

MAINE PLUMBERS' EXAMINING BOARD

DENNIS PLACEY
RE: 2006-PLU-2749

) DECISION - DISCIPLINARY ACTION
)

I. **PROCEDURAL HISTORY**

Pursuant to the authority found in 32 M.R.S. Sec. 3403-A. (2), *et seq.*, 5 M.R.S. Sec. 9051, *et seq.* and 10 M.R.S. Sec. 8001, *et seq.*, the Plumbers' Examining Board (Board) met in public session at the Board's offices located in Gardiner, Maine on April 16, 2008 for the purpose of determining whether grounds exist for the Board to take disciplinary action against Dennis Placey's Master Plumber's License. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Board Chairman Percy L. Brown, Jr., public member Lawrence W. Kent, Lawrence Dempsey, Richard St. John, and Don Smith. Carrie Carney, Ass't. Attorney General, presented the State's case. Mr. Placey was neither present nor represented by counsel. James E. Smith, Esq. served as Presiding Officer.

The Board convened the hearing after determining that there were no conflicts of interest. The Board then took administrative notice of its statutes and Rules and subsequently found that Dennis Placey had been duly and seasonably served with the notice of hearing by first class mail on or about January 29, 2008. Following the opening statement by the State, the admission into the record of State's exhibits 1-14, testimony of the witnesses and the State's closing argument, the Board deliberated and made the following conclusions of law and findings of fact by a preponderance of the credible evidence regarding the respondent's license.

II. **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Dennis Placey was first issued a Maine Master Plumber's License on September 28, 1987, the current edition of which expires on February 28, 2009. Brian Blake, a homeowner in North Berwick, Maine, hired Dennis Placey during the summer of 2004 to install a plumbing and heating system in his new house. The licensee was paid the sum of \$14,900 to perform the work but did not

complete same. However, he did install an oil fired heating system in the home between October 2004 and March 2005. According to the homeowner, Dennis Placey admitted to him that he had fired up and installed the boiler. Additionally, John Hudgins, a carpenter/sheetrocker employed by Brian Blake, observed Dennis Placey fire up the boiler. As a result, the heating system was not installed by a properly licensed State of Maine oil burner technician. Although licensed as a master plumber, Mr. Placey was not authorized by law to install an oil fired heating system without a license from the Oil and Solid Fuel Board (32 M.R.S. 2401)

The Board notified Dennis Placey on June 15, 2006 of the complaint and requested a response from him. The Board then notified him by letter dated August 1, 2006 of the complaint presentation before the Board. No response was forthcoming. Moreover, attempts to contact Mr. Placey for a possible resolution of the matter also proved futile.

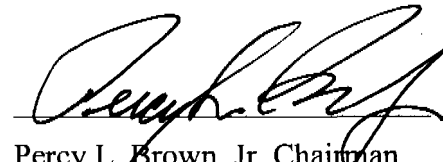
The Board concluded, by a vote of 5-0, based on its experience and training as well as the above facts and those in the record not stated herein, that Dennis Placey acted beyond the scope of his master plumber's license and committed fraud and deceit in violation of Board Rule Chapter 2 § 2(A) by installing an oil fired heating system at the complainant's home. The Board, by the same vote, ordered as sanctions that:

1. Dennis Placey shall receive a **REPRIMAND** for the above violation.
2. Dennis Placey shall pay the maximum **fine of \$1,500** for the above violation. This amount is the standard fine for similar violations which can pose a serious threat to the public health and safety. The fine **shall be paid within 60 days** of the mailing of this Order by certified check or money order, made **payable to the State of Maine** and mailed to Cathy Neumann, Complaint Coordinator, Department of Professional and Financial Regulation, Office of Licensing and Registration, 35 State House Station, Augusta, Maine 04333-0035.
3. Dennis Placey shall **pay the \$235 costs** of the hearing. (Hearing Officer-Hearing-30 mins; 1 hour to write Decision @ \$115 per hour = \$172.50; copying costs-250 pp. @\$.25=\$62.50). The certified check or money order shall be made **payable to the Maine Plumbers' Examining Board** and mailed **within 60 days** of the mailing of this Order to Cathy Neumann, Complaint Coordinator, Department of Professional and Financial Regulation, Office of Licensing and Registration, 35 State House Station, Augusta, Maine 04333-0035. The costs are ordered due to the fact that the hearing may have been avoided had the licensee responded to the Board. Additionally, the Board's

licensees who obey its statutes and Rules should not have to pay the hearing related costs for those who do not.

SO ORDERED.

Dated: May 12, 2008



Percy L. Brown, Jr. Chairman
Maine Plumbers' Examining Board

III.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. Sec. 11001.1 and 11002, any person who is aggrieved by this Decision and Order must file a Petition for Review within 30 days of the date of receipt of this Order with the Superior Court for the county where: One or more of the petitioners reside or have their principal place of business; the agency has its principal office; or the activity or property which is the subject of the proceeding is located. The Petition for Review shall specify the person(s) seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief, which may be in the alternative. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Plumbers' Examining Board, all parties to the agency proceedings, and the Attorney General.