

**PLUMBERS' EXAMINING BOARD
MEETING MINUTES**

Meeting Date: February 13, 2013
Meeting Location: Central Conference Room, State of Maine - Gardiner Annex, Northern Avenue,
Gardiner, Maine
Time Meeting Began: 9:00 a.m.

Roll Call of Officers:

The following members were present:

Michael Lowe, Chair
Lawrence Dempsey
Lawrence Kent
William Longley, Jr.

Staff Present:

Catherine Carroll, Administrator
Dana Tuttle, Senior Plumbing Inspector
Bruce Greeley, Plumbing Inspector
Jenny Dalbeck, Board Clerk

AAG Present:

Carrie Carney

Board Meeting Minutes

A motion was made to amend the wording in the second paragraph of the "Other Business" section in the October 10, 2012 meeting minutes to specify that Board Members Longley and Kent agreed with Chairman Lowe to re-visit a 2009 rule-making effort to allow for continuing professional education at the February 2013 meeting.

Motion: Lawrence Dempsey
Second: William Longley
Unanimous

Election of Board Chair

A motion was made to re-elect Michael Lowe as Board Chair.

Motion: William Longley
Second: Lawrence Dempsey
Abstained: Michael Lowe
Motion Carried

Adjudicatory Hearing - 2011-PLU-7270 – David Pinkham

At the close of the hearing, the board members deliberated whether to suspend or revoke Mr. Pinkham's license and Mr. Pinkham's apparent disrespect for Board rules and ethics protecting the public. A motion was made to revoke Mr. Pinkham's license immediately, assess a fine in the amount of \$200.00 for each of the 28 violations

cited for a total of \$5600.00, assess a fine in the amount of \$1500.00 for violation #1, and notify the Maine Fuel Board of the Board's Decision and Order. Mr. Pinkham has a master solid fuel license and is a propane and natural gas technician, all governed by the Maine Fuel Board.

Motion: Lawrence Dempsey
Second: Michael Lowe
Unanimous

Consent Agreement - 2012-PLU-8531 - Matthew Emery

Carrie Carney presented the consent agreement that Mr. Emery signed. The Board asked Assistant Attorney General Carrie Carney to explore possible pathways of disciplinary action on Mr. Emery's assistant, Thomas Nicholas Tarzia, cited in the consent agreement as practicing without a license. A motion was made to accept the consent agreement.

Motion: William Longley
Second: Lawrence Dempsey
Unanimous

Administrator's Report

Catherine Carroll provided a progress report on exam developer Prometric and updating the existing exam to reflect the 2009 Uniform Plumbing Code. She mentioned she would track *LR 1736 – an Act to Create a Water Treatment Specialist License* if and when it is printed along with other legislative documents that may have a direct effect on the Board. Catherine reminded the members of their term dates and offered to facilitate in the application process. She presented the 2013 Meeting Schedule for which the Board consented to post as public information.

Senior Inspector's Report

Dana Tuttle reported that fieldwork is very busy at this time. He has received numerous code questions from industry, LPI's, and consumers. He, too, mentioned LR1736 – Licensed Water Treatment Installers and commented that there is a fair amount of unlicensed practice in that industry. Dana has had discussions with Gordon MacEwan of IAPMO concerning solar installation standards. Dana has been invited to train and judge at several upcoming events including the Maine PHCC at their annual tradeshow in March, MBOIA at their spring conference in May, the PHCC tradeshow's apprentice competition, and the Skills USA annual event in Bangor. He's working on code compliance complaints. Dana would like the licensees email addresses so updates can be emailed.

Larry Dempsey stated that there isn't a designation on the plumbing license to show if they are certified as Backflow Prevention Testers. Backflow prevention testing should be good in all municipalities. Dana Tuttle will talk to the Drinking Water Program which is under the Department of Health and Human Services, Center for Disease Control.

Other Business

Chairman Lowe mentioned that he met with Commissioner Head late last year regarding the 2009 proposed Continued Professional Education (CPE) rules and why they were eventually not adopted and the Governor's 2011 Executive Order to improve the rulemaking process. Given the information Mr. Lowe's been provided as a result of

his meeting and reviewing the Governor's Executive Order, Mr. Lowe would like to explore alternatives to CPE for discussion during the April meeting. He also discussed his upcoming trip to Salt Lake City to represent Maine's Enforcing Authority on IAPMO's Plumbing Technical Committee.

Commissioner Anne Head

Commissioner Head discussed the primary roles of the licensing board, which is to regulate the conduct of licensees through a complaint process and to implement statutory provisions. She summarized the Governor's Executive Order on rulemaking in which the Governor wanted executive control over rules being adopted to ensure that only rules that were necessary were adopted and that the burden on the licensee and agency is eased as much as possible. She provided a history on the Plumbers' Examining Board's proposed rules in 2009 on "continuing education", which would have made sure licensees were qualified for their licenses, and gave the reasons why the rule was not adopted. It was determined that continuing education requirements added administrative time to track, and it was questioned whether the intended results would be accomplished. With new board leadership and technical staff resources, the Plumbers' Examining Board has fresh ideas on accomplishing the same goal of obtaining quality of the licensee's work without traditional CPE requirements. Commissioner Head urged the Board to work with the staff on realistic alternatives that are not administratively burdensome or that add additional costs to the consumer. She said that there are trends across the country for licensing boards to not continue with CPE requirements for these very reasons and that similar trade licensing programs have established ways to keep licensees up-to-date on the trade. Chairman Lowe said that he wants to draft alternatives for future discussion purposes. There was discussion on means for notifying licensees of changes to the code, such as a newsletter or "gov.delivery". Commissioner Head also notified the Board of the Department's legislative proposal to modify the composition of the Plumbers' Examining Board and to clarify what a "quorum" constitutes.

Adjourned

The meeting adjourned at 12:17 p.m.

Respectively submitted,

Jenny Dalbeck
Board Clerk