



# Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Building Codes Division

1535 Edgewater Street NW

P.O. Box 14470

Salem, OR 97309-0404

503-378-4133

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bcd.oregon.gov

## *State Plumbing Board*

Regular meeting agenda

Thursday, April 21, 2016, 9:30 a.m.

Conference Room A

Board meetings are broadcast live via the Internet at

<http://bcd.oregon.gov/>

Click on "View live meetings"

### **I. Board business**

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the February 18, 2016, draft board meeting minutes
- E. Date of the next regularly scheduled meeting: June 16, 2016
- F. Formal farewell to board member Rick Bosch: Licensed plumbing contractor

### **II. Public comment**

*This time is available for individuals wanting to address the board on **non-agenda items only**. The board will not take action on non-agenda items raised under public comment at this meeting. Testimony on agenda items will be heard when the item is called. (See "Issues to remember when addressing board" at the end of this agenda).*

### **III. Reports**

- A. Building Codes Division report
- B. Plumbing program update
- C. Ratify final order based on the board's issuance of an amended proposed order in the matter of Ken M. Van Hoesen during the October 15, 2015, board meeting
- D. Summary of enforcement actions previously taken by the division outlined on the enforcement board report (*No board action required*)
- E. Consideration of Allen R. Patton assessed civil penalties

### **IV. Communications** - None

### **V. Appeals** - None

### **VI. Unfinished business**

Board review and make a recommendation to the administrator to rescind Statewide Alternate Method No. 14-01: Performance Liner Lateral System

## **VII. New business**

Review and approve committee's recommendations on new continuing education course and instructor applications

## **VIII. Announcements – None**

## **IX. Adjournment**

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### **Issues to remember when addressing the board:**

- All public participation is subject to the discretion of the board chair for order of testimony, length and relevance.
- Speakers are generally limited to five minutes.
- Please register on the attendance registration form and on the public testimony registration form, listing the appropriate agenda item.
- The board chair will call you to the front testimony table.
- Please state your name and the organization you represent (if any).
- Always address your comments through the chair.
- If written material is included, please provide 20 three-hole-punched copies of all information to the boards coordinator prior to the start of the meeting and, when possible, staff respectfully requests an electronic copy of materials 24 hours prior to the meeting.

**Interpreter services or auxiliary aids for persons with disabilities are available upon advance request. Persons making presentations including the use of video, DVD, PowerPoint, or overhead projection equipment are asked to contact boards coordinator 24 hours prior to the meeting. For assistance, please contact Debi Barnes-Woods at 503- 378-6787.**

Please do not park vehicles with "E" plates in "customer only" spaces.

*Note:* For information regarding re-appointments or board vacancies, please visit the governor's website.

**State Plumbing Board**  
**Regular meeting minutes**  
February 18, 2016

- Members present:** Travis Argue - Journeyman plumber, Chair  
Matthew Rozzell - Building official, Vice-chair  
Craig Anderson - Registered plumbing business  
Melissa Gitt - Plumbing inspector
- Members absent:** Skai Dancey - Mechanical engineer  
Michael Perry - Employee of the Oregon Health Authority  
Vacancy - Member of the general public
- Staff present:** Brett Salmon, manager, Policy and Technical Services  
Andy Skinner, plumbing program chief, Policy and Technical Services  
Roseanne Nelson, assistant manager, State Inspection Services  
Adam Blechman, contested case representative, Enforcement and Training  
Richard Baumann, policy analyst, Policy and Technical Services  
Dan Wittekind, enforcement investigator, Enforcement Training  
Bill Huston, enforcement investigator, Enforcement and Training  
Debi Barnes-Woods, boards administrator, Policy and Technical Services
- Guests present:** James McKenzie, City of Portland  
Pam Ditty, Mike Ditty LLC

**I. Board business**

**A. Call to order**

Chairman Travis Argue called the February 18, 2016, State Plumbing Board meeting to order at 9:30 a.m. The meeting was held at the Building Codes Division in Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

**B. Roll call**

Skai Dancey and Michael Perry were absent, excused. Melissa Gitt was connected by teleconference.

This board has one vacant position: Member of the general public.

**C. Approval of agenda and order of business**

The agenda was amended to add Item I.F. Welcome new board member Craig Anderson, registered plumbing business position.

Chair Argue ruled the amended agenda and order of business approved.

**D. Approval of the December 17, 2015, draft Board meeting minutes**

Chair Argue ruled the draft minutes of December 17, 2015, final.

**E. Date of the next regularly scheduled meeting: April 21, 2016.**

*(The agenda was amended to add I.F.)*

- F. Welcome new member Craig Anderson, registered plumbing business position**

**II. Public comment - None**

**III. Reports**

**A. Building Codes Division report**

Brett Salmon, manager, Policy and Technical Services, discussed the upcoming short legislative session and said that if an item of interest to the State Plumbing Board were to occur, an update will be given at the next scheduled meeting.

