

STATE OF MAINE
PLUMBERS EXAMINING BOARD

IN RE:)
)
 JAMES B. CHEESEMAN) CONSENT AGREEMENT
 COMPLAINT NO. 2007-PLU-3935)
)

INTRODUCTION

This document is a Consent Agreement regarding disciplinary action against the license of James B. Cheeseman (“Mr. Cheeseman”) to practice as a trainee plumber in the State of Maine. The parties to this Consent Agreement are: Mr. Cheeseman, the State of Maine Plumbers Examining Board (“the Board”), and the Office of the Attorney General (“the Attorney General”). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B).

FACTS

1. At all times relevant hereto, Mr. Cheeseman was licensed by the Board as a trainee plumber, license no. TR90010002.
2. On September 20, 2007, State Plumbing Inspector Bruce Greeley filed a complaint against Mr. Cheeseman alleging certain violations of the plumbing statutes and rules with respect to Mr. Cheeseman’s work at a residence in Belfast, Maine.
3. Specifically, in the course of providing plumbing services at the subject property during the Spring and Summer of 2007, Mr. Cheeseman violated 32 M.R.S. § 3404(3) and chapter 2 § 2(E) of the Board rules by committing the following violations of the State of Maine Internal Plumbing Code:

- a. Chapter 1, Section 4-A-1 for not having a plumbing permit for the plumbing installation;
 - b. Chapter 9, Section 901.0 for installing vent piping connected to the drainage system that does not comply with present Code requirements;
 - c. Chapter 3, Section 301.1.3 for a using a three inch fernco fitting to connect a cast iron vent stack to PVC;
 - d. Chapter 10, Table 10-1 for installing a water closet trap arm with a developed length greater than six feet to the vent connection;
 - e. Chapter 10, Table 10-1 for a installing a bathtub trap arm with a developed length greater than three feet six inches to the vent connection; and
 - f. Chapter 10, Table 10-1 for a installing a lavatory trap arm with a developed length greater than three feet six inches to the vent connection.
4. Mr. Cheeseman also did plumbing work on the residence without proper supervision in violation of chapter 2 § 2(A) of the Board rules, fraud and deceit in connection with services rendered as a plumber.
 5. On April 16, 2008, following an informal conference with Mr. Cheeseman, the Board voted to offer Mr. Cheeseman this Consent Agreement to finally resolve this complaint.
 6. Absent acceptance of this Consent Agreement by signing and dating it and returning it to Cathy Neumann, Complaint Coordinator, 35 State House Station, Augusta, Maine 04333-0035 by April 20, 2008, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

7. Mr. Cheeseman admits the facts stated in paragraphs 1 through 6 of this Consent Agreement and admits that such conduct constitutes a basis for disciplinary action pursuant to 32 M.R.S.A. § 3404(3) and Board Rules chapter 2 §§2(A) and (E).
8. As discipline for the conduct admitted in paragraphs 3 and 4 above, Mr. Cheeseman accepts the following disciplinary action: Payment of a **CIVIL PENALTY** in the amount of one thousand five hundred dollars (\$1,500) for the violation of Board Rule chapter 2 §2(A) and one hundred fifty dollars (\$150) for each of the six violations of Board Rule chapter 2 §2(E) for a total of **two thousand four hundred dollars (\$2,400.00)**, which payment shall be made by certified check or money order payable to "Treasurer, State of Maine" and sent to Cathy Neumann, Complaint Coordinator, 35 State House Station, Augusta, Maine 04333-0035, within one hundred eighty (180) days of the date of final execution of this Consent Agreement.
9. Pursuant to 10 M.R.S.A. § 8003(5)(B) the Board and Mr. Cheeseman agree that in the event that Mr. Cheeseman violates any of the terms or conditions of this Consent Agreement, the Board may issue an order suspending, revoking, or modifying his license, or denying him re-licensure.
10. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.
11. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

12. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.


13. Mr. Cheeseman acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

DATED: 5-17-08



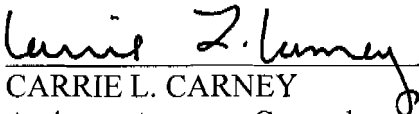
JAMES B. CHEESEMAN
Licensee

DATED: 5-23-08



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

DATED: 5-27-08



CARRIE L. CARNEY
Assistant Attorney General