present:

Catherine Carroll, Board Administrator

Michelle Lovering, Board Clerk

AAG Present:

Christopher Mann

**Call to Order and Welcome**

Lawrence Dempsey called the Plumbers' Examining Board to order and welcomed all in attendance.

**Election of Chairman**

Lawrence Dempsey asked if members would nominate and elect a new chairman.

A motion was made to nominate and elect Percy Brown, Jr. as the new chairman of the Board.

Motion: William Longley

Second: Lawrence Kent

Accept: William Longley, Lawrence Kent and Lawrence Dempsey

Abstained: Percy Brown

Carried

**Board Meeting Minutes**

A motion was made to accept the minutes of the June 12, 2013 meeting.

Motion: Lawrence Kent

Second: William Longley

Accept: William Longley, Lawrence Kent, and Lawrence Dempsey

Abstained: Percy Brown

Carried

**New Business:**

**Adjudicatory Hearing - 2013-PLU-9319 (Robert Brackett)**

Percy Brown opened the hearing. Board members participating and voting: Percy Brown, Jr.; Chairperson; Lawrence Kent; William Longley, Jr; and Lawrence Dempsey. The Board was represented by Assistant Attorney General, Christopher Mann. The licensee, Robert Brackett, was present and was not represented by counsel.

The hearing was held on an appeal of the staff's preliminary denial of Mr. Brackett's journeyman plumber license application dated June 25, 2013 on the grounds that satisfactory evidence of a passing grade on the journeyman examination was not demonstrated.

Following proof of service, State's opening statement, Mr. Brackett's opening statement, taking of testimony, admission of exhibits, and closing arguments, the evidentiary portion of the hearing concluded.

During the hearing, Board members asked Mr. Brackett what he did while a plumber and what he plans to do with a license. Mr. Brackett stated that he currently consults at job sites. The Board asked about his familiarity with the UPC. The Board also made a point that journeyman licensee's must be supervised by a master.

The Board members deliberated on the evidence provided during the hearing and concluded that since Mr. Brackett has not worked in the field for a long period of time which makes it all the more important for him to pass the journeyman and/or master plumber examination due to updates to the UPC since Mr. Brackett was licensed.

A motion was made to uphold the denial and to require Mr. Brackett pass the examination(s) before obtaining a license. The Board moved to waive the required work experience hours for both journeyman and master normally required prior to taking the examination.

Motion: William Longley  
Second: Lawrence Dempsey  
Vote: Unanimous

**Adjudicatory Hearing – 2013-PLU-9241 (Jesse R. Ferran)**

Chairman Percy Brown opened the hearing. Board members participating and voting: Percy Brown, Jr., Chairman; Lawrence Kent; William Longley, Jr.; and Lawrence Dempsey. The Board was represented by Assistant Attorney General, Christopher Mann. The licensee, Jesse Ferran, was present and was represented by counsel, Scott Gurney.

The hearing was held on an appeal of the staff's preliminary denial of Mr. Ferran's trainee plumber license application dated October 21, 2012; relative to convictions for Burglary (Class C) and Criminal use of Explosives (Class D) on March 20, 2009.

Following proof of service, State's opening statement, Attorney Gurney's opening statement, taking of testimony, admission of exhibits, and closing arguments, the evidentiary portion of the hearing concluded.

Mr. Ferran’s counsel described the nature of Mr. Ferran’s criminal convictions and the modification of charges related to the crime, and his period of incarceration, Mr. Ferran’s job with his current employer, and the fact that Mr. Ferran obtained licenses with the Maine Fuel Board with no restrictions.

The Board believed, based on the evidence presented, that Mr. Ferran “paid dues” for his crimes.

A motion was made to grant Mr. Ferran a trainee plumber license with no restrictions.

Motion:           Lawrence Dempsey  
Second:          William Longley  
Vote:             Unanimous

Adjudicatory Hearing – 2013-PLU-9158 (Richard Pecina)

Hearing Officer, James McKenna, Esq. opened the hearing. Board members participating and voting: Percy Brown, Jr., Chairman; Lawrence Kent; William Longley, Jr; and Lawrence Dempsey. The Board was represented by Assistant Attorney General, Christopher Mann. The licensee was not present and was not represented by counsel. The hearing was rescheduled from June 12, 2013; to reserve the Notice of Hearing. The hearing was held for failure to comply with the Board’s Decision and Order issued February 12, 2012.

Following proof of service, State’s opening statement, taking of testimony, admission of exhibits, and closing argument, the evidentiary portion of the hearing concluded.

A motion was made to suspend Mr. Pecina’s license for 90 days beginning on the date of the signed Decision and Order, pay the original fine of \$600 and an additional \$1500, and to not renew Mr. Pecina’s license if the fines are not paid in full and before his license is up for renewal in 2014.

Motion:           William Longley  
Second:          Lawrence Dempsey  
Vote:             Unanimous

**Administrator’s Report**

Catherine Carroll reported on a couple of legislative bills that have passed and will go into effect in October 2013: (1) the so-called quorum bill which defines a quorum majority as the number of sitting members, and (2) the change of board membership which eliminates the journeyman plumber position and replaces it with a master plumber position.

Catherine Carroll also reported that she has been working with Bob LeClair assisting servicemen and women with evaluating their qualifications for licensing within the trade boards, including plumbers. A job and licensing fair will be held October 8th at the Stevens Avenue Armory in Portland hosted by the Maine Army National Guard, the Maine Department of Labor, this department and others to assist veterans in reviewing their education and experience while serving, that would qualify them for licensure.

Catherine Carroll stated that our office has been reviewing the existing journeyman and master exams with Prometric. Bob LeClair and Dana Tuttle have been reviewing each question and deleting and making changes as necessary. The exams are in fairly good shape, but need replacement questions that are current, relevant, and specific to the current code.

**Senior Inspector's Report**

None.

**Other Business**

William Longley stated that the Governor has re-appointed him to the Board for another four year term.

**Adjournment**

The meeting adjourned at 11:00 AM.

*Respectfully submitted,*

Michelle Lovering  
Board Clerk