**B. Program update**

*Items of discussion:*

- Certification change draft rule - These rules include modifying the division's qualification requirements for persons seeking to perform medical gas plumbing inspections (hearing held February 26, 2016)
- 2016 Oregon Inspector Training calendar is posted on the division [website](#)
- Contact [plumbing chief](#) for interest in continuing "Hot Topic" training courses
- Code adoption process will begin with the review of the 2015 Uniform Plumbing Code

**C. Summary of enforcement actions previously taken by the Division outlined on the enforcement board report. (No board action required)**

Informational item. No discussion took place.

Dan Wittekind and Bill Huston, new enforcement investigators, Enforcement and Training, were introduced.

**D. Plumbing contractor license No. PB 944 was revoked in the matter of A-1 American Contractors, Inc. (No Board action required)**

Informational item. No Board discussion took place.

**IV. Communication**

**Clarification for Category 3 Support gas/vacuum Inspection**

Informational item.

**V. Appeals - None**

**VI. Unfinished business - None**

**VII. New business**

**Review and approve committee's recommendation on new continuing education courses and instructors applications**

Richard Baumann, policy analyst, Policy and Technical Services, updated the board on the continuing education committee's recommendations for new courses and instructor applications for board approval. He explained the committee process for the new board member.

**Motion by Matthew Rozzell, Vice-chair,** to approve the committee's recommendations for approval or denial of courses or instructors.

**Motion carried unanimously**

**IX. Announcements - None**

**X. Adjournment**

The meeting was adjourned at 9:42 a.m.

Respectfully submitted by,

Debi Barnes-Woods, boards administrator/coordinator

<b>Agenda Item III.C.</b>
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**State of Oregon**

**Board memo**

**Building Codes Division**

**April 21, 2016**

**To:** State Plumbing Board

**From:** Adam D. Blechman, contested case representative, Enforcement Services

**Subject:** Final Order for BCD Case No. 2013-0060, In the matter of Ken Van Hoesen

**Action requested:**

To consider the ratification of a Final Order.

**Background:**

At the board's October 15, 2015, meeting, the board voted to issue an amended proposed order with respect to division case 2013-0060, *In the Matter of Ken Van Hoesen*. The board voted to issue that amended proposed order consistent with the administrative law judge's proposed order and to include the phrase "at this time" after the words "is not appropriate" in the first paragraph of page seven of that amended proposed order.

A Final Order was served on March 24, 2016, in accordance with the board's direction. A copy of the Final Order is attached for the board's reference.

**Options:**

After considering the Final Order, the board may:

- Ratify the Final Order that was issued
- Amend the amended proposed order and indicate to the division what the board would like to amend.
- Disapprove the Final Order that was issued and include in the motion the reason for the disapproval

**BEFORE THE DIRECTOR  
OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES  
AND THE STATE PLUMBING BOARD  
STATE OF OREGON**

IN THE MATTER OF: ) **FINAL ORDER**  
 )  
 )  
**KEN M. VAN HOESEN** ) OAH Case Nos.: 1403759 and 1403772  
 ) Agency Case No.: 2013-0060  
 )

**HISTORY OF THE CASE**

On May 15, 2014, the State Plumbing Board (Board) of the Building Codes Division (Division) issued an Amended Notice of Proposed Assessment of Civil Penalty and Proposed Revocation of Journeyman Plumber License 5374JP, Final Order on Default to Ken M. Van Hoesen (Respondent). On May 19, 2014, Respondent requested a hearing. On June 26, 2014, the Division referred the hearing request to the Office of Administrative Hearings (OAH).

On July 1, 2014, the Director of the Department of Consumer and Business Services (Director) issued an Order to Cease and Desist to Respondent. On July 10, 2014, Respondent requested a hearing with regard to the order. On July 15, 2014, the Division submitted an updated hearing referral form to OAH and requested that the hearing on the Order to Cease and Desist (OAH case no. 1403772) be consolidated with the hearing in case no. 1403759. The OAH consolidated the two cases and Administrative Law Judge (ALJ) Marni J. Davis was assigned to preside at hearing.

On March 24, 2015, the Board issued a Second Amended Notice of Proposed Assessment of a Civil Penalty & Proposed Revocation of Journeyman Plumber License 5374JP and Final Order on Default.

ALJ Davis held a contested case hearing in Salem, Oregon on May 19, 2015. Respondent appeared by telephone and was represented by attorney Douglas Gallagher, who appeared in-person. Assistant Attorney General Tyler Anderson represented the Division. Homer Humelbaugh, Andrea Simmons and John Adams testified on behalf of the Division. The record closed at the conclusion of the hearing.

