



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Building Codes Division

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State Plumbing Board

Amended agenda includes **outside of public meeting**

Thursday, August 18, 2016, 9:30 a.m.

Conference Room A

Board meetings are broadcast live via the Internet at

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

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 [April 21, 2016](#), draft board meeting minutes
- E. Date of the next regularly scheduled meeting: October 20, 2016

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. Plumbing program update

(Break to clear audience from room for outside of a public meeting)

- B. Outside of public meeting pursuant to [ORS 192.690\(1\)](#) to deliberate on Ruling on Motion for Summary Determination and Proposed Order issued by Administrative Law Judge Dove L. Gutman for Ken Van Hoesen, BCD Case No. 2015-0016

(Break to allow audience back in room. No votes were taken)

Board review and provide a recommendation on the petition for consideration of late hearing request and exceptions and to provide a recommendation to consider the adoption or amendment of the Proposed Order in the matter of [Ken Van Hoesen, BCD Case No. 2015-0016](#) *(The memo has been updated following Court of Appeals ruling)*

- C. [Summary](#) of enforcement actions previously taken by the division outlined on the enforcement board report *(No board action required)*

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None

VII. New business

[Review and approve](#) committee's recommendations on new continuing education course and instructor applications

VIII. Announcements - None

IX. Adjournment

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
April 21, 2016

- Members present:** Travis Argue - Journeyman plumber, Chair
Matthew Rozzell - Building official, Vice-chair
Craig Anderson - Registered plumbing business
Skai Dancey - Mechanical engineer
Melissa Gitt - Plumbing inspector
- Members absent:** 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
Alana Cox, senior policy advisor, Policy and Technical Services
Adam Blechman, contested case representative, Enforcement Services
Richard Baumann, policy analyst, Policy and Technical Services
Dan Wittekind, enforcement investigator, Enforcement Services
Bill Huston, enforcement investigator, Enforcement Services
Debi Barnes-Woods, boards administrator, Policy and Technical Services
- Guests present:** James McKenzie, City of Portland
Jed Scheuermann, IAPMO
Rick Bosch, former board member

I. Board business

A. Call to order

Chairman Travis Argue called the State Plumbing Board meeting of April 21, 2016, 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

Michael Perry was absent.

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

C. Approval of agenda and order of business

Chair Argue ruled the agenda and order of business approved.

D. Approval of the February 18, 2016, draft board meeting minutes

Chair Argue ruled the draft minutes of February 18, 2016, final.

E. Date of the next regularly scheduled meeting: June 16, 2016.

F. Formal farewell to board member Rick Bosch: Licensed plumbing contractor

Chair Argue and other members thanked Mr. Bosch for his commitment and expertise to the board.

II. Public comment – None

III. Reports

A. Building Codes Division report

Brett Salmon, manager, Policy and Technical Services, also thanked Mr. Bosch for his eight years of service on the board.

Manager Salmon introduced a new employee to Policy and Technical Services, Alana Cox, senior policy advisor.

B. Program update

Andy Skinner, plumbing program chief, Policy and Technical Services, discussed the following items:

- Medical gas certification; rule was adopted April 1, 2016
- 2016 Oregon Inspector Training; calendar is posted on the division [website](#), which includes medical gas courses
- Cross training program progress

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

Adam Blechman, contested case representative, Enforcement Services, explained that at the October 15, 2015, board meeting, the board voted to issue an amended proposed order by adding the phrase “at this time” after the words “is not appropriate” in the matter of Ken Van Hoesen. The final order was served on March 24, 2016, in accordance with the board’s direction.

The division is looking for the board to ratify the final order, further amend the proposed order, or disapprove to include an explanation for the record.

Motion by Ski Dancey to ratify the final order discussed by the board at its October 15, 2015, meeting with no further changes to the amended proposed order.

Motion carried unanimously

D. 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.

E. Consideration of Allen R. Patton assessed civil penalties

Adam Blechman, contested case representative, presented a letter from Doris Olivan, DCBS Central Services, collection manager, which stated that Mr. Patton's income is protected and the state is unable to garnish wages for payment.

Mr. Blechman said that Mr. Patton is asking for settlement by requesting a reduced penalty from \$6,000 to \$3,000 with the amount split evenly between this board and the Electrical and Elevator Board, which has already deliberated on the case. That board agreed to the reduction with the caveat that Mr. Patton is only allowed a license if he pays all assessed fees.

Chair Argue expressed his concerns that Mr. Patton did not attempt to pay any part of his penalties since first assessed in 2013, but understood that his only source of income is social security, which is protected income.

Skai Dancey proposed that the board accept the proposed reduction of penalties and payment plan, but include in the motion for payment of interest accrued since penalties assessed.

Melissa Gitt proposed to accept the proposed reduction of penalties and payment plan, but forgo the interest accrued and include in the motion what the Electrical and Elevator Board included; Mr. Patton shall not obtain a license of any kind unless all penalties are paid in full.

Craig Anderson proposed to accept the proposed reduction of penalties and payment plan, and to include in the motion the payment of interest accrued since penalties assessed, also include that Mr. Patton shall not obtain a license of any kind unless all penalties are paid in full.

Motion by Skai Dance to approve Mr. Patton's request provided that he shall not be issued a plumbing license of any kind in the future unless he pays all civil penalties in full. In addition, Mr. Patton is to pay the additional interest accrued on assessed civil penalties.

Motion carried unanimously

IV. Communication - 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
Chief Skinner reviewed the Statewide Alternate Method No. 14-01 issued August 21, 2014, which was for a 24-month period while the company obtained an IAPMO listing under ASTM F1216-09. LMK has informed the division that they received the appropriate listing approval from IAPMO and NSF for the Performance Liner Lateral System.

Motion by Melissa Gitt to rescind Statewide Alternate Method No. 14-01.
Motion carried unanimously

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.

Vice-chair Rozzell abstained from the vote because his course was included in the list for board action.

