



# 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  
Fax: 503-378-2322  
bcd.oregon.gov

## *State Plumbing Board*

Meeting agenda to include **deliberation during executive session and out of public meeting**

Thursday, October 15, 2015, 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 August 20, 2015, board meeting minutes
- E. Date of the next regularly scheduled meeting: December 17, 2015

### **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 the Board" at the end of this agenda.)*

### **III. Reports**

- A. Building Codes Division report
- B. Plumbing program update
- C. Summary of enforcement actions previously taken by the Division outlined on the enforcement board report (**No Board action required**)
- D. Conditioned license for Kris Ivory Griffith, abn Macksburg Plumbing (**No Board action required**)

*(Break to clear audience from room for both executive session and out of public meeting)*

### **IV. Executive session**

Professional Regulatory Update from the Department of Justice to review records. Exempt from public inspection under the Public Records Law – Legal advice from counsel, ORS 192.660(2)(f)

### **V. Out of public meeting**

The board will exit from public meeting to deliberate on a contested case hearing for Ken Van Hoesen, BCD Case No. 2013-0060, pursuant to ORS 192.690(1)

*(Break to allow audience back in room to be seated)*

Board review and provide a recommendation for Ken Van Hoesen, BCD Case No. 2013-0060

## **VI. Communications**

Statewide Code Interpretation No. 15-02: Water heater seismic strapping

## **VII. Appeals** - None

## **VIII. Unfinished business** - None

## **IX. New business**

- A. Board review and provide the Director with a recommendation regarding proposed administrative rules related to medical gas plumbing certification requirements
- B. Review and approve committee's recommendations on new continuing education courses and instructors applications

## **X. Announcements**

Horizontal Wet Venting classes scheduled for Friday, September 25, 2015, or Friday, October 30, 2015. Both classes will be held from 7:00 a.m. to 11:00 a.m. See class details, then register and pay

## **XI. 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 administrator 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 administrator 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 of Oregon**

**State Plumbing Board  
Regular meeting minutes  
August 20, 2015**

**Members present:** Travis Argue - Journeyman plumber, Chair  
Matthew Rozzell - Building official, Vice-chair  
Rick Bosch - Registered plumbing business  
Michael Perry - Employee of the Oregon Health Authority

**Members absent:** Skai Dancey - Mechanical engineer  
Melissa Gitt - Plumbing inspector  
Vacancy - Member of the general public

**Staff present:** Brett Salmon, manager, Policy and Technical Services  
Andy Skinner, plumbing program chief, Policy and Technical Services  
Homer Humelbaugh, plumbing program assistant chief, Policy and Technical Services  
Adam Blechman, contested case representative, Enforcement Services  
Richard Baumann, policy analyst, Policy and Technical Services  
Debi Barnes-Woods, boards administrator/coordinator, Policy and Technical Services

**Guests present:** Molly Fisher, Oregon Health Department

**I. Board business**

**A. Call to order**

Chairman Travis Argue called the August 20, 2015, 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 Melissa Gitt were absent excused.

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 June 18, 2015, board meeting minutes**

Chair Argue ruled the minutes of June 18, 2015, approved as written.

**E. Date of the next regularly scheduled meeting: October 15, 2015.**

**II. Public comment - None**

### **III. Reports**

#### **A. Building Codes Division report**

Brett Salmon, manager, Policy and Technical Services, said that the Division's Administrator is currently working on the Annual Report required by the Legislature. Administrator Long will deliver the report to members at the next scheduled meeting.

#### **B. Program update**

Andy Skinner, plumbing program chief, said the program is continuing to provide cross-training for inspectors. "Hot Topic" classes will be available September 25 and November 30, 2015. The topic is horizontal wet venting. No continuing education credit will be given for this class.

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

Informational item only.

### **IV. Communications**

#### **Statewide Code Interpretation No. 15-01; Water Temperature for Emergency Eyewash and Shower Installation**

Chief Skinner explained that building officials must ensure that the installation of an emergency eyewash and shower installation meets ISEA Z358.1 and the water temperature is verified to ensure a minimum of 60<sup>0</sup> F.