ALJ Davis issued a proposed order on July 2, 2015, recommending Respondent pay a \$21,000 civil penalty for seven violations of ORS 447.040(1), recommending that license revocation was not appropriate, and also proposing that that the Division did not establish grounds for the Director to issue the Order to Cease and Desist in this case.

On December 15, 2015, the Board and Division issued an Amended Proposed Order. In that Amended Proposed Order, the Board assessed a \$21,000 civil penalty and the Director withdrew the Order to Cease and Desist.

On January 11, 2016, the Board and Division issued a Second Amended Proposed Order, and on February 17, 2016 reissued that same Second Amended Proposed Order. In that Second Amended Proposed Order, the Board assessed a \$21,000 civil penalty and the Director withdrew the Order to Cease and Desist.

### **ISSUES**

1. Whether Respondent worked as a plumbing contractor, or advertised or purported to be a plumbing contractor, without having a plumbing contractor license, in violation of ORS 447.040(1).
2. Whether the Board may impose a civil penalty of \$28,000 against Respondent. ORS 455.895(1) and OAR 918-001-0036.
3. Whether revocation of Respondent's journeyman plumber's license 5374JP is appropriate. ORS 455.125(2)(a).
4. Whether the Director may order Respondent to cease and desist from engaging in any violation of the state building code. ORS 455.775(2).

### **EVIDENTIARY RULINGS**

Exhibits A1 through A15, offered by the Division, were admitted into the record without objection. Exhibits R1 through R9, offered by Respondent, were also admitted into the record without objection.

### **STIPULATED FINDINGS OF FACT**

1. During all relevant times, Respondent was a licensed Oregon journeyman plumber, holding license number 5374JP.
2. At no relevant time did Respondent hold a valid Construction Contractors Board (CCB) license.
3. During or about the period of July 31, 2012, through April 18, 2013, Respondent performed work as a plumbing contractor, using invoices with the name of "Ken Van Hoesen/Lakeview Plumbing" printed on the invoices, and using CCB number 177122 on the same invoices.
4. CCB license number 177122 is held by Gary McCleese & Sons Inc.
5. At no relevant time did Respondent hold a valid Oregon plumbing contractor license.

6. On or about June 17, 2011, Respondent replaced a 20-foot section of a basement sewer line, for the account of Lake County, for which the county paid Respondent \$300.

7. On or about July 26, 2011, Respondent “[dug] up a sprinkler valve and adjust[ed] [it] at LKV shop” for the account of Lake County, for which Respondent received \$112.50.

8. On or about August 11, 2011, Respondent reconnected a “shower drain” for the account of Lake County, for which Respondent received \$113.34.

9. On or about August 30, 2011, Respondent repaired a museum toilet for the account of Lake County, for which Respondent received \$35.

10. On or about September 7, 2011, Respondent installed a “CH-Sloan valve” in a women’s restroom for the account of Lake County, for which Respondent received \$65.

11. On or about June 2, 2012, Respondent accepted a \$10,880 advance payment for the installation of 34 toilets for the account of the Freemont Inn, 524 N. G Street, Lakeview, Oregon.

12. On or about August 6, 2012, on invoice letterhead for “Ken Van Hoesen/Lakeview Plumbing”, a handwritten note followed by Ken Van Hoesen’s signature read as follows:

To whom it may concern, [t]here has been an issue with American Standard & my wholesaler Budge-McHugh in Medford about shipping. I have been in contact with Budge McHugh this morning 8-6-12, was told toilets will be delivered in Medford this week. I am going to Reno for hot August Nites car show this week. I will pick toilets up next week and install them as soon as I get them here. Sorry if I have caused any inconveniences. If you have any questions please feel free to call me.

13. On or about September 6, 2012, check #333 to Budge McHugh was made out from Ken Van Hoesen for \$2,622.36 for toilets, orders #112969, 110442.

14. On or about November 2, 2012, Respondent invoiced Lake County for work he performed at the Lake County Jail, where Respondent replaced a wax ring on a toilet and repaired a broken pipe adaptor for a sink drain, for the account of Lake County, and for which he invoiced the County \$317.15.

15. The Division previously disciplined Respondent in BCD case number 2010-0071, wherein Respondent’s journeyman plumber’s license number 5374JP was suspended for failure to pay civil penalties owed as a result of the final order in case number 2005-0308.