Motion by Travis Argue, chair, to approve the committee's recommendations for approval or denial of courses or instructors.

Motion carried

VIII. Announcements - None

IX. Adjournment

The meeting was adjourned at 10:08 a.m.

Respectfully submitted by,

Debi Barnes-Woods, boards administrator/coordinator

State of Oregon

**Updated board memo
(After Court of Appeals ruling)**

Building Codes Division

August 18, 2016

To: The State Plumbing Board

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

Subject: Final Order for BCD Case No. C2015-0016; Ken M. Van Hoesen

Action requested:

To consider the Respondent's petition for relief and decide on a course of action related to that petition.

Background:

On June 3, 2015, the division, acting on behalf of the board, issued a Notice of Proposed License Revocation, Assessment of Civil Penalty, and Final Order on Default to Ken M. Van Hoesen. That Notice alleged that Mr. Van Hoesen made plumbing installations without first obtaining a permit and that he worked as a plumbing contractor, or advertised or purported to be a plumbing contractor, without holding a plumbing contractor license. The Notice also alleged that Mr. Van Hoesen had committed a violation of the state building code within the previous five years, which subjected him to increased civil penalties as a repeat violator. Accordingly, the Notice assessed \$6,000.00 in civil penalties (\$2,000.00 for not obtaining a permit and \$4,000.00 for not holding a plumbing contractor license) and sought revocation of Mr. Van Hoesen's journeyman plumber license.¹

Mr. Van Hoesen requested a hearing. On March 30, 2016, Senior Assistant Attorney General Katharine Lozano, on behalf of the board, filed a Motion for Summary Determination, which, if granted, would resolve all issues presented in this matter without the need for hearing. Mr. Van Hoesen did not file any response to this motion. On April 18, 2016, Administrative Law Judge Dove L. Gutman issued a ruling on Motion for Summary Determination and Proposed Order.

¹ The Notice also included an Order to Cease and Desist issued by the Director of the Department of Consumer and Business Services.

ALJ Gutman's Proposed Order found the following:

- There are no genuine issues as to any material facts and the division/board is entitled to a ruling as a matter of law.
- Van Hoesen did not violate OAR 918-780-0065, because that rule was not effective until October 1, 2014, and Van Hoesen's plumbing-related activity took place between June and September 2014.²
- Van Hoesen worked as a plumbing contractor, or advertised or purported to be a plumbing contractor, without a valid plumbing contractor license, in violation of ORS 447.040(1).
- Van Hoesen should be assessed a civil penalty in the amount of \$4,000.00
- Van Hoesen's journeyman plumber license should be revoked.³

Accordingly, ALJ Gutman proposed that the board issue an order assessing a \$4,000.00 civil penalty against Mr. Van Hoesen for violating ORS 447.040(1) and revoking his journeyman plumber license.

On April 29, 2016, Mr. Van Hoesen's attorney filed a request to ALJ Gutman to accept a late filing and to allow relief from the Proposed Order. ALJ Gutman issued a letter in response, noting that she does not have the authority to accept the late filing and referring the matter to the division and board for consideration. Mr. Van Hoesen's attorney has subsequently asked that the board consider his filings as a late request for hearing, for good cause, or, if a late request for hearing is not granted, as exceptions to the Proposed Order.

Options:

After considering the late request for hearing/exceptions and Proposed Order, the board may exercise one of the following six (6) options:

1. Accept as true the reasons provided as good cause for the request to file a response to the board's Motion for Summary Determination late, consider the filing late for good cause, determine on your own motion that there are issues of material fact in dispute, then refer the case back to the Office of Administrative Hearings for a hearing on the issues in the Notice. Under this circumstance, the board would also have the opportunity to amend the Notice to include the correct rule citations.
2. Accept as true the reasons provided as good cause for the request to file a response to the board's Motion for Summary Determination late, consider the request late for good cause, then refer the case back to the Office of Administrative Hearings for the ALJ to review the response and reconsider her ruling on the Motion for Summary Determination.

² OAR 918-780-0065 provides that no person shall do plumbing work in the State of Oregon without first obtaining a plumbing permit or minor label. The text of that rule existed prior to October 1, 2014, but was under a different rule number. The Notice referenced the text of this rule, but mis-cited it as it is currently numbered, rather than as it was numbered when Van Hoesen committed his violations.

³ The ALJ also found that Van Hoesen should be ordered to cease and desist from violations of the state building code, ORS chapters 447, 460, 693, and the rules adopted under those statutes. No action of the Board is required regarding the Order to Cease and Desist because the Director of the Department of Consumer and Business Services, not the Board, is responsible for issuing such orders.

Depending on her ruling, there may be a subsequent hearing on some or all of the substantive issues in the case.

3. Accept as true the reasons provided as good cause for the request to file a response to the board's Motion for Summary Determination late, but consider the reasons not sufficient to constitute good cause, then refer the case back to the Office of Administrative Hearings for a hearing on whether the Respondent has good cause to file a response to the Motion for Summary Determination late. If the ALJ determines that the Respondent did not have good cause, the ruling and Proposed Order will stand and the board will then make a decision on the Proposed Order. If the ALJ determines that the Respondent did have good cause, she will consider the Respondent's response to the board's Motion for Summary Determination, and may amend her ruling and Proposed Order, or may reaffirm one or both. There may or may not then be a second hearing, this one on the substantive issues of the case.
4. Not accept as true the reasons provided as good cause for the request to file a response to the board's Motion for Summary Determination late and refer the case to the Office of Administrative Hearings for a hearing on whether the reasons provided are true and, if true, whether the reasons constitute good cause. If determined not to be true, the ALJ's ruling and Proposed Order will stand and the board will then make a decision on the Proposed Order. If determined to be true, but not constituting good cause, the ALJ's ruling and Proposed Order will stand and the board will then make a decision on the Proposed Order. If the ALJ determines that the Respondent's reasons were true and that he did have good cause, she will consider the Respondent's response to the board's Motion for Summary Determination, and may amend her ruling and Proposed Order, or may reaffirm one or both. If this last possibility comes to be, there may or may not be a second hearing, this one on some or all of the substantive issues in the case.
5. Decline to make a decision on the petition for relief because the board wishes to withdraw the Notice without prejudice, and issue a new Notice with the citation related to the permit violations corrected. If a new Notice is issued, the administrative process will begin again, and Mr. Van Hoesen will have a new opportunity to request a hearing on this matter.
6. Decline to make a decision on the petition for relief because the board wishes to reject the Proposed Order and withdraw the Notice against Mr. Van Hoesen, dismissing the case against him.