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

### **VI. Unfinished business - None**

### **VII. New business**

#### **Board review and approve committee's recommendation on continuing education courses and instructors**

Richard Baumann, policy analyst, Policy and Technical Services, updated the Board on the continuing education committee's recommendations for continuing education courses and instructor applications and requested Board approval.

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

**Motion carried unanimously**

### **VIII. Announcements - None**

### **IX. Adjournment**

There was no other business to discuss. The meeting was adjourned at 9:45 a.m.

Respectfully submitted by,

Debi Barnes-Woods, Boards Administrator/Coordinator

State Plumbing Board Enforcement Report October 15, 2015

**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
C2015-0093 Tania	Griffith, Kris Ivory abn Macksburg Plumbing	Advertised on craigslist as a business to perform plumbing work •No plumbing contractor license	Yamhill County	February 2015 through June 2015	\$9,000	\$2,250	Consent Order. Complaint submitted by CCB.
C2014-0252 Skip	Vicon Mechanical Contractor, Inc.	Installed water piping from first story to the second story of house. Installed venting pipe in interior wall. •Allowed plumbing apprentices to work without direct supervision.	Coquille	July 2014	\$4,000	\$2,000	Consent Order. Related to C2015-0048 and C2015-0049. Complaint initiated by BCD Enforcement.
C2015-0048 Skip	Wright, Hiriam N.	Installed water piping from first story to the second story of house. •No journeyman plumber license	Coquille	July 2014	\$2,000	\$250	Consent Order. Related to C2014-0252 and C2015-0049. Complaint initiated by BCD Enforcement.
C2015-0049	Boyechko, Andrey	Installed a section of venting piping in the interior wall framing system. •No journeyman plumber license	Coquille	July 2014	\$2,000	\$250	Consent Order. Related to C2014-0252 and C2015-0048. Complaint initiated by BCD Enforcement.
C2015-0059 Tania	Escobar, Saul dba Santa Fe Construction	Installed electric water heater and water service piping. •No plumbing contractor license •No plumbing permit	Gearhart	January 2015	\$5,000	\$5,000	Default Order. Complaint submitted by homeowner.
C2015-0054 Juliet	Ricks, Byron Keith dba Allstars Plumbing & Rooter	Advertised on craigslist as a business to perform plumbing work •No plumbing contractor license	Portland area	March 2015	\$3,000	\$250	Consent Order. Complaint initiated by BCD Enforcement.

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

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

## State Plumbing Board Enforcement Report for October 15, 2015

**Agenda  
Item  
III.D.**

<b>License Conditioned, Suspensions and Revocations (Director Action)</b>			
Case #	Name	Conditioned/Suspension/Revocation Information	Other Comments
C2015-0093 Tania	Griffith, Kris Ivory abn Macksburg Plumbing	Plumbing Contractors license will now be conditioned	Consent Order. Respondent is required to provide a quarterly report to the division's Enforcement section. Reports will include invoices for work performed, copies of plumbing permits issued, installation addresses, and the customers' contact information. Violation of the Consent Order could result in immediate suspension of Respondent's plumbing contractor license. See Summary report.

\*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**

**October 15, 2015**

**To:** State Plumbing Board

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

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

**Action requested:**

Board to consider the adoption of an Amended Proposed Order and issuance of a final order.

**Background:**

The case before the State Plumbing Board (Board) involves Ken Van Hoesen (Respondent), a licensed Oregon journeyman plumber (5374JP) of Lakeview, Oregon. On February 25, 2014, the Division issued a Notice of Proposed Assessment of Civil Penalties and Revocation of Journeyman Plumber's License 5374JP (Notice). That Notice was later amended to correct the penalty amount to reflect Respondent's repeat violator status (which thereby increased each penalty from \$3,000 to \$4,000, along with adding in four additional occasions of working without a license).<sup>1</sup> The civil penalties proposed totaled \$28,000 for seven occasions of working as a plumbing contractor without a plumbing business license in and around Lakeview, Oregon.