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## FINDINGS OF FACT

1. Respondent has worked as a journeyman plumber for almost forty years. (Test. of Respondent.)
2. On March 15, 2006, the Board issued a final order in case no. 2005-0308, ordering Respondent to pay penalties totaling \$1,250. The Board assessed Respondent a penalty because he allowed an individual to perform a plumbing installation without having a valid journeyman plumber's license. (Ex. A2.)
3. On April 15, 2010, the Board issued a final order in case no. 2010-0071, suspending Respondent's journeyman plumber's license #5374JP because he failed to pay the penalty in case no. 2005-0308. (Ex. A2.)
4. On May 10, 2010, Respondent's journeyman plumber's license was reinstated. (Ex. A9.)
5. In approximately 2011, Gary McCleese & Sons Inc. obtained a plumbing contractor's license to allow Respondent to work as a journeyman plumber. (Test. of Respondent.)
6. On June 14, 2013, Tony Guidone, an enforcement officer with the Division, informed Respondent that he was violating state building code by using Gary McCleese & Sons Inc.'s CCB number. Respondent stated he was not aware that he was violating any statutes or laws prior to this conversation. (Ex. A9 at 2; test. of Respondent.)
7. Replacing a 20-foot section of sewer line, digging up a sprinkler valve and adjusting it, reconnecting a shower drain, repairing a toilet, installing a "CH-Sloan valve," replacing a wax ring on a toilet and repairing a broken pipe adaptor for a sink drain are plumbing installations, as defined in ORS 447.010(6). (Ex. A9 at 4.)
8. The Board based the proposed penalty in this case on the factors set forth in the Board's penalty matrix. (Ex. A3; test. of Simmons.)

## CONCLUSIONS OF LAW

1. Respondent engaged in the business of working as a plumbing contractor or advertising or purporting to be a plumbing contractor without a plumbing contractor license, in violation of ORS 447.040(1).
2. The Division may impose a civil penalty of \$21,000 against Respondent.
3. Revocation of Respondent's journeyman plumber's license 5374JP is not appropriate.
4. It is not necessary for the Director to order Respondent to cease and desist from engaging in any violation of the state building code.

## OPINION

The Board and Director proposed that Respondent advertised or purported to be a plumbing contractor, without a plumbing contractor's license. The Board also proposed that Respondent should be assessed a \$28,000 civil penalty for the violations and that his journeyman plumber's license should be revoked. The Director also proposed that the Respondent should be ordered to cease and desist from engaging in any further violation of the state building code. The Board and Director had the burden to show, by a preponderance of the evidence, that Respondent committed the alleged violations. ORS 183.450(2), *Harris v. SAIF*, 292 Or 683, 690 (1982). Proof by a preponderance of evidence means that the fact finder is persuaded that the facts asserted are more likely true than not true. *Riley Hill General Contractor, Inc. v. Tandy Corp.*, 303 Or. 390 (1987).

*Engaging in the Business of Working as a Plumbing Contractor or Advertising or Purporting to be a Plumbing Contractor without a Plumbing Contractor License*

ORS 447.010(6) provides:

“Plumbing” is the art of installing, altering or repairing in or adjacent to or serving buildings:

- (a) Pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried waste, including the water supply distributing pipes.
  - (b) Fixtures and fixture traps.
  - (c) Soil, waste and vent pipes.
  - (d) House drain and house sewer to the sewer service lateral at the curb, or in the street, or alley, or other disposal terminal holding human or domestic sewage.
  - (e) Storm water drainage, with their devices, appurtenances and connections.
- Pipes, fixtures and other apparatus for medical gas, anesthetic waste gas and vacuum systems.

ORS 447.040(1) provides:

A person may not work as a plumbing contractor, or advertise or purport to be a plumbing contractor, and a member or employee of a firm, partnership or corporation may not engage in the layout or superintending of plumbing installations, without having obtained the plumber contractor license under ORS 447.010 to 447.156 as provided by State Plumbing Board rules adopted under ORS 455.117.

The parties stipulated that Respondent made plumbing installations, that he did not have a plumbing contractor license when he made those plumbing installations and that he received payment for making the plumbing installations. Respondent used the CCB license number 177122, held by Gary McCleese and Sons Inc., on his invoices for the installations. Because he

agreed to perform this work and received payment for the work, the preponderance of the evidence indicates that he purported to be acting as a plumbing contractor. Thus, he engaged in the business of working as a plumbing contractor without a plumbing contractor license, in violation of ORS 447.040(1).

### *Civil Penalties*

The Board and Director, through the Department of Consumer and Business Services Building Codes Division have adopted administrative rules to administer and enforce ORS chapter 693. OAR 918-001-0036(6) provides that the Director may, subject to approval of the Boards, develop a penalty matrix for the Boards to use as a guideline for assessing civil penalties.

At hearing, the Board argued that Respondent should be assessed a penalty in this case for seven violations. Additionally, the Board argued that Respondent should be considered a second time violator because his journeyman plumber's license was suspended within the last five years, in 2010. While Respondent's journeyman plumber's license was suspended in 2010, that suspension was based on the non-payment of a penalty assessed in 2006 when Respondent violated a provision of state building code and the violations in the current case were not related to failure to pay a civil penalty. No evidence was presented to establish that Respondent had any state building code violations of the same type at issue here, within a five-year period of May 15, 2014, when the Amended Notice of Proposed Assessment of a Civil Penalty in this case was issued by the Board. Therefore, the \$28,000 civil penalty proposed by the Board is not appropriate.

