

**PLUMBERS' EXAMINING BOARD
MEETING MINUTES**

Meeting Date: February 7, 2022
Meeting Location: This meeting occurred virtually through exclusively remote participation pursuant to Section 2 (a.) (ii) of the Board's Remote Participation Policy adopted by the Board on October 4, 2021.

Time Meeting Scheduled to Begin: 9:00 a.m.

Time Meeting Began: 9:00 a.m.

I. CALL TO ORDER

Members present:

Percy Brown, Jr., Chairman
Nicholas Adams
Robert Hodgkin, Jr.

Members absent:

None

Staff Present:

Catherine Carroll, Board Manager
Mary Lord, Professional Licensing Supervisor
Michael Day, State Plumbing Inspector
Peter Holmes, State Senior Fuel Inspector

AAG Present:

Ron Guay
Betsy Stivers

II. ELECTION OF OFFICERS

A motion was made to re-elect Percy L. Brown, Jr. as chairman.

Motion: Nicholas Adams
Second: Robert Hodgkin, Jr.
Motion Carried

III. AGENDA MODIFICATIONS AND APPROVAL

A motion was made to approve the agenda and the addendum.

Motion: Nicholas Adams
Second: Robert Hodgkin, Jr.
Motion Carried

IV. MINUTES REVIEW AND APPROVAL

A motion was made to approve the minutes of the December 13, 2021 meeting.

Motion: Nicholas Adams
Second: Robert Hodgkin, Jr.
Motion Carried

V. ADJUDICATORY HEARING

2021-PLU-17314 (Scott Sayce)

A motion was made to find Mr. Sayce violated 10 M.R.S. § 8003(5-A)(A)(6) for “engaging in any activity requiring a license under the governing law of an office, board or commission that is beyond the scope of acts authorized by the license held”

Motion: Nicholas Adams
Second: Robert Hodgkin, Jr.
Motion Carried

A motion was made to find Mr. Sayce violated 10 M.R.S. § 8003(5-A)(A)(1) for engaging in “the practice of fraud, deceit or misrepresentation . . . in connection with services rendered while engaged in the occupation or profession for which the person is licensed.”

Motion: Nicholas Adams
Second: Robert Hodgkin, Jr.
Motion Carried

A motion was made to impose a civil penalty of \$1,500 for an aggregate civil penalty of \$3,000 for each of the two violations, to be paid within one year or before being licensed as a plumber in Maine, whichever is first.

Motion: Robert Hodgkin, Jr.
Second: Nicholas Adams
Motion Carried

A motion was made to delegate authority to the chairman to sign the Decision and Order.

Motion: Nicholas Adams
Second: Robert Hodgkin, Jr.
Motion Carried

VI. COMPLAINT PRESENTATIONS

a. 2021-PLU-17867

A motion was made to order the matter forward to an adjudicatory hearing and to offer a consent agreement wherein the Licensee would accept a violation of 10 M.R.S. § 8003(5-A)(A)(6) for “engaging in any activity requiring a license under the governing law of an office, board or

commission that is beyond the scope of acts authorized by the license held” and a civil penalty of \$1,500.

Motion: Nicholas Adams
Second: Robert Hodgkin, Jr.
Motion Carried

b. 2021-PLU-17974

A motion was made to order the matter forward to an adjudicatory hearing and to offer a consent agreement wherein the Licensee would accept a violation of 10 M.R.S. § 8003(5-A)(A)(6) for “engaging in any activity requiring a license under the governing law of an office, board or commission that is beyond the scope of acts authorized by the license held” and a civil penalty of \$1,500.

Motion: Robert Hodgkin, Jr.
Second: Nicholas Adams
Motion Carried

VII. PRESENTATIONS OF MONITORED COMPLAINTS

a. 2020-PLU-16655 (Robert P. Benedix III)

A motion was made to table action on the term of probation on the licensee pursuant to a Decision and Order to allow the licensee to have his counselor provide an updated report on rehabilitation.

Motion: Robert Hodgkin, Jr.
Second: Nicholas Adams
Motion Carried

b. 2020-PLU-16657 (Richard P. Breau)

A motion was made to table action on the term of probation on the licensee pursuant to a Decision and Order to allow the licensee to have his counselor provide an updated report on rehabilitation.

Motion: Nicholas Adams
Second: Robert Hodgkin, Jr.
Motion Carried

VIII. BOARD’S STATE PLUMBING INSPECTOR’S REPORT

Michael Day’s report is attached to these minutes.

IX. BOARD MANAGER’S REPORT

Catherine Carroll reported on an upcoming meeting with PROVexam and senior inspectors, including Mike, to review current exams. Catherine asked the board to consider continuing remote participation, and hesitant staff attending PHCC expo in March.

X. OPPORTUNITY FOR PUBLIC COMMENT

None offered.

XI. ADJOURN

A motion was made to adjourn the meeting at 11:17 a.m.

Motion: Robert Hodgkin, Jr.

Second: Nicholas Adams

Motion Carried