Respondent presented a settlement offer to the Board at its April 16, 2015, meeting. The Board declined that offer, and a contested case hearing was held on May 19, 2015. This matter was consolidated for hearing. Administrative Law Judge (ALJ) Marni Davis presided over the hearing. On July 2, 2015, ALJ Davis issued a proposed order that found, among other things, that Respondent violated [ORS 447.040\(1\)](#) on seven occasions, but that he should only pay \$21,000 of civil penalties based on a conclusion that Respondent was not a repeat violator.<sup>2</sup> ALJ Davis determined that the Board's revocation of Respondent's journeyman plumber license was inappropriate in light of the \$21,000 of civil penalties.

---

<sup>1</sup> The Notice was amended for a second time to correct a citation change that had changed since the case first began. No substantive changes were made in the Second Amended Notice.

<sup>2</sup> ALJ Davis concluded that Respondent was not a repeat violator, reasoning that the suspension of Respondent's license in BCD Case No. 2010-0071 was for nonpayment of a civil penalty from a 2006 case, rather than a violation of the state building code within the past five years.

The Division issued an Amended Proposed Order to correct scrivener's errors, to more accurately reflect which entity (the Board) was taking which action, and to clarify the legal reasoning. No substantive changes to the ALJ's outcomes were made.

**Options:**

After considering the Amended Proposed Order, the Board may:

- Issue a final order and adopt the Amended Proposed Order with the corrections of the scrivener's errors and clarifications.
- Amend the Amended Proposed Order and indicate the Board's desired outcome.
- Disapprove the Amended Proposed Order, which will dismiss the civil penalties in this case.

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF OREGON  
for the  
BUILDING CODES DIVISION**

IN THE MATTER OF: ) **PROPOSED 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 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 Board 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.

**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 Division 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 Division 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.

### **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 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 office with the Division, informed Respondent that he was violating state building code by using Gary McCleese & Sons Inc.’s

CCB number. Respondent 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 Division’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. The Division may not order Respondent to cease and desist from engaging in any violation of the state building code.

### OPINION

The Division contends that Respondent advertised or purported to be a plumbing contractor, without a plumbing contractor’s license. The Division also contends that Respondent should be assessed a \$28,000 civil penalty for the violations, that his journeyman plumber’s license should be revoked and that he should be ordered to cease and desist from engaging in any further violation of the state building code. The Division has the burden to show, by a preponderance of the evidence, that Respondent committed the alleged violations and that the proposed civil penalty and the order to cease and desist are appropriate. 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 Division has 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 to use as a guideline for assessing civil penalties.

At hearing, the Division argued that Respondent should be assessed a penalty in this case for seven violations. Additionally, the Division 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. No evidence was presented to establish that Respondent had any state building code violations 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 Division 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.

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 the Department of Consumer and Business Services or advisory board if the person:

(a) Fails to comply with a provision of \* \* \* ORS chapter 447, 460 or 693, or with any rule adopted under those statutes or under ORS 455.117 \* \* \* [.]

Respondent has worked as a plumber for nearly forty years. Although he violated ORS 447.040(1) on at least seven occasions between 2011 and 2012, he was not aware that he was violating any statutes or rules until he spoke to a Division enforcement officer in June 2013. The record persuasively establishes that Respondent now understands the requirements for working as a plumbing contractor, and that he is unlikely to repeat the conduct that led to the current violations.

Given Respondent's lengthy career as a plumbing professional, his lack of knowledge that he was committing the most recent violations, his relatively good recent history of compliance, and the fact that his current sanction already includes a civil penalty of more than \$20,000, revocation of his journeyman plumber's license seems excessive and inappropriate.

*Order to Cease and Desist:*

ORS 455.755(2) provides:

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, \* \* \*, 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.

The Division contends that Respondent has been or is violating state building code law. While Respondent has violated state building code, those violations arose from the same conduct when Respondent was not aware that he was violating any statutes or rules. Respondent's most recent violation was in November 2012 and the record contains no evidence that he is currently engaging in or is about to engage in any further violations of the state building code. The Division has not established grounds to issue an Order to Cease and Desist.

### **ORDER**

I propose the Building Codes Division, Plumbing Board, issue the following order:

Ken M. Van Hoesen shall pay a \$21,000 civil penalty for violations of ORS 447.040(1).