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
BUILDING CODES DIVISION**

IN THE MATTER OF:

) **RULING ON MOTION FOR SUMMARY
) DETERMINATION AND PROPOSED
) ORDER**

**KEN M. VAN HOESEN,
Respondent**

)
) OAH Case No.: 1504227
) Agency Case No.: C2015-0016

HISTORY OF THE CASE

On June 3, 2015, the Department of Consumer and Business Services Building Codes Division (Division or BCD) issued a Notice of Proposed License Revocation, Civil Penalty, and Final Order on Default (Notice) to Ken Van Hoesen (Respondent).¹ On June 22, 2015, Respondent requested a hearing.

On June 25, 2015, the Division referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Senior Administrative Law Judge (ALJ) Dove L. Gutman to preside at the hearing scheduled for February 24, 2016.

On January 27, 2016, the parties jointly requested that the hearing be postponed until April 27, 2016. On January 28, 2016, ALJ Gutman granted the parties' request.

On March 30, 2016, Senior Assistant Attorney General Katherine Lozano filed the Division's Motion for Summary Determination (MSD) with supporting documentation. In the MSD, Ms. Lozano provided Respondent with an explanation of the requirements for filing a Response to the MSD. Ms. Lozano also notified Respondent that his Response needed to be filed by April 13, 2016 to be timely. Respondent did not file a Response.

On April 14, 2016, ALJ Gutman closed the record and took the matter under advisement.

ISSUES

1. Whether there are any genuine issues as to any material facts, and if not, whether the Board is entitled to a ruling as a matter of law. OAR 137-003-0580.

2. Whether Respondent made plumbing installations without a valid plumbing permit, in violation of OAR 918-780-0065.

¹ The Notice is dated May 27, 2015, but was issued June 3, 2015.

3. Whether Respondent worked as a plumbing contractor, or advertised or purported to be a plumbing contractor without a valid plumbing permit, in violation of ORS 447.040(1).

4. Whether Respondent shall be assessed civil penalties in the amount of \$6,000.² ORS 455.895(1)(a) and OAR 918-001-0036(4).

5. Whether Respondent's license as a journeyman plumber shall be revoked. ORS 455.129(2)(a), (e), (g), (m).

6. Whether Respondent shall be ordered to cease and desist from violating the state building code, ORS chapter 447, 460 and 693, and any rules adopted under those statutes. ORS 455.775(2).

DOCUMENTS CONSIDERED

The following documents were reviewed and considered in this matter: The Division's Motion for Summary Determination, Exhibits 1, 1A through 1C, and the pleadings.

LEGAL STANDARD FOR SUMMARY DETERMINATION

Motions for Summary Determination are governed by OAR 137-003-0580, which provides, in pertinent part:

(1) Not less than 28 calendar days before the date set for hearing, the agency or a party may file a motion requesting a ruling in favor of the agency or party on any or all legal issues (including claims and defenses) in the contested case. The motion, accompanied by any affidavits or other supporting documents, shall be served on the agency and parties in the manner required by OAR 137-003-0520.

(2) Within 14 calendar days after service of the motion, the agency or a party may file a response to the motion. The response may be accompanied by affidavits or other supporting documents and shall be served on the agency and parties in the manner required by OAR 137-003-0520.

(3) The administrative law judge may establish longer or shorter periods than those under section (1) and (2) of this rule for the filing of motions and responses.

² In the Notice, the Division alleges that Respondent should be assessed a civil penalty of \$2,000 for violating OAR 918-780-0065, and a civil penalty of \$4,000 for violating ORS 447.040(1). (*Notice* at 7.)

(6) The administrative law judge shall grant the motion for a summary determination if:

(a) The pleadings, affidavits, supporting documents (including any interrogatories and admissions) and the record in the contested case show that there is no genuine issue as to any material fact that is relevant to resolution of the legal issue as to which a decision is sought; and

(b) The agency or party filing the motion is entitled to a favorable ruling as a matter of law.

(7) The administrative law judge shall consider all evidence in a manner most favorable to the non-moving party or non-moving agency.

(8) Each party or the agency has the burden of producing evidence on any issue relevant to the motion as to which that party or the agency would have the burden of persuasion at the contested case hearing.

(9) A party or the agency may satisfy the burden of producing evidence through affidavits. Affidavits shall be made on personal knowledge, establish that the affiant is competent to testify to the matters stated therein and contain facts that would be admissible at the hearing.

(10) When a motion for summary determination is made and supported as provided in this rule, a non-moving party or non-moving agency may not rest upon the mere allegations or denials contained in that party's or agency's notice or answer, if any. When a motion for summary determination is made and supported as provided in this rule, the administrative law judge or the agency must explain the requirements for filing a response to any unrepresented party or parties.

(11) The administrative law judge's ruling may be rendered on a single issue and need not resolve all issues in the contested case.

(12) If the administrative law judge's ruling on the motion resolves all issues in the contested case, the administrative law judge shall issue a proposed order in accordance with OAR 137-003-0645 incorporating that ruling or a final order in accordance with OAR 137-003-0665 if the administrative law judge has authority to issue a final order without first issuing a proposed order.