Respondent argued that he should only be assessed a \$6,000 penalty. Respondent testified that he has two children in college and he can reasonably pay a \$6,000 penalty. While Respondent may have significant financial obligations, \$6,000 is not an appropriate civil penalty when Respondent violated ORS 447.040(1) on at least seven occasions in 2011 and 2012, nor is it appropriate under the Board's established matrix.

Respondent should, however, be assessed a penalty as a first time violator, and not as a second time violator. The Division's penalty matrix proposes a \$3,000 penalty for each violation when an individual engages in the business or of a contractor working in a trade that requires a specialty license. Thus, Respondent should be assessed a civil penalty of \$3,000 for each violation, for a total of \$21,000, for violating ORS 447.040(1).

### *Revocation of Respondent's Journeyman Plumber's License:*

ORS 455.125(2) provides in relevant part:

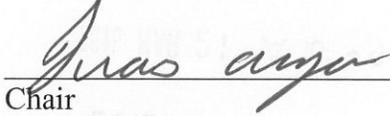
In addition to any other sanction, remedy or penalty provided by law, the Director of the Department of Consumer and Business Services or an appropriate advisory board may deny, suspend, condition or revoke a \* \* \* license or other authority of a person to perform work or conduct business issued under laws administered by



**ORDER**

The State Plumbing Board and the Director issue the following order:

Ken M. Van Hoesen shall pay a \$21,000 civil penalty for violations of ORS 447.040(1) and the Director's Cease and Desist Order is withdrawn.

  
\_\_\_\_\_ for  
Chair  
State Plumbing Board  
State of Oregon

Dated this 16 day of March, 2016.

  
\_\_\_\_\_ for  
Director  
Department of Consumer and Business Services  
State of Oregon

Dated this 22 day of March, 2016.

**APPEAL NOTICE**

You are entitled to judicial review of this order in accordance with ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from the date of service of this order.

CERTIFICATE OF SERVICE

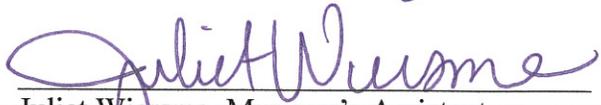
On March 24, 2016, a FINAL ORDER and INVOICE for case no. 2013-0060 was served as follows on:

Respondent  
Ken M VanHoesen  
PO Box 1336  
Lakeview OR 97630

Certified Mail     Regular Mail     Facsimile \_\_\_\_\_     Interdepartmental Mail

by mailing a true copy, return receipt requested for certified mail, with postage prepaid, and depositing it in the United States Mail at 1535 Edgewater St NW, Salem, Oregon.

BUILDING CODES DIVISION



Juliet Wiersma, Manager's Assistant  
Enforcement Section  
503-378-3278

**Copies of the Notice of Contested Case Rights and Procedures were included with the mailings noted above. See attached copy.**

## State Plumbing Board Enforcement Report April 21, 2016

<b>Agenda Item III.D.</b>
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<b>Summary Report - Cases Previously Resolved by Division</b>							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2015-0221 Russ	Scaroni, Nathaniel Jesse	Advertised on www.craigslist.com as a business to perform plumbing work. •No plumbing contractors license	Eugene Area	October 2015	\$6,000*	\$500	Consent Order. Complaint submitted by BCD Enforcement.
C2015-0140	Hollingsworth, Do Jae	Installation of plumbing fixtures including sinks and toilets. Installation of additional water lines. •No plumbing contractors license •Allowed unlicensed individual to perform plumbing work •No plumbing permit	Roseburg	January 2015	\$8,000*	\$2,000	Consent Order. Complaint submitted by the public.
C2015-0024 Tania	A-1 American Contractors, Inc.	Installation of piping for kitchen sink and disposal and installation of finish plumbing. •Allowed unlicensed individual to perform plumbing work	Portland	February 2015	\$10,000	\$10,000	Default Order. Complaint submitted by BCD Enforcement.
C2015-0158 Russ	Constantino, Berenger R.	Installation of water and drain pipes beneath a home and installation of PEX tubing within the home for water and drain pipes for sink and shower basin. •No journeyman plumbers license	Eugene	March 2015	\$2,000	\$2,000	Default Order. Related to case C2016-0016 Complaint submitted by CCB field investigator.
C2016-0016 Russ	Berenger's Construction LLC	Installation of water and drain pipes beneath a home and installation of PEX tubing within the home for water and drain pipes for sink and shower basin. •No plumbing contractors license •No plumbing permit	Eugene	March 2015	\$4,000	\$4,000	Default Order. Related to case C2015-0158 Complaint submitted by CCB field investigator.

