

**PLUMBERS' EXAMINING BOARD
MEETING MINUTES**

Meeting Date: August 14, 2023
Meeting Location: 221 State Street, Augusta, ME. This meeting also occurred virtually pursuant to the Board's Remote Participation Policy adopted by the Board on July 7, 2023.

Call to order: 9:01 a.m.

I. CALL TO ORDER

Members present:

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

Members absent:

None

Staff Present:

Matthew Kaply, Board Manager
Matthew Fournier, Planning and Research Associate II
Michael Day, State Plumbing Inspector
Peter Holmes, Executive Director, Manufactured Housing
Kristin Racine, Deputy Director

AAG Present:

Elizabeth "Betsy" Stivers

II. AGENDA MODIFICATIONS AND APPROVAL

A motion was made to approve the agenda as written.

Motion: Robert Hodgkin Jr.

Second: Nicholas Adams

Voted 3 in favor, none opposed. Motion carried.

III. MINUTES REVIEW AND APPROVAL

a. A motion was made to accept the meeting minutes from the February 13, 2023, meeting as written (tabled from previous meeting).

Motion: Nicholas Adams

Second: Robert Hodgkin Jr.

Voted 3 in favor, none opposed. Motion carried.

b. A motion was made to accept the meeting minutes from the July 7, 2023, meeting as written.

Motion: Robert Hodgkin Jr.

Second: Nicholas Adams

Voted 3 in favor, none opposed. Motion carried.

VI. ADJUDICATORY HEARINGS

a. 2022-PLU-18493 Robert Gay

Following the hearing, a motion was made that the respondent wasn't sufficiently rehabilitated to warrant the public's trust but to grant the license immediately with the condition of one year probation, effective August 14, 2023, and delegate authority to the Board Chair to sign the final decision and order. As a condition of probation, the licensee must provide a medical report to the Board every other month regarding the state of his recovery.

Motion: Nicholas Adams

Second: Robert Hodgkin Jr.

Voted 3 in favor, none opposed. Motion carried.

b. 2022-PLU-18437 Peter O'Clair

Following a hearing, a motion was made finding that all four of the violations of Board Rules and standards of practice noted in the Notice of Hearing was proven based on the testimony of the licensee. The Board voted to impose a civil penalty of \$100.00 per violation as discipline, for an aggregate of \$400 to be paid within 90 days of the fully executed decision and order, and to delegate authority to the Board Chair to sign the decision and order.

Motion: Nicholas Adams

Second: Robert Hodgkin Jr.

Voted 3 in favor, none opposed. Motion carried.

V. COMPLAINT PRESENTATION

a. 2022-PLU-18661

A motion was made to offer a consent agreement for a reprimand, a civil penalty of \$1,500 for working outside the scope of his license, and a civil penalty of \$100 per each of two code violations for an aggregate penalty of \$1,700 due in 90 days from the effective date of the consent agreement.

Motion: Robert Hodgkin Jr.

Second: Nicholas Adams

Voted 3 in favor, none opposed. Motion carried.

b. 2023-PLU-19082

A motion was made to set for hearing.

Motion: Nicholas Adams

Second: Robert Hodgkin Jr.

Voted 3 in favor, none opposed. Motion carried.

c. 2023-PLU-19114

A motion was made to set for hearing and offer a consent agreement with a warning for the code violation, with a \$100 civil penalty to be paid within 90 days of the fully executed consent agreement, and to delegate authority to the Board Chair to sign the consent agreement.

Motion: Nicholas Adams

Second: Robert Hodgkin Jr.

Voted 3 in favor, none opposed. Motion carried.

d. 2023-PLU-19147

A motion was made to dismiss the complaint based on no violation of Board laws or rules.

Motion: Nicholas Adams

Second: Robert Hodgkin Jr.

Voted 3 in favor, none opposed. Motion carried.

e. 2023-PLU-19165

A motion was made to dismiss the complaint based on no violation of Board laws or rules.

Motion: Robert Hodgkin Jr.

Second: Nicholas Adams

Voted 3 in favor, none opposed. Motion carried.

VI. LICENSE APPLICATION PRESENTATION

a. Tyler Seavey – Trainee License Renewal

A motion was made to direct staff to preliminarily deny the license renewal application and offer a consent agreement with a warning and a \$100.00 civil penalty for per the two violations of failing to report a criminal conviction within 10 days, a warning and \$250 civil penalty for misrepresenting on his previous renewal application that he did not have a conviction since his last renewal. The aggregate civil penalty of \$450 shall be paid within 90 days of the last dated signature on the consent agreement.

Motion: Nicholas Adams

Second: Robert Hodgkin Jr.

Voted 3 in favor, none opposed. Motion carried.

VII. DELEGATION OF AUTHORITY ORDER

A motion was made to accept the revised delegation of authority order for violations of the 10-day reporting and misrepresentation on application.

Motion: Nicholas Adams

Second: Robert Hodgkin Jr.

Voted 3 in favor, none opposed. Motion carried.

VIII. DRAFT RULE TO IMPLEMENT THE RESOLVE TO CH. 65

A motion was made to initiate rulemaking that would comply with a legislative resolve regarding any-sex bathrooms and that would align the rules with the Manufactured Housing rules relating to dealers and installers to secure a plumbing permit.

Motion: Nicholas Adams

Second: Robert Hodgkin Jr.

Voted 3 in favor, none opposed. Motion carried.

IX. DRAFT RULE TO ALLOW MANUFACTURED HOUSING DEALERS AND MECHANICS TO INSTALL PLUMBING IN MANUFACTURED HOUSING

The Board considered the request from the Manufactured Housing Board Executive Director to initiate rulemaking to permit Manufactured Housing Dealers and Mechanics to apply for permits required to perform plumbing installations in HUD manufactured housing. The Board voted to start rulemaking on that issue.

X. BOARD MANAGER'S REPORT

Matthew Kaply gave the report.

XI. BOARD INSPECTOR'S REPORT

Michael Day gave the Inspector's report to the Board.

XII. OPPORTUNITY FOR PUBLIC COMMENT

None

XII. ADJOURN

A motion was made to adjourn the meeting at 2:05 p.m.

Motion: Nicholas Adams

Second: Robert Hodgkin Jr.

Voted 3 in favor, none opposed. Motion carried.