FINDINGS OF FACT

Background

1. During all relevant times, Respondent was an Oregon licensed journeyman plumber, license number 5374JP. (Exs. 1, 1A.)
2. Respondent is not, and has never been, an Oregon licensed plumbing contractor. (Exs. 1, 1A.)
3. Respondent has been disciplined by the Division previously, including the following:
 - Agency Case No. 1997-0084 – Respondent was penalized \$1,000 for employing an unlicensed individual to install plumbing;
 - Agency Case No. 1999-0532 – Respondent was penalized \$2,000 for making unpermitted plumbing installations and for working as a plumbing contractor without a license;
 - Agency Case No. 2003-0249 – Respondent was penalized \$3,000 for working as a plumbing contractor without a license;
 - Agency Case No. 2005-0308 – Respondent was penalized \$1,250 for permitting an unlicensed individual to work as a plumber;
 - Agency Case No. 2010-0071 – Respondent’s journeyman plumber license was suspended for failing to pay the civil penalties Respondent incurred in Case No. 2005-0308;³
 - Agency Case No. 2013-0060 – Respondent was penalized \$21,000 for working as a plumbing contractor without a license on seven separate occasions.

(Exs. 1, 1C.)

Current violation

4. During or about June and July 2014, Respondent arranged to convert a bedroom into a bathroom at a residence located at 11 South J Street, in Lakeview, Oregon (the residence). Respondent received approximately \$1,200 from the owner of the residence for the plumbing work at the residence. (Exs. 1, 1B.)

5. During or about June and July 2014, Respondent installed a new bathtub and associated above-floor drain and water pipes at the residence, performing plumbing work without obtaining a permit for the work. (Exs. 1, 1B.)

³ Respondent’s journeyman plumber’s license was suspended on April 15, 2010, but reinstated on May 10, 2010. (Ex. 1C at 6.)

6. During or about September 2014, Respondent installed a toilet, sink, shower, and associated above-floor pipes and fixtures at the residence, performing plumbing work without obtaining a permit for the work. (Exs. 1, 1B.)

Admission

7. On or about April 13, 2015, Respondent spoke with the Division's investigator regarding the work done at the residence. Respondent admitted to the investigator that he did not obtain a permit for the plumbing work done at the residence. Respondent also admitted that the work performed at the residence required a permit. (Ex. 1B at 4-5.)

CONCLUSIONS OF LAW

1. There are no genuine issues as to any material facts and the Division is entitled to a ruling as a matter of law.
2. Respondent did not violate OAR 918-780-0065, certified effective October 1, 2014.
3. Respondent worked as a plumbing contractor, or advertised or purported to be a plumbing contractor without a valid plumbing permit, in violation of ORS 447.040(1).
4. Respondent shall be assessed a civil penalty in the amount of \$4,000.
5. Respondent's license as a journeyman plumber shall be revoked.
6. Respondent shall be ordered to cease and desist from violating the state building code, ORS chapter 447, 460 and 693, and any rules adopted under those statutes.

OPINION

The Division contends that its Motion for Summary Determination should be granted. The Division contends there are no genuine issues as to any material facts and it is entitled to a ruling as a matter of law.

The State Plumbing Board (Board) and the Director of the Department of Consumer and Business Services, Building Codes Division (Division) are jointly responsible for licensing, regulating, and disciplining plumbers, plumbing businesses, and the plumbing profession in the State of Oregon. ORS chapters 447, 455 and 693.

1. Whether Respondent violated OAR 918-780-0065.

The Division contends that Respondent violated OAR 918-780-0065.

OAR 918-780-0065, certified effective October 1, 2014, is titled "Permits Required" and provides:

No person, firm, or corporation shall do plumbing or medical gas systems work in the State of Oregon without first obtaining a plumbing permit or minor label when required and paying the appropriate fees to the authorized permit issuing agency.

Pursuant to OAR 918-780-0065, no person shall do plumbing work in the State of Oregon without first obtaining a plumbing permit and paying the appropriate fees to the authorized permit issuing agency.

“Plumbing” is the art of installing, altering, or repairing pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and water-carried waste. ORS 447.010(6)(a).

The uncontroverted evidence in the record establishes that during June and July 2014, and in September 2014, Respondent engaged in plumbing work at a residence located at 11 South J Street in Lakeview, Oregon, without a valid plumbing permit.

However, Respondent’s behavior of engaging in plumbing work without a valid plumbing permit took place before OAR 918-780-0065 took effect on October 1, 2014. As such, the Division may not sanction Respondent for violating a rule that was not in effect at the time of the violation unless the rule is retroactive. OAR 918-780-0065 is not retroactive.

Accordingly, Respondent did not violate OAR 918-780-0065, and there are no questions of fact or law remaining to be decided on this matter. Additionally, the \$2,000 civil penalty proposed in the Notice for this alleged violation will not be imposed.

2. Whether Respondent violated ORS 447.040(1).

The Division contends that Respondent violated ORS 447.040(1). I agree with the Division.

ORS 447.040 is titled “Plumbing contractor license” and provides, in part:

(1) 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 plumbing contractor license required under ORS 447.010 to 447.156 as provided by State Plumbing Board rules adopted under ORS 455.117.

As indicated above, a person may not work as a plumbing contractor, or advertise or purport to be a plumbing contractor without having obtained a plumbing contractor license.

For the purposes of ORS 447.040, “engaging in the business” (of working as a plumbing contractor) means to advertise or solicit, contract or agree to perform, or to perform, work for

which a license or permit is required under Oregon law, including but not limited to a single instance. *See*, OAR 918-030-0010(8).

The uncontroverted evidence in the record establishes that during June and July 2014, and in September 2014, Respondent worked as a plumbing contractor and/or purported to be a plumbing contractor by engaging in plumbing work at a residence located at 11 South J Street in Lakeview, Oregon, without a valid plumbing permit.

Therefore, I find that Respondent violated ORS 447.040(1).

