

**Final minutes
State of Oregon**

Board of Boiler Rules

**Regular meeting minutes
September 12, 2006**

Members present: Dale McLouth, chairman
John Endicott, vice-chairman
Mike Bradley
Dennis Coplin
Robert Cowling
Bruce Fellows
Vince Leedy
Thomas Perritt
Fred Widman

Members absent: Monty Redfearn
John Pyle

Staff present: Mark Long, Building Codes Division administrator
Andrea Simmons, policy and technical services manager
Twyla Knowles, policy and technical services assistant manager
Mike Graham, chief boiler inspector and board secretary
Jim Denno, statewide services manager
Roseanne Nelson, enforcement/licensing assistant manager
Brent Griffiths, enforcement officer
Philip Johnson, enforcement officer
Crystal Bochsler, statewide services managers assistant
Debi Barnes-Woods, boards coordinator
Marianne Manning, boards coordinator

Guests present: Larry Hixson, Staris Company
Gary Penkava, HSBCI
Ed Pitzrick, Chubb
Mike Jurkiewicz, Local 290
Tom Lindberg, A&V Code Consulting, Inc.
Mark Stenberg, Local 290

I. Board Business

A. Call to order.

Chairman Dale McLouth called the Board of Boiler Rules board meeting to order at 9:30 a.m. The meeting was held at Building Codes Division, Conference Room "A," 1535 Edgewater NW, Salem, Oregon.

B. Roll call.

Monty Redfearn and John Pyle were absent excused.

C. Approval of agenda and order of business.

Chairman McLouth **RULED** the agenda approved. **Final**

D. Approval of the regular board meeting minutes of June 6, 2006.
Chairman McLouth **RULED** the regular meeting minutes of June 6, 2006 approved.

E. Date of the next regularly scheduled meeting.
December 5, 2006.

F. Review of the 2007 board meeting dates.

G. Welcome new board member Bruce W. Fellows.

II. Public Comment – None.

III. Reports

A. Building Codes Division administrator's report.
Administrator of Building Codes Division, Mark Long, discussed BCD's updates, *Exhibit "A."*

BCD's organizational chart: A new regional service section was created last legislative session under Senate Bill 421. The section is listed in the division's organizational chart under "Regional Building Services." Administrator Long introduced Michael Morter, the first individual to be hired into the new regional liaison program for the Willamette Valley area.

BCD contact information: The division has recently developed a contact sheet to distribute at industry meetings and division board meetings detailing whom to contact for specific program-related questions.

E-permitting: The division has hired Willamette Consulting Inc./Eclipse Solutions, a firm to help research options for a statewide interoperable e-permitting system. The consultant held four regional informational meetings inviting local building department personnel to attend. A statewide e-permitting workgroup is reviewing the consultant's report and will bring the findings to the legislative business committee meeting September 20, 2006. BCD developed a web site to include project updates and contact information: www.Oregon-epermitting.info.

Six jurisdictions in the Metro area are the initial jurisdictions participating in the E-permitting Pilot Program. The division is beginning to receive feedback from additional jurisdictions interested in participating in the program. The web site address is BuildingPermits.Oregon.gov.

The division received a federal grant to increase existing service delivery and for planned projects, such as electronic submission of plans, tracking of inspections, and notifications. Equipment requirements to support these new tools and abilities will be assessed.

Proposed legislation: The division has four legislative concepts. The first concept builds on work achieved with HB 2181, which became effective July 1, 2006. HB 2181 rules created standard administrative procedures for boiler, electrical, elevator, and plumbing licensing without changing the scopes of the licenses.

This concept continues the effort to streamline licensing administration. The second concept would allow the division to suspend egregious violators before a hearing takes place. The last two legislative concepts are placeholders for the boiler program and Construction Claims Task Force.

Legislative concept for boiler program changes: Current law establishes timelines, inspection frequency, and inspection/permit requirement in statute. The new concept would provide administrative flexibility and clarify operational roles for those persons who administer and enforce the boiler code. This concept is modeled after HB 2180 (Governor's Bill, 2005) that provided administrative ability to establish elevator inspections and permit requirements.

The chair commended the administrator and division staff for their efforts on these matters.

B. Enforcement cases.

Enforcement/Licensing Assistant Manager Roseanne Nelson reported that 27 percent of boiler license renewals completed since last cycle were conducted online.

(Agenda Item III.B.2 heard before III.B.1)

2. Repeat Violator: Spirit Enterprises, Inc., DBA "Stan The Hot Water Man." Enforcement officer Phil Johnson presented historical information regarding previous violations to include three permit violations between 1998 and 2001, and one licensing violation in 1999 for using an unlicensed individual to install a boiler. Mr. Johnson explained that the company installs tankless water heaters in residences and fails to obtain boiler installation permits. These previous violations occurred prior to the adoption of the penalty matrix. Mr. Johnson recommended that the board approve the Consent Order as written by the division and agreed to by the respondent.

MOTION by Thomas Perritt to accept Consent Order as presented.
MOTION CARRIED UNANIMOUSLY.

1. Repeat Violator: Ingersoll-Rand Company. Enforcement officer Tony Guidone discussed violation history to include employing an unlicensed individual to install a pressure vessel without a permit between December 2005 and March 2006. Mr. Guidone requested that the Consent Order be adopted as presented.

MOTION by Thomas Perritt to adopt the Consent Order as written.
MOTION CARRIED UNANIMOUSLY.

Dennis Coplin asked that the division request that the respondent provide a written detailed plan within thirty days from September 13, 2006 on how the respondent will avoid future compliance violations. If the company does not fulfill that request, enforcement officers would return a request for initiating suspension.

Ms. Nelson recommended that the signature portion of the Consent Order be put aside until the division receives the requested documentation from the company. At that time, the documentation could be reviewed and, if appropriate, that documentation can be attached as part of the Consent Order. Ms. Nelson requested that the original order be retracted with a new motion made requesting a written plan from the company no later than thirty days from September 13, 2006 detailing future compliance violation avoidance plans. Once received, the plan could