**Marni J. Davis**

---

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 July 2, 2015, I mailed the foregoing Proposed Order issued on this date in OAH Case No. 1403759.

By: First Class Mail

Douglas Gallagher  
Attorney at Law  
245 W 5th Ave  
Eugene OR 97401

John Adams  
Building Codes Division (DCBS)  
PO Box 14470  
Salem OR 97309-0404

Tyler Anderson  
Assistant Attorney General  
Department Of Justice  
1162 Court St NE  
Salem OR 97301-4096

Lucy Garcia  
Administrative Specialist  
Hearing Coordinator

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

IN THE MATTER OF: ) **AMENDED PROPOSED ORDER<sup>1</sup>**  
 )  
**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 ~~Board~~ **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.**

---

<sup>1</sup> **The amendments to the Proposed Order are set forth in bold. The deletions to the Proposed Order are stricken through.**

## 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 ~~Division~~ **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 ~~Division~~ **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.

### **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 ~~Division's~~ **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 Division Director to not** order Respondent to cease and desist from engaging in any violation of the state building code.

### OPINION

The ~~Board and Director contends~~ **proposed** that Respondent advertised or purported to be a plumbing contractor, without a plumbing contractor's license. The ~~Board~~ **Division** also ~~contends~~ **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** ~~and~~ that **the Respondent** should be ordered to cease and desist from engaging in any further violation of the state building code. The ~~Division~~ **Board and Director** ~~hads~~ the burden to show, by a preponderance of the evidence, that Respondent committed the alleged violations ~~and that the proposed civil penalty and the order to cease and desist are appropriate.~~ 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 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 to use as a guideline for assessing civil penalties.

At hearing, the ~~Division Board~~ argued that Respondent should be assessed a penalty in this case for seven violations. Additionally, the ~~Division 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 ~~Division 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 the Department of Consumer and Business Services or advisory board if the person:

(a) Fails to comply with a provision of \* \* \* ORS chapter 447, 460 or 693, or with any rule adopted under those statutes or under ORS 455.117 \* \* \* [.]

Respondent has worked as a plumber for nearly forty years. ~~Although he violated ORS 447.040(1) on at least seven occasions between 2011 and 2012, he was not aware that he was violating any statutes or rules until he spoke to a Division enforcement officer in June 2013. The record persuasively establishes that Respondent now understands the requirements for working as a plumbing contractor, and that he is unlikely to repeat the conduct that led to the current violations.~~

Given Respondent's lengthy career as a plumbing professional, ~~his lack of knowledge that he was committing the most recent violations, and~~ his relatively good recent history of compliance, ~~and the fact that his current sanction already includes a civil penalty of more than \$20,000, revocation of his journeyman plumber's license~~ **is not appropriate** ~~seems excessive and inappropriate.~~

*Order to Cease and Desist:*

ORS ~~455.755(2)~~ **455.775(2)** provides:

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 \* \* \*, this chapter 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.

~~The Division contends that Respondent has engaged in multiple violations of the state building code and ORS chapters 447, 455, and 693, over many years. been or is violating state building code law. While Respondent has violated state building code, those violations arose from the same conduct when Respondent was not aware that he was violating any statutes or rules. Respondent's most recent violation was in November 2012 and the record contains no evidence that he is currently engaging in or is about to engage in any further violations of the state building code. The Division has not established grounds to issue an Order to Cease and Desist. Therefore, the Director has authority to order the Respondent to cease and desist from further violations of ORS 447.040(1) and ORS chapters 447, 693, and 455. However, because of Respondent's timely cessation of the types of violations at issue in this case, such an Order is not necessary at this time.~~

///

///

///

///

///

///

///

///

///

**ORDER**

I ~~propose the Building Codes Division, Plumbing Board, The State Plumbing Board~~ **and the Director** issues 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.**

Dated this \_\_ day of \_\_\_\_\_, 2015.

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

Dated this \_\_ day of \_\_\_\_\_, 2015.