Civil penalties

The Division contends that Respondent should be assessed a civil penalty of \$4,000 for violating ORS 447.040(1). I agree with the Division.

ORS 455.895 is titled “Civil penalties” and provides, in part:

(1)(a) The State Plumbing Board may impose a civil penalty against a person as provided under ORS 447.992 and 693.992.⁴ Amounts recovered under this paragraph are subject to ORS 693.165.

(2) The Department of Consumer and Business Services, or an appropriate advisory board, if any, may at its discretion impose a civil penalty against any person who violates *** ORS chapter 447 *** or any rule adopted or order issued for the administration and enforcement of those statutes. Except as provided in subsections (3), (4) and (9) of this section or ORS 446.995, a civil penalty imposed under this section must be in an amount determined by the appropriate advisory board or the department of not more than \$5,000 for each offense or, in the case of a continuing offense, not more than \$1,000 for each day of the offense.

OAR 918-001-0036 is titled “Guideline for Civil Penalties” and provides, in part:

(4) Civil penalties may be assessed by a board, the Director, or a board’s designee acting as agent for a board. A board or the

⁴ ORS 447.992 provides, “The State Plumbing Board may impose a civil penalty for a violation of ORS 447.010 to 447.156 and 447.992 or rules adopted for the administration and enforcement of those sections. The board shall impose a civil penalty authorized by this section as provided in ORS 455.895.”

ORS 693.992 provides, “The State Plumbing Board may impose a civil penalty for a violation of this chapter or rules adopted for the administration and enforcement of this chapter. The board shall impose a civil penalty authorized by this section as provided in ORS 455.895.”

Director may take into account any appropriate factors, including previous directives, in determining the penalty amount or conditions within an order. The statutorily defined maximum penalty may only be assessed upon a finding of a pattern of violation.⁵

Pursuant to the authority cited above, the Division may impose a civil penalty of not more than \$5,000 for each offense against any person who violates ORS chapter 447.

As stated previously, Respondent violated ORS 447.040(1). Additionally, Respondent has a history and pattern of violating the state building code, ORS chapters 447, 455 and 693, and the rules adopted under those statutes.

Thus, after considering the entire record in this matter, including Respondent's history and pattern of violations, I find that a civil penalty in the amount of \$4,000 is appropriate.

Revocation

The Division contends that Respondent's license should be revoked. I agree with the Division.

ORS 455.129 is titled "Additional grounds for denial, suspension, conditioning or revocation of license, registration or application" and provides, in part:

(2) Subject to ORS chapter 183, a regulatory body listed in subsection (3) of this section may deny a license, certificate, registration or application or may suspend, revoke, condition or refuse to renew a license, certificate or registration if the regulatory body finds that the licensee, certificate holder, registrant or applicant:

(a) Has failed to comply with the laws administered by the regulatory body or with the rules adopted by the regulatory body.

(e) Has advertised or otherwise held out as being a licensed, certified or registered specialty code contractor without holding the appropriate specialty code contractor license, certificate or registration.

⁵ "Pattern of violation" means two or more prior violations during a five-year period of any provision of ORS Chapter 446, 447, 455, 460, 479, 480, or 693, or the state building code as defined in 455.010, whether or not a penalty was assessed. A pattern of violation is calculated within a five-year period from the date of the latest violation. OAR 918-001-0036(2)(c).

(g) Has engaged in business as a specialty code contractor without holding a valid specialty code contractor license, certificate or registration required for the business.

(m) Has, while performing work that requires or that is related to work that requires a valid license or certificate under ORS 446.003 to 446.200, *** or ORS chapter 447, 460 or 693, violated any statute or rule related to the state building code.

(3) Subsection (2) of this section applies to:

(a) The State Plumbing Board for purposes of licenses issued under ORS 447.010 to 447.156 or ORS chapter 693.

The State Plumbing Board (and/or Division) may revoke a journeyman plumbing license if the regulatory body finds that the licensee has failed to comply with the laws administered by the regulatory body or the rules adopted by the regulatory body; has advertised or otherwise held out as being a licensed specialty code contractor without holding the appropriate specialty code contractor license; has engaged in business as a specialty code contractor without holding a valid specialty code contractor license; or has, while performing work that requires a license under ORS chapter 447, violated any statute or rule related to the state building code.

As determined previously, during June and July 2014, and in September 2014, Respondent worked as a plumbing contractor and/or purported to be a plumbing contractor by engaging in plumbing work at a residence located at 11 South J Street in Lakeview, Oregon, without a valid plumbing permit in violation of ORS 447.040(1).

Consequently, the Division may revoke Respondent's journeyman plumber license.

Cease and desist

The Division contends that Respondent should be ordered to cease and desist from violating the state building code, ORS chapters 447, 455, and 693, and any rules adopted under those statutes. I agree with the Division.

ORS 455.775 is titled "Enforcement authority of director; investigations; corrective actions; prevention or termination of violation" and provides, in part:

(2) If the director has reason to believe that any person has been engaged, or is engaging, or is about to engage in any violation of the state building code, *** or ORS chapter 447, 460 or 693 or any

rule adopted under those statutes, the director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to cease and desist from the violation or threatened violation.

Respondent has engaged in multiple violations of the state building code and ORS chapters 447, 455 and 693 during the past several years. Based upon Respondent's history and pattern of violations, the Director has every reason to believe that Respondent is engaging in or will continue to engage in those same violations in the future. As such, I find that a cease and desist order is appropriate.

Accordingly, Respondent shall be ordered to cease and desist from violating the state building code, ORS chapters 447, 455 and 693, and any rules adopted under those statutes.

RULING

The Division's Motion for Summary Determination is GRANTED as determined above.

The hearing scheduled for April 27, 2016 is cancelled.