\*Total penalties assessed for violations in more than one program

† With use of new database, all new cases now begin with "C" (Complaint)

**State of Oregon**

**Board memo**

**Building Codes Division**

**April 21, 2016**

**To:** State Plumbing Board

**From:** Andrea Simmons, Enforcement and Training Manager, Enforcement Services

**Subject:** Forgiveness of Penalties Assessed on Allen R. Patton

**Action requested:**

Consideration of settlement for Allen R. Patton's outstanding penalties.

**Background (Enforcement History):**

Doris Olivan, DCBS Central Services Collections manager, provided the attached letter containing Mr. Patton's request for a reduced penalty. Mr. Patton is asking the board to reduce the \$6,000 and associated interest assessed by the Plumbing Board in this case to \$1,500. (The remaining amount was presented to the Electrical and Elevator Board at its March 24, 2016, meeting. The Electrical and Elevator Board approved Mr. Patton's request, provided that he is not issued an electrical license in the future unless he pays all civil penalties in full.)

Mr. Patton entered into a consent order in 2013, which assessed a total of \$12,000 in civil penalties. \$6,000 of civil penalties was assessed by the Plumbing Board for working as a plumbing contractor without holding a plumbing contractor license, working as a journeyman plumber without holding a journeyman plumber license, and performing plumbing work without first obtaining a permit. An additional \$6,000 of civil penalties was assessed by the Electrical and Elevator Board because Mr. Patton also violated that board's rules. (BCD Case No. 2013-0006). Mr. Patton agreed to pay \$3,000 of the civil penalties (\$1,500 for his electrical violations and \$1,500 for his plumbing violations) and to pay for licensed contractors to pull permits and make any corrections required. Mr. Patton failed to meet the terms of the consent order and has not paid any civil penalties. As of February 27, 2016, Mr. Patton owes a total of \$14,174.88 (\$2,174.88 is interest which will be slightly higher on the day the board meets).

**Options:**

- Approve Mr. Patton's request
- Suggest a different settlement amount
- Deny Mr. Patton's request



# Oregon

Kate Brown, Governor

## Department of Consumer and Business Services

Central Services Division  
350 Winter St. NE, Room 400  
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Salem, OR 97309-0405  
503-947-7977 Fax: 503-378-3134  
[www.oregon.gov/DCBS](http://www.oregon.gov/DCBS)

April 8, 2016

Chairperson  
State Plumbing Board  
1535 Edgewater St NW  
PO Box 14470  
Salem, OR. 97309-0404

Dear Chair Person and Board Members:

For you review and consideration is an outline to settle a debt regarding outstanding penalties assessed on Allen R Patton.

Mr. Patton would like to settle his debt with the Department of Consumer and Business Services, Building Codes Division for thirty payments of \$100.00 each month to equal a total of \$3,000.00.

Mr. Patton's only source of income is social security in the monthly amount of \$1,202.00. Social Security income is protected income and we are unable to garnish said income. Per our debtor, he is now 66 years old and retired, he is unable to borrow a loan as he has no job to repay this loan back. Mr. Patton current rent is \$390.00 a month, leaving him \$812.00 for reasonable monthly living expenses.

The thirty payments at \$100.00 each month totaling \$3,000.00 settlement would satisfy the following:

- Building Codes Civil Penalty Case No: #2013-006 totaling \$3,000.00 (interest plus some penalty)

We have reviewed Mr. Patton financial information, based on the information this may be the only way we are able to collect directly from Mr. Patton.

Doris Olivan  
DCBS/CSD Collections Manager  
503-947-7945

**Agenda  
Item  
VI.**

**State of Oregon**

**Board memo**

**Building Codes Division**

**April 21, 2016**

**To:** State Plumbing Board

**From:** Andy J. Skinner, plumbing program chief, Policy and Technical Services

**Subject:** Statewide Alternate Method (No. 14-01) Performance Liner Lateral System

**Action requested:**

State Plumbing Board recommendation to division administrator to rescind Performance Liner Lateral System statewide alternate method (No. 14-01).

**Background:**

At its August 21, 2014, meeting, the board reviewed a request from LMK Technologies (LMK) for the use of a trenchless cured in-place pipe liner system in Oregon. LMK asked for a limited statewide alternate method so it could finish obtaining IAPMO listing approval under ASTM F1216-09. After hearing a presentation from an LMK representative and discussion by board members, the State Plumbing Board approved the technical and scientific facts presented and recommended the division proceed with issuing a statewide alternate method that would be valid for 24 months. On November 14, 2014, the Building Codes Division Administrator approved a statewide alternate method allowing the use of the Performance Liner Lateral System for 24 months.

LMK recently notified the division that it received appropriate listing approval from IAPMO and NSF for the Performance Liner Lateral System.