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

**~~APPEAL PROCEDURE~~ NOTICE OF OPPORTUNITY FOR JUDICIAL REVIEW  
(OREGON COURT OF APPEALS)**

Respondent is entitled to judicial review of this Final Order pursuant to ORS 183.482. Judicial review may be initiated by filing a petition for review with the Oregon Court of Appeals within sixty (60) days from the date this Final Order was mailed to Respondent. ~~This is the Administrative Law Judge’s Proposed Order. You have the right to file written exceptions and argument to be considered per OAR 137-003-0655(4). 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~~



**No. 15-02**  
**Water Heater Seismic Strapping**

**Agenda  
Item  
VI.**

**Code Edition:** 2014 Oregon Plumbing Specialty Code (OPSC)

**Code Section:** Section 507.1

**Date:** September 17, 2015

**Subject:** Water Heater Seismic Strapping

**Question:**

Section 507.1 of the Oregon Plumbing Specialty Code (OPSC) requires water heaters to be anchored or strapped in seismic categories C, D, E and F. However, this section does not provide minimum standards for anchoring or strapping methods or materials. An interpretive ruling dated August 12, 2005, regarding seismic strapping materials or methods was inadvertently rescinded October 1, 2014.

**Answer:**

Plumber's tape or equivalent anchoring or strapping materials are acceptable. Connectors must have washers to assure the connector does not pull through the strapping. The following connectors are acceptable; #12 wood screw with 1 ½ inch penetration at each end, or ¼ inch diameter concrete anchor of 1 ½ inch minimum length.

**Analysis:**

The division has determined that the minimum standards for seismic anchoring or strapping methods and materials contained in the rescinded interpretation are still applicable.

**Contact:**

Andy Skinner  
Plumbing Program Chief  
503-373-7488  
[Andrew.J.Skinner@oregon.gov](mailto:Andrew.J.Skinner@oregon.gov)

*In accordance with OAR 918-008-0110, the information contained in this statewide code interpretation is legally binding on any party involved in activities regulated by applicable Oregon law, applicable Oregon regulations or the state building code. If the information contained in this statewide code interpretation is cited as a basis for a civil infraction, a representative of the jurisdiction must cite the interpretation number found in this document.*



**State of Oregon**

**Board memo**

**Building Codes Division**

**October 15, 2015**

**To:** State Plumbing Board

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

**Subject:** Certification for Medical Gas Plumbing Inspector

**Action requested:**

State Plumbing Board review and provide recommendation regarding the division's amendment to certification requirements for medical gas plumbing inspectors.

**Background:**

Current rule ([OAR 918-695-0410](#)) allows an Oregon Plumbing Specialty Code Inspector (non-residential) to obtain a third-party certification to inspect medical gas plumbing systems. The rule specifies that a person must have a valid medical gas certification issued by a division-approved organization meeting the provisions of ASSE 6020-1997 Standard for Medical Gas System Inspectors Professional Qualifications.

**Discussion:**

The Division is proposing an amendment to this rule allowing the Division to offer training for medical gas plumbing inspector certification. This change would make training for medical gas plumbing inspectors readily available in Oregon, focusing on inspector requirements, and Oregon specific code requirements. A person possessing a valid ASSE 6020 medical gas certification may apply to the Division to receive an Oregon medical gas plumbing inspector certification. Medical gas continuing education would be included as part of the plumbing inspector's continuing education. This change does not impact any medical gas plumbing installer licensing requirements.

**Options:**

- Recommend the Division proceed to rulemaking with proposed amendments to OAR 918-695-0410; or
- Amend the proposed amendments to OAR 918-695-0410 and recommend the Division proceed to rulemaking.

**Certification for Medical Gas Plumbing Inspector**  
**DRAFT**  
**October 15, 2015**

**918-695-0410**

**Certification for Medical Gas Plumbing Inspectors**

(1) ~~Scope.~~ To promote effective and uniform enforcement of the **Oregon Plumbing Specialty Code** by improving the competence of plumbing inspectors, this rule establishes minimum training and certification qualifications to make inspections for compliance with the **Oregon Plumbing Specialty Code**. Persons employed for purposes of enforcing the requirements of other administrative agencies are exempt from this section.

(2) No person shall ~~shall~~ **may** be appointed or employed as a medical gas plumbing inspector by any municipality without being currently certified under the provisions of this rule.