ORDER

I propose the Building Codes Division issue the following order:

1. Respondent did not violate OAR 918-780-0065, effective October 1, 2014.
2. Respondent worked as a plumbing contractor, or advertised or purported to be a plumbing contractor without a valid plumbing permit, in violation of ORS 447.040(1).
3. Respondent shall be assessed civil penalties in the amount of \$4,000.
4. Respondent's license as a journeyman plumber shall be revoked.
5. Respondent shall be ordered to cease and desist from violating the state building code, ORS chapters 447, 455 and 693, and any rule adopted under those statutes.

Dove L. Gutman

Senior Administrative Law Judge
Office of Administrative Hearings

APPEAL PROCEDURE

This is the Administrative Law Judge's Proposed Order. You have the right to file written exceptions and argument to be considered per OAR 137-003-0650. Your exceptions and argument must be received within 20 calendar days after the service date of this Proposed Order. Send them to:

Building Codes Division
Manager, Enforcement and Licensing
PO Box 14470
Salem, OR 97309-0404

CERTIFICATE OF MAILING

On April 18, 2016, I mailed the foregoing RULING ON MOTION FOR SUMMARY DETERMINATION AND PROPOSED ORDER issued on this date in OAH Case No. 1504227.

By: First Class Mail

Ken Van Hoesen
PO Box 1336
Lakeview OR 97630

Adam Blechman
Building Codes Division
PO Box 14470
Salem OR 97309-0404

Katharine Lozano
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Hearing Coordinator

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www.dglawoffice.com

May 4, 2016

Regular Mail and Fax: (503) 378-2322

Building Codes Division

Manager, Enforcement and Licensing/

Attn: Adam Blechman

PO Box 14470

Salem, OR 97309-0404

Regular Mail and Fax: (503) 378-3784

Katharine M. Lozano, Assistant Attorney General

Oregon Department of Justice

1162 Court St. NE

Salem, OR 97301-4096

**OAR 137-003-0650 Exceptions and Argument to Proposed Order in
In re Ken M. Van Hoesen, OAH Case No. 1404227; Agency Case C2015-0016**

Dear Manager of Enforcement and Licensing:

Please consider this letter to be Ken M. Van Hoesen's written exceptions and argument to the proposed order dated April 18, 2016 to revoke his journeyman's license No. 5374JP for allegedly working in June and July 2014 as an unlicensed plumbing contractor.

Agency's Motion based upon Incorrect Facts.

Mr. Van Hoesen was an employee of plumbing contractor Gary McCleese & Sons, Inc. ("McCleese & Sons"), CCB license No. 177122/plumbing contractor license No. PB1006 at the time of the subject work (June and July 2014). Mr. Van Hoesen's Motion to Accept Late Filing and Response to the Agency's Motion for Summary Determination set forth the factual basis showing he was an employee of a plumbing contractor and the basis for his belief that a formal hearing at which he would provide testimony and evidence was forthcoming.

License Revocation Inconsistent with Penalty Matrix.

Revocation of Mr. Van Hoesen's license is inconsistent with the Advisory Board Penalty Matrix (June 2010). The ALJ's Proposed Order in Agency Case 2013-0060 found Mr. Van Hoesen to be a Violation Type 1st. The ALJ placed significant emphasis on the fact that Mr. Van Hoesen had a nearly forty year history as a plumber and his violations (other than non-payment), were from 2006 or earlier.

Building Codes Division
Katharine M. Lozano, Assistant Attorney General
May 4, 2016
Page 2

Accordingly, even if Mr. Van Hoesen's late filing is denied, he remains a Violation Type "2nd" under the attached matrix. Under the Agency's Matrix, the guideline for revoking Mr. Van Hoesen's license does not occur until the Type 3rd.

Mitigating Factors that Weigh Against License Revocation.

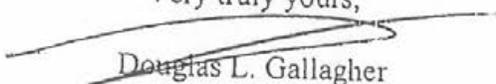
In Agency Case 2013-0060, Mr. Van Hoesen did not deny what he did – his simplistic understanding of the licensing rules was wrong and he owned up to it (not only at the hearing, but with the Division's various enforcement investigators). As noted in the Order, Mr. Van Hoesen did not realize that "borrowing" McCleese & Son's license was improper until June 14, 2013 when informed by a Division enforcement officer.¹ (See Order, Findings of Fact 6). Since that time, Mr. Van Hoesen and McCleese & Sons have sought to conduct themselves as an employee-employer relationship. Such information is provided in Mr. Van Hoesen's submissions in response to the Motion for Summary Determination in the present case. (Note, Van Hoesen acknowledges a permit was not pulled).

Mr. Van Hoesen has been a plumber all of his life (nearly 40 years in the trade) and is trying to help put his kids through Oregon State University. While his disciplinary history is long, it chiefly relates to financial problems. Before Agency Case 2013-0060, Mr. Van Hoesen's record involved non-payment of a 2006 order (that was the subject to of a 2010 order recognizing non-payment of the 2006 order). At some point, when prior violations are financial in nature, there should be a time when such debts are no longer considered for licensing purposes. Mr. Van Hoesen intends to pay the order in Agency Case 2013-0060 and understands that the first payment is due in June 4, 2016.

Mr. Van Hoesen is interested in resolving this matter without the necessity of himself and the Agency expending further resources.

Thank you for your consideration.

Very truly yours,


Douglas L. Gallagher

Encl.
DLG/aam
cc: Client w/encl.

¹ Mr. Van Hoesen's conduct in Agency Case 2013-0060 is obviously wrong to just about any contractor or other professional that pays a higher cost of business to comply with the law. In Lakeview, Oregon, where in many years Mr. Van Hoesen has been the only active plumber, it is not so obvious. One of the projects Mr. Van Hoesen improperly worked on as a plumbing contractor (because he was merely "borrowing" McCleese & Son's license) was the Lake County courthouse. This is not concealed conduct – it is sloppiness that we believe has been corrected, and is not a basis for revocation in the present Agency Case 2015-0016.