**Recommendation:**

The State Plumbing Board has reviewed the listing approvals obtained by LMK for the Performance Lateral System as meeting adopted standards in the Oregon Plumbing Specialty Code and recommends the division administrator rescind Statewide Alternate Method No. 14-01.



**No. 14-01  
Performance Liner Lateral System  
(Ref.: ORS 455.060)**

*Statewide Alternate Methods are approved by the Division administrator in consultation with the appropriate advisory board. The advisory board's review includes technical and scientific facts of the proposed alternate method. In addition:*

- *Building officials shall approve the use of any material, design or method of construction addressed in a statewide alternate method;*
- *The decision to use a statewide alternate method is at the discretion of the designer; and*
- *Statewide alternate methods do not limit the authority of the building official to consider other proposed alternate methods encompassing the same subject matter.*

**Code Edition:** 2014 Oregon Plumbing Specialty Code

**Code Section:** Section 715.0 Building Sewer Materials

**Date:** August 21, 2014

**Initiated by:** State Plumbing Board at the Request of LMK Technologies, LLC.

**Subject:** Alternate Method to Use a Performance Liner Lateral System

**Background:**

In 1997, LMK technologies, LLC (formerly LMK Enterprises) received limited approval for the performance liner lateral system from the Oregon State Plumbing Board. LMK requested the use of this system on a statewide basis.

**Discussion:**

LMK Technologies, LLC requested, from the board, a Statewide Alternate Method for their performance liner lateral system for a 24-month period while obtaining an IAPMO listing under ASTM F1216-09.

**Conclusion:**

The Oregon State Plumbing Board then approved the use of LMK Technologies, LLC performance liner lateral system, as a Statewide alternate method, for the rehabilitation of existing building sewers outside a structure, for a 24-month period beginning August 21, 2014. The installation and inspection process shall be per ASTM F1216-09. Any use of this product for inside rehabilitation requires approval from the local jurisdiction.



**Contact:**

Andrew Skinner  
Plumbing Program Chief  
503-373-7488  
[Andrew.J.Skinner@state.or.us](mailto:Andrew.J.Skinner@state.or.us)

The technical and scientific facts for this Statewide Alternate Method are approved.

(Signature on File)

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Mark Long, Administrator  
Building Codes Division

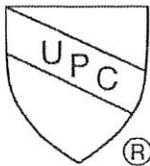
November 14, 2014

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Date

**IAPMO RESEARCH AND TESTING, INC.**

5001 E. Philadelphia Street, Ontario, CA 91761-2816 • (909) 472-4100 • Fax (909) 472-4244 • www.iapmort.org



**CERTIFICATE OF LISTING**

IAPMO Research and Testing, Inc. is a product certification body which tests and inspects samples taken from the supplier's stock or from the market or a combination of both to verify compliance to the requirements of applicable codes and standards. This activity is coupled with periodic surveillance of the supplier's factory and warehouses as well as the assessment of the supplier's Quality Assurance System. This listing is subject to the conditions set forth in the characteristics below and is not to be construed as any recommendation, assurance or guarantee by IAPMO Research and Testing, Inc. of the product acceptance by Authorities Having Jurisdiction.

The most updated information on this Certificate of Listing is available online at [pld.iapmo.org](http://pld.iapmo.org)

Effective Date: November 2015 -Rev. 3/21/2016- Void After: November 2016

Product: Cured-In-Place Thermosetting Resin Conduit Liner File No. 9581

Issued To: LMK TECHNOLOGIES, LLC  
1779 CHESSIE LANE  
OTTAWA, IL 61350

Identification: Manufacturer's name or trademark, model description of woven or nonwoven material and associated thermosetting resin, shall bear the UPC® certification mark.

Characteristics: Materials for the reconstruction of pipeline and conduits (4" to 108") by the installation of a resin impregnated flexible tube which is inserted into the existing conduit by use of a hydrostatic head of air pressure. For replacement of existing sewers only. To be installed in accordance with the requirements of the manufacturer's installation instructions.

Products listed on this certificate have been tested by an IAPMO R&T recognized laboratory. This recognition has been granted based upon the laboratory's compliance to the applicable requirements of ISO/IEC 17025.

Products are in compliance with the following standard(s):

ASTM F1216-2009

Models:

Performance Liner® Lateral Lining System

For use with pipe in sizes 4" - 8"



Print Certificate



OFFICIAL LISTING

NSF International Certifies that the products appearing on this Listing conform to the requirements of NSF/ANSI Standard 14 - Plastics Piping System Components and Related Materials

This is the Official Listing recorded on February 9, 2016.

LMK Technologies, LLC
1779 Chessie Lane
Ottawa, IL 61350
800-4331275
815-433-1275

Facility: Ottawa, IL

Drain, Waste, Vent, and Sewer Rehabilitation Materials

Table with 4 columns: Material Type, End Use, Trade Name, Product Standard. It lists two entries for 'Performance Liner Lateral Lining System' with different standards (ASTM F1216 and SE 13004).

