

MAINE PLUMBERS' EXAMINING BOARD

MARC VEILLEUX  
RE: 2007-PLU-3829

)  
) DECISION - DISCIPLINARY ACTION

**I. PROCEDURAL HISTORY**

Pursuant to the authority found in 32 M.R.S.A. Sec. 3403-A. (2), *et seq.*, 5 M.R.S.A. Sec. 9051, *et seq.* and 10 M.R.S.A. 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 Marc Veilleux'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. Veilleux 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 Marc Veilleux had been duly and seasonably served with the notice of hearing by first class mail on or about February 15, 2008. Following the opening statement by the State, the admission into the record of State's exhibits 1-11, testimony of the witness and the State's closing argument, the Board deliberated and made the following findings of fact by a preponderance of the credible evidence regarding the respondent's license.

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

Marc Veilleux was first issued a Maine Master Plumber's License on October 31, 1992, the current edition of which expires on April 30, 2008. The Board, pursuant to a Board Decision and Order (Decree) dated February 27, 2004, had previously disciplined the respondent for the

following 5 violations of the Maine State Internal Plumbing Code (Code) which were present in a private residence:

1. Plumbing traps constructed of 90 degree elbows which caused a rough interior waterway that would eventually result in clogging (Section 8-C).
2. PVC drainage fitting not aligned properly with the PVC drainage piping which will eventually leak (Section 9-B-12).
3. Pipe hangers spaced at 6' to 8' rather than 4' which may sag or break (Section 4-N-2-e).
4. Improper pitch on drainage lines which may result in clogging and failure to effectively flush (Section 5-G).
5. The vent was extended through the home's roof only 2-4" rather than the required 24" (Section 6-F-1).

According to the prior Decree, the respondent failed to respond to the Board's inquiries regarding the above violations and, at the previous hearing, testified that he "had no excuse" for not returning the Board inspector's phone call or responding to the Board's correspondence. The Board then found, by a vote of 5-0, that Marc Veilleux committed the above 5 violations and then considered that Marc Veilleux had neither corrected nor arranged for the necessary corrections to be made at the complainant's home. The Board then voted 5-0 that:

1. Marc Veilleux pay a **fine of \$5,000** (\$1,000 for each of the 5 violations). **\$1,500 shall be paid within 90 days** of the mailing of this Order by 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. The **remaining \$3,500 shall be suspended for the probationary period of one year** beginning from the date of the hearing, February 17, 2004. That sum shall become due and payable in the event that Marc Veilleux is found by the Board to have committed a further violation of Board statutes or rules during the probationary period. Otherwise, said sum shall be forgiven.
2. Marc Veilleux shall **pay the \$284 costs** of the hearing. (Hearing Officer-Hearing-1 hour; 1 hour to write Decision @ \$110 per hour = \$220; copying costs-336 pp. @\$ .25=\$84). The check or money order should be made payable to the Maine Plumbers' Examining Board 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.

### III. PRESENT COMPLAINT

The record in this matter reveals that Marc Veilleux has not made any of the above ordered payments to the Board despite Board correspondence to him dated June 23, 2004 reminding him of his obligations. The Board subsequently sent the respondent a notice of complaint regarding this matter on August 8, 2007 and a notice of the complaint presentation on October 15, 2007 which he was invited to attend. Marc Veilleux was then informed by letter dated October 31, 2007 that the Board had deferred holding the complaint presentation in order to give him another opportunity to pay the fine and costs. He was further informed that he could be subject to additional sanctions if payment of the \$1,500 fine<sup>1</sup> and \$284 costs was not forthcoming. The Board, due to the total lack of any response by Marc Veilleux, then mailed him another letter on December 5, 2007 informing him that the complaint presentation would be held on December 19, 2007. Mr. Veilleux did not attend and did not and has not communicated with the Board.

### IV. CONCLUSIONS OF LAW AND SANCTIONS

The Board, by a vote of 5-0, concluded that Marc Veilleux violated the provisions of 10 M.R.S. Sec. 8003.5-A.A.(9) by failing to comply with the Board's ordered sanctions pursuant to its February 27, 2004 Decree. Therefore, by the following votes, the Board orders that:

1. Marc Veilleux shall pay the \$1,500 fine and \$284 costs previously ordered by the Board.
2. Marc Veilleux's master plumber's license is hereby suspended for a period of 90 days which shall be tolled during those times when he is not so licensed. (4-1. The dissent would have revoked the license).
3. Marc Veilleux shall pay an additional fine of \$1,500 for failure to comply with the Board's Decree. The maximum fine is ordered due to his repeated and complete disregard of the Board's Decree and related correspondence. The fine **shall be paid within 90 days** of the mailing of this

---

<sup>1</sup> Due to a miscommunication, the notice of hearing and related correspondence did not demand payment of the remaining \$3,500 and therefore that issue is not the subject of this Decree.

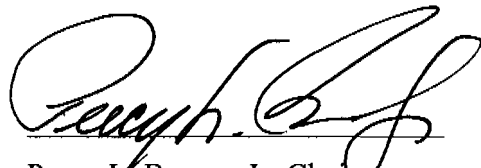
Order by certified check or money order, made payable to the State of Maine and mailed to Cathy Neumann, Complaint Coordinator, Department of Professional and Financial Regulation, Office of Licensing and Registration, 35 State House Station, Augusta, Maine 04333-0035. (5-0)

4. Marc Veilleux shall within 90 days **pay the \$423.75 costs** of this hearing. (Hearing Officer-Hearing-1 hour and 30 mins; 1 hour and 45 mins. to write Decision @ \$115 per hour = \$373.75; copying costs-200 pp. @\$ .25=\$50). The check or money order shall be made payable to the Maine Plumbers' Examining Board 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. The costs are ordered due to the fact that the hearing may have been avoided had the licensee responded to the Board. (5-0)

5. Pursuant to 10 M.R.S. Sec. 8003.5(C.) (3), the Board will refuse to renew Marc Veilleux's license in the event that he does not comply with the ordered sanctions. Furthermore, the Board will not renew said license until Marc Veilleux personally appears before the Board and explains his repeated failures to comply with the Board's Decree and respond to its correspondence.

**SO ORDERED.**

Dated: May 12, 2008



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

V.

**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.