Pursuant to OAR 918-001-0036, this penalty matrix applies to the following trade specialty codes: boiler, electrical, elevator, manufactured dwelling/installer, plumbing, and mechanical.

ADVISORY BOARD PENALTY MATRIX
June, 2010

Absent an accompanying license violation, permit violations are handled by the issuing authority. The entire penalty is imposed in all cases. A violator will not automatically receive the minimum amount due for the penalty. A stay of some portion of a penalty is within the sole discretion of the board or the division acting on the board's behalf for purposes of settling cases prior to hearing. In determining whether a portion of the penalty should be stayed the Division considers aggravating and mitigating factors including but not limited to risk to the public and the cooperation of the violator.

Violation Type	1st	2nd	3rd	Length of Time
Permit Violation	Penalty Assessed: \$1000 Max. Amt Stayed: \$750 Min. Amt Due/payable: \$250	Penalty Assessed: \$2000 Max. Amt Stayed: \$1250 Min. Amt Due/payable: \$750	Penalty Assessed: \$3000 Max. Amt Stayed: \$1000 Min. Amt Due/payable: \$2000	5 years from last violation
Above section applies to violations of permit requirements				
Volunteer Who Has Violated Licensing Laws	Penalty Assessed: \$1000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$0	Penalty Assessed \$2000 Max. Amt Stayed: \$1000 Min. Amt Due/payable: \$1000	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000	5 years from last violation
Above section applies to individuals not licensed in one of the specialty trades listed above, who make an installation that requires a license for no remuneration or other benefit				
Unlicensed Activities	Penalty Assessed: \$2000 Max. Amt. Stayed: \$1750 Min. Amt Due/payable: \$250	Penalty Assessed: \$2500 With Max Stay: \$1000 Min. Amt. Due/payable: \$1500	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000	5 years from last violation
Above section applies to individuals or companies and includes working without a license and allowing an unlicensed individual to perform specialty work.				
Scope of License Violations	Penalty Assessed: \$2000 Max. Amt Stayed: \$1750 Min. Amt Due/payable: \$250 (Apprentices: max amt stayed: \$2000/ min. due: \$0)	Penalty Assessed: \$3000 Max. Amt Stayed: \$1000 Min. Amt Due/payable: \$2000	Penalty Assessed: \$5000 Max. Amt Stayed: \$1000 Min. Amt Due/payable: \$4000 and/or condition/denial/suspension/revocation	5 years from last violation
Above section applies to individuals or companies in one of the specialty trades working outside the scope of their license. This also includes apprentices.				



Violation Type	1st	2nd	3rd	Length of Time
Supervisor	Penalty Assessed: \$3000 Max. Amt. Stayed: \$2750 Min. Amt. Due/payable: \$250	Penalty Assessed: \$4000 Max. Amt. Stayed: \$2000 Min. Amt. Due/payable: \$2000	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000	5 years from last violation
Above section applies to supervising electricians not performing the duties of a supervisor as listed in OAR 918-282-0140.				
Business	Penalty Assessed: \$3000 Max. Amt. Stayed: \$2750/Min. Amt. Due/payable: \$250	Penalty Assessed: \$4000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$3000	Penalty Assessed: \$5000 Max. Amt. Stay: \$1000 Min. Amt. Due/payable: \$4000	5 years from last violation
Above section applies to individuals engaging in the business or of a contractor working in a trade that requires a specialty license.				
Unsafe Installations/Health and Safety Hazard/Failure to Comply with Directive	Penalty Assessed: \$3000 Max. Amt. Stayed: \$2500 Min. Amt. Due/payable: \$500	Penalty Assessed: \$5000 Max. Amt. Stayed: \$3000 Min. Amt. Due/payable: \$2000	condition/denial/suspension/revocation	5 years from last violation
Above section applies to individuals or companies that have made an unsafe installation causing immediate danger to the public.				
Failure to Comply with Order of Corrective Action	Up to \$1000 per day and/or suspension/revocation			5 years from last violation
Above section applies to orders to correct an installation.				
Failure to Comply with Directive & Aggravating Factors	Penalty Assessed: \$4500 Max. Amt. Stayed: \$1500 Min. Amt. Due/payable: \$3000	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000	condition/denial/suspension/revocation	5 years from last violation
Above section applies to directives given to anyone failing to comply with the Oregon specialty codes listed above. This includes jurisdictions.				

State Plumbing Board Enforcement Report August 18, 2016

**Agenda
Item
III.C.**

Summary Report - Cases Previously Resolved by Division							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2016-0026 Dan	Malmedal Enterprises, Inc., abn Malmedal Plumbing, Inc.	Installation of PEX piping through floor joists. •Allowing an unlicensed individual to perform plumbing work.	North Plains	January 2016	\$2,000	\$750	Consent Order. Complaint submitted by CCB field investigator.
C2015-0044 Skip	Pep-Pro Home Improvements Construction Service LLC	Installation of new toilets, a shower unit, water and drain lines, and repair of water and drain lines. •No plumbing contractor license •No plumbing permit	Nyssa	July 2014	\$8,000*	\$2,000	Consent Order. Related to C2016-0001 Complaint submitted by CCB field investigator.
C2016-0001 Skip	Baeza, Jose L.	Installation of new toilets, a shower unit, water and drain lines, and repair of water and drain lines. •No journeyman plumber license	Nyssa	July 2014	\$4,000*	\$1,000	Consent Order. Related to C2015-0044 Complaint submitted by CCB field investigator.
C2015-0246 Russ	Square Deal Construction Company, LLC	Installation of water lines for an icemaker and new sink, plumbing for an additional sink, installation of a new tub, new sink and faucet, and new toilets. Relocation of hot water heater. •No plumbing contractor license •Allowing unlicensed individuals to perform plumbing installations •No plumbing permit	Amity	January 2015	\$24,000*	\$8,000	Consent Order. Related to C2016-0017 Complaint submitted by Yamhill County electrical inspector.
C2016-0064 Russ	Button Plumbing, LLC	Installation and replacement of water and waste lines and installation, replacement, and relocation of plumbing fixtures. •No plumbing contractor license	Oregon	January 2015 through April 2016	\$6,000	\$1,500	Consent Order. Complaint submitted by CCB field investigator.
C2016-0008 Dan	Ottlinger, Joseph R.	Installation of water supply lines and connections to a sink, installation of a toilet and pipe, including PEX piping in the walls. •No journeyman plumber license	Bend	November 2015 to December 2015	\$16,000*	\$16,000	Default Order. Complaint submitted by CCB field investigator.