(3) ~~Qualifications.~~ Persons shall **must** be certified as an Oregon Plumbing **Specialty Code** Inspector for inspections for compliance with the **Oregon Plumbing Specialty Code**.

(4) ~~Examination.~~ Persons shall have a current and valid medical gas certification issued by a division-approved organization meeting the provisions of ~~ASSE 6020-1997 Standard for Medical Gas Systems Inspectors Professional Qualifications.~~ **No person may perform medical gas plumbing inspections or plan reviews without a valid division-approved medical gas plumbing inspector certification.**

**(5) In order to obtain an medical gas plumbing inspector certification a person must either:**

**(a) Submit to the division a copy of a valid ASSE 6020 medical gas certification; or**

**(b) Complete a division-approved training course for medical gas plumbing inspectors.**

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 447.010

Stats. Implemented: ORS 447.010

Hist.: BCD 27-2000, f. 10-13-00 cert. ef. 10-1-01; BCD 16-2005(Temp), f. & cert. ef. 7-7-05 thru 12-31-05; Administrative correction 1-20-06

**State of Oregon**

**Board memo**

**Building Codes Division**

**October 15, 2015**

**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 September 3, 2015, to review CE course and instructor applications. The committee reviewed 17 applications from 3 organizations:

- 3 courses were recommended for approval.
- 5 courses were recommended for denial.
- 3 instructors were recommended for approval.
- 3 instructors were recommended for denial.
- 3 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  
October 15, 2015**

**Courses**

	<b>Applicant</b>	<b>Course Name</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
1	UA Local 290, Plumbers & Steamfitters	WA/OR Code Comparison Class (4 hours ORL, 4 hours CC, 8 hours CR – 16 hours total)	Approve	
2	AA-ED.com Always Available Ed.	Able to do More-Construction Mobile Apps for Smart Phones (2 hours CR)	Deny – not code related.	
3	AA-ED.com Always Available Ed.	Building Green – The LEED program (2 hours CR)	Deny – not code related.	
4	AA-ED.com Always Available Ed.	Knowing Your Materials-Water (2 hours CR)	Deny – not code related.	
5	AA-ED.com Always Available Ed.	History of Machines (3 hours CR)	Deny – not code related.	
6	AA-ED.com Always Available Ed.	Alternative to Copper Plumbing-PEX Tubing (1 hour CR)	Deny – not code related. Course must be a minimum 2 hours.	
7	American Plumbing Institute	Oregon Plumbing Specialty Code (8 hours CR)	Approve – committee recommended that provider ensure that a randomized testing process be incorporated for the correspondence courses.	
8	American Plumbing Institute	2012 UPC Update (8 hours CR)	Approve – committee recommended that provider ensure that a randomized testing process be incorporated for the correspondence courses.	

**Instructors**

	<b>Applicant</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
1	Scott E. Reinhardt UA Local 290, Plumbers & Steamfitters	Approve	

2	Richard Two Bears UA Local 290, Plumbers & Steamfitters	Approve	
3	Gregg J. Hall UA Local 290, Plumbers & Steamfitters	Approve	
4	Barbara L. Baird AA-ED.com Always Available Ed.	Deny – Courses to be taught were recommended for denial.	
5	Laura Pyne AA-ED.com Always Available Ed.	Deny – Courses to be taught were recommended for denial.	
6	Allan Kelsey AA-ED.com Always Available Ed.	Deny – Courses to be taught were recommended for denial.	

**Applications Pending**

	<b>Applicant</b>	<b>Course Name</b>	<b>Information Requested by Committee</b>
1	AA-ED.com Always Available Ed.	All About Hybrid Water Heaters (2 hours CR)	Course does not contain sufficient code content to be considered at this time. If resubmitted, committee requested that a copy of the exam be provided.
2	AA-ED.com Always Available Ed.	1 <sup>st</sup> Aid Refresher (4 hours CR)	Course must be taught as a “live” class, not an online class. Provide detailed course outline and breakdown of time spent on subject areas.
3	Mark Parkinson AA-ED.com Always Available Ed.	Instructor	Instructor may be considered for 1 <sup>st</sup> Aid course. Instructor must provide proof of qualifications.