



Chair Percy Brown, Jr. who also acted as Presiding Officer. Assistant Attorney General Carrie Carney advised the Board. There were no objections to any pre-hearing procedures or to any of the board members participating in this proceeding.

The Presiding Officer admitted, without objection, the Board's file on Mr. Crocker's application consisting of the following exhibits:

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| Exhibit 1  | Notice of Hearing Dated 9/17/2007                        |
| Exhibit 2  | Appeal Letter Received 9/11/07                           |
| Exhibit 3  | Notice of Preliminary Denial Dated 8/14/07               |
| Exhibit 4  | Master Plumber License Application Dated 7/5/07          |
| Exhibit 5  | State Bureau of Identification (SBI) Report Dated 7/9/07 |
| Exhibit 6  | Online Trainee Renewal Dated 5/25/07                     |
| Exhibit 7  | Trainee Renewal Application Dated 7/28/05                |
| Exhibit 8  | Trainee Renewal Application Dated 6/19/03                |
| Exhibit 9  | Trainee Plumber License Application Dated 6/22/01        |
| Exhibit 10 | ALMS Licensing Screen Print for Trainee License          |
| Exhibit 11 | ALMS Licensing Screen Print for Master License           |

The Presiding Officer also admitted without objection as "A-1" a copy of the judgment and commitment of Mr. Crocker's 1994 theft conviction and as "A-2" a copy of the docket record of Mr. Crocker's 2001 violation of a protective order conviction. Both of these exhibits were offered by Mr. Crocker. The Presiding Officer did not admit letters about Mr. Crocker's character and work performance as a plumber, also offered by Mr. Crocker. Mr. Crocker testified, and he apologized for failing to accurately and fully disclose his criminal history, saying that he had forgotten about the convictions that were not disclosed. State Representative James Schatz was also testified on behalf of Mr. Crocker.

#### FINDINGS OF FACT

1. Mr. Crocker was convicted of theft on November 15, 1994.

2. Mr. Crocker was convicted of violation of a protective order on March 14, 2001.
3. On or about July 5, 2007, Mr. Crocker filed an application for licensure as a master plumber.
4. The application asked Mr. Crocker to disclose and describe all instances of any criminal convictions.
5. In the July 2007 application, Mr. Crocker disclosed that he had been convicted of carrying a concealed weapon in 2002, but failed to disclose his November 15, 1994, conviction of theft and his March 14, 2001, conviction of violating a protective order.

#### CONCLUSIONS OF LAW

Pursuant to 32 M.R.S. § 3404(1), the Board may deny an application for licensure of an individual who practices fraud or deceit in obtaining a license. In his application for licensure as a master plumber signed July 5, 2007, Mr. Crocker knowingly misrepresented his criminal record history. Therefore, based on the above specific findings of facts, the additional evidence on the record not specifically referred to herein and for all the reasons indicated on the record at the hearing, the Board, by a motion made by Richard St. John and seconded by Lawrence Dempsey, reached the following conclusion of law:

Petitioner, Alan Crocker has committed deceit in attempting to obtain a license pursuant to 32 M.R.S. § 3404(1). Therefore, his application for licensure as a master plumber should be conditionally granted.

#### Record Vote

Percy Brown, Jr.	Affirmative
Lawrence Kent	Affirmative

Richard St. John     Affirmative  
Lawrence Dempsey   Affirmative


ORDER

WHEREFORE, by a 4-0 vote of the members of the Board who participated in this hearing, Mr. Crocker's appeal to reverse the Board's preliminary denial of his application for licensure as a master plumber is GRANTED, with the following conditions:

1. Mr. Crocker pays a fine of one hundred dollars (\$100.00), fifty dollars (\$50.00) of which has already been paid, with the remaining fifty dollars (\$50.00) due on or before January 24, 2008;
2. Mr. Crocker accepts Reprimand;
3. Mr. Crocker completes a probationary period of one year beginning October 24, 2007. If during that probationary period Mr. Crocker commits any violation of the Internal Plumbing Code or the statutes pertaining to or rules of the Board, he would be subject to discipline under those statutes and rules.

DATED:

11-5-07

  
PERCY L. BROWN, Jr., Chairperson  
Maine Plumbers Examining Board

APPEAL RIGHTS

Pursuant to 5 M.R.S. § 9061, Mr. Crocker is hereby notified that he has a right to appeal the Board's decision to the Superior Court pursuant to 10 M.R.S. § 8003(5-A) and 5 M.R.S. § 11001 *et seq.* by filing a petition for review with that court within thirty (30) days of receipt of a copy of this Decision and Order. Pursuant to 10 M.R.S. § 8003(5-A) and 5 M.R.S. § 11002(3), any other person aggrieved by this Decision and Order who wishes to seek judicial review thereof has forty (40) days from the date this decision was rendered to petition the Superior Court for review.