- # Product can be used in gravity fed pipelines outside of buildings, within buildings, horizontal and vertical pipelines including foundation drain.
\$ Product is certified under SE 13004 for use with 3" pipe.
% Product is Certified for use with pipe in sizes 4" - 8".
\* Product meets the material requirements of ASTM F1216.

Note: Additions shall not be made to this document without prior evaluation and acceptance by NSF International.

**State of Oregon**

**Board memo**

**Building Codes Division**

**April 21, 2016**

**To:** State Plumbing Board

**From:** Richard Baumann, policy analyst, Policy and Technical Services

**Subject:** Continuing Education Course Approval Process

**Action requested:**

State Plumbing Board review and approve the Continuing Education Committee's recommendations for continuing education courses and instructors.

**Background:**

The State Plumbing Board establishes continuing education (CE) requirements for all plumbing licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. They set standards for approval of courses and providers in order to have a sufficient number and variety of CE courses available to licensees. The board's continuing education committee has been meeting to evaluate courses and instructors on the board's behalf. The committee met on March 10, 2016, to review CE course and instructor applications. The committee reviewed 19 applications from 7 organizations:

- 6 courses were recommended for approval.
- No courses were recommended for denial.
- 7 instructors were recommended for approval.
- No instructors were recommended for denial.
- 6 applications are pending waiting for additional information from the provider.

See attached summary for more information.

In addition to the Oregon Rule and Law criteria, the committee is using the following when reviewing applications:

- For correspondence courses – Provider must submit complete course.
- For online courses – Provider must submit a log-on or screen shots of course content.
- OSHA courses are eligible for a maximum of 10 hours code-related credit.
- First Aid/CPR courses are eligible for a maximum of eight hours code-related credit.

**Options:**

- Approve the committee's recommendations for approval or denial of courses or instructors.
- Amend and approve the committee's recommendations for approval or denial of courses or instructors.
- Disapprove the committee's recommendations for approval or denial of courses or instructors.

**State Plumbing Board  
Committee on Continuing Education Course and Instructor Review  
April 21, 2016**

**Courses**

	<b>Applicant</b>	<b>Course Name</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
1	@ First Attempt	Oregon Rule & Law Continuing Education Class for Plumbers (4 ORL)	Approve	
2	CSA Group	Navigating the Product Certification Maze (2 hours CR)	Approve	
3	Harvey & Price Co.	OSHA 30 Construction (10 hours CR)	Approve – course hours reduced to 10 from 30.	
4	Cascade Health Solutions	CPR/AED & Basic First Aid (4 hours CR)	Approve	
5	Sol-Reliant	Solar Hot Water 2016 (2 hours CR)	Approve	
6	Matt Rozzell	Related Codes (8 hours CR)	Approve	

**Instructors**

	<b>Applicant</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
1	Chris D'Amato @ First Attempt	Approve – committee approval is for courses that are code change and code related. Instructor application did not contain qualifications related to OSHA.	
2	Lisa Reiheld CSA Group	Approve	
3	Phil Meadow CSA Group	Approve	
4	Valerie Madarasz CSA Group	Approve	
5	Jeffrey Martin Harvey & Price Co.	Approve	
6	Lisa Borland	Approve	

	Cascade Health Solutions		
7	John Patterson Sol-Reliant	Approve	

**Applications Pending**

	<b>Applicant</b>	<b>Course Name</b>	<b>Information Requested by Committee</b>
1	AnytimeCE.com	2012 UPC Chapter 7 Sanitary Drains (4 hours CR)	Committee identified various issues with course content, time spent in subject areas, test questions that were incorrect.
2	AnytimeCE.com	2014 Oregon Plumbing Specialty Code Changes (4 hour CC)	Committee identified various issues with course content, time spent in subject areas, test questions that were incorrect.
3	AnytimeCE.com	2014 Oregon Plumbing Rule and Law (4 hours ORL)	Committee identified various issues with course content, time spent in subject areas, test questions that were incorrect.
4	@ First Attempt	2012 UPC Review (8 hours CR)	Committee determined that delivery method of online course was adequate. However, the committee was unable to determine if the test questions were sufficient. Committee requested provider submit a list of test questions for review.
5	@ First Attempt	OSHA Safety Training for Plumbers (2 hours CR)	This course was not on the provider's website so committee was not able to provide a recommendation. Additionally, the instructor application did not contain any qualifications for this course.
6	@ First Attempt	Rainwater Harvesting (3 2 hours CR)	This course is specific to Washington's requirements for rainwater harvesting. No Oregon specific requirements were found in the course. Oregon's Plumbing Program has alternative methods related to rainwater harvesting. Course must be in two-hour increments.