*Total penalties assessed for violations in more than one program

State Plumbing Board Enforcement Report August 18, 2016

Summary Report - Cases Previously Resolved by Division							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2015-0141 Russ	Smith, Dan L.	Installation of Jacuzzi walk-in tub and connection to existing water lines, and installation of new drain piping. •No journeyman plumber license	Lakeview	May 2015	\$2,000	\$750	Consent Order. Related to C2015-0142. Complaint submitted by CCB field investigator.
C2015-0142 Russ	Smith & Sons, Inc.	Installation of Jacuzzi walk-in tub and connection to existing water lines, and installation of new drain piping. •No plumbing contractor license •Allowed unlicensed individual to perform plumbing work	Lakeview	May 2015	\$4,000	\$1,250	Consent Order. Related to C2015-0141. Complaint submitted by CCB field investigator.
C2015-0124 Russ	Americorp Construction LLC	Installation of rough-in plumbing for new residential construction. •No plumbing contractor license •No plumbing permit	Port Orford	2014 to 2015	\$43,400*	\$19,750	Consent Order. Related to C2015-0178 Complaint submitted by Coos County electrical inspector.
C2015-0178	Young, Ronald E. Jr.	Installation of rough-in plumbing for new residential construction. •No journeyman plumber license	Port Orford	2014 to 2015	\$10,000*	\$19,750	Consent Order. Related to CC2015-0178 Complaint submitted by Coos County
C2016-0087 Bill	Robben Inc.	Installation of water heaters and water line piping related to water heater installation. •Allowing unlicensed individuals to perform plumbing work	Lincoln City	November 2015 to 2016	\$8,000*	\$2,500	Consent Order. Complaint submitted by Lincoln City building official.
C2015-0254 Dan	Portland Heating Inc.	Installation of a gas water heater. •No plumbing contractor license •No plumbing permit	Portland	August 2014	\$4,000	\$800	Consent Order. Related to C2016-0084. Complaint submitted by homeowner.
C2016-0084 Dan	Cessaro, J. Paul	Installation of a gas water heater. •No journeyman plumber license	Portland	August 2014	\$2,000	\$800	Consent Order. Related to C2015-0254. Complaint submitted by homeowner.
C2016-0124 Russ	Medel, Antonio	Installation of PEX piping and SharkBite connectors for water supply lines. •No journeyman plumber license	Beaverton	November 2015	\$2,000	\$2,000	Default Order. Complaint submitted by Washington County plumbing inspector.

*Total penalties assessed for violations in more than one program

State Plumbing Board Enforcement Report August 18, 2016

Summary Report - Cases Previously Resolved by Division							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2016-0085 Skip	Bear Valley Construction LLC	Installation of a sink and toiler. •No plumbing contractor license •No plumbing permit	Klamath Falls	April 2016	\$8,000*	\$8,000	Default Order. Complaint submitted by license enforcement person.

*Total penalties assessed for violations in more than one program

State of Oregon

Board memo

Building Codes Division

August 18, 2016

To: The 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 May 5, 2016, and July 7, 2016, to review CE course and instructor applications. The committee reviewed 11 applications from 5 organizations:

- 6 courses were recommended for approval.
- No courses were recommended for denial.
- 1 instructor was recommended for approval.
- No instructors were recommended for denial.
- 4 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
August 18, 2016**

Courses

	Applicant	Course Name	Committee Recommendation	Board Action
1	AnytimeCE.com	2014 Oregon Plumbing Specialty Code Changes (4 hour CC)	Approve	
2	AnytimeCE.com	2014 Oregon Plumbing Rule and Law (4 hours ORL)	Approve	
3	AnytimeCE.com	2014 OPSC Chapter 7 Sanitary Drains (4 hours CR)	Approve	
4	@ First Attempt	2012 UPC Review (6 hours CR)	Approve – course hours reduced to 6 from 8. Code content relevant to the Oregon Plumbing Specialty Code does not amount to 8 hours of credit. Provider may resubmit course with new or additional material for additional hours of credit.	
5	@ First Attempt	Rainwater Harvesting (4 hours CR)	Approve	
6	@ First Attempt	Safety Training for Plumbers (2 hours CR)	Approve – course hours reduced to 2 from 3. Course must be in two-hour increments.	

Instructors

	Applicant	Committee Recommendation	Board Action
1	Roxanne Belland United Rentals Trench Safety	Approve – courses associated with this instructor approved by the board in February 2015.	

Applications Pending

	Applicant	Course Name	Information Requested by Committee
1	CEU Online	UPC Code Review (8 hours CR)	Provider did not submit sufficient materials for the committee to review this online course.
2	Zach Washburn CEU Online	Instructor	Applicant did not provide proof of qualifications (appropriate license, relevant degree, or other expertise)
3	Smith & Loveless	S&L Pump School (6 hours CR)	Course appears to be focused on wastewater treatment facilities, which is not under the purview of the Oregon Plumbing Specialty Code. Course did not contain any code content. Provider must include a detailed course outline. Additionally, course hours do not equal the 6 hours of credit provider is seeking.
4	Regina Higgins Smith & Loveless	Instructor	Applicant did not provide proof of qualifications (appropriate license, relevant degree, or other expertise)