

**PLUMBERS' EXAMINING BOARD
MEETING MINUTES**

Meeting Date: June 8, 2015

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:

Members present:

Percy Brown, Jr., Chairman

William Longley, Jr.

Aaron Ford

Lawrence Kent

Members Absent:

Lawrence Dempsey

Staff Present:

Catherine Carroll, Board Administrator

Dana Tuttle, Senior Inspector

Bruce Greeley, Inspector

Vickey Gray, Board Clerk

AAG Present:

Christopher Mann

Call to Order and Welcome

Percy Brown, Jr. called the Plumbers' Examining Board to order.

Board Meeting Minutes

Catherine Carroll noted a typographical error in the April minutes that states a \$200.00 penalty is assessed as part of complying with certain consent agreements. The penalty fee is actually \$250.00. A motion was made to accept the minutes of the April 13, 2015 meeting reflecting the actual penalty fee.

Motion: Lawrence Kent

Second: William Longley, Jr.

Motion carried

New Business:

Adjudicatory Hearings

2015-PLU-9759 – Request for Dismissal

Assistant Attorney General, Christopher Mann, presented this complaint, which alleged that the respondent who has an expired master plumber license was installing heating equipment without a fuel technician license, and recommended that the case be dismissed without prejudice.

A motion was made to dismiss the complaint, without prejudice, in that there was a lack of evidence to determine if the respondent adhered to or departed from the restrictions in the Memorandum of Understanding dated April 12, 2012 between the Plumbers' Examining Board and the Maine Fuel Board.

Motion: William Longley, Jr.

Second: Aaron Ford

Unanimous

2015-PLU-11143 (Shawn Batchelder)

Percy Brown, Jr. opened the hearing. Board members participating and voting: Percy Brown, Jr., Aaron Ford, Lawrence Kent and William Longley, Jr. The Board was represented by Assistant Attorney General, Christopher Mann. The appellant, Shawn Batchelder was present and was not represented by counsel.

The hearing was held on an appeal of the staff's preliminary denial of Mr. Batchelder's trainee plumber license application dated April 17, 2015 on the grounds that Mr. Batchelder failed to disclose criminal conviction(s) on his license application.

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

A motion was made to direct Christopher Mann to draft a decision that reflects Mr. Batchelder misrepresented the facts in obtaining a license from the board.

Motion: William Longley, Jr.

Seconded: Aaron Ford

Opposed: Lawrence Kent

Motion carried.

A motion was made to waive the \$250.00 fine.

Motion: William Longley, Jr.

Seconded: Aaron Ford

Opposed: William Longley, Jr., Percy Brown, Jr. and Lawrence Kent

Motion failed.

A motion was made to assess a fine in the amount of \$250.00 for misrepresenting the facts in obtaining a license from the board.

Motion: William Longley, Jr.
Second: Lawrence Kent
Opposed: Aaron Ford
Motion carried

Complaint Presentations

There were no complaint presentations.

Administrator's Report

Catherine Carroll advised the members that there were no consent agreements or decisions issued since the last meeting.

Catherine reported that the first draft of the RFP for a new examination vendor is almost complete.

Catherine reminded the members of the process of requesting additional information and documentation from applicants who fail to fully or partially disclose criminal convictions on their license application. Once that information is received, the application is preliminarily denied and a consent agreement is offered in lieu of denying the license.

Senior Inspector's Report

Dana Tuttle informed the members that the inspectors have been very busy in the field, but things are going well.

Dana advised the members that he is going to IAPMO's *Answers & Analysis Committee* meeting at the end of June.

Dana updated the members on the status of the meeting with the Well Driller & Pump Installers Commission. Dana informed the members that the Well Driller & Pump Installers Commission has a meeting coming up that he will attend. The Board Chair asked for a report back as soon as possible.

Dana advised the members that the LPI trainings are going well.

Dana informed the members that staff has been very busy reviewing the 2015 UPC and provided the members copies of suggested changes/adoptions.

A motion was made to direct staff to prepare draft changes to Board Rule Chapter 4 for review at the next board meeting scheduled for August 10, 2015.

Motion: William Longley, Jr.
Second: Aaron Ford
Unanimous

Other Business

U.S. Supreme Court Decision – N.C. State Board of Dental Examiners v. Federal Trade Commission. Christopher Mann gave a briefing on the outcome of this case for information purposes only.

William Longley, Jr. asked the board for the definition of "Potable Water". After discussion, the board agreed they may want to coordinate with the DHHS, Drinking Water Program, on a mutual definition.

Adjournment

The meeting adjourned at 11:23 A.M.

Respectfully submitted,

Vickey Gray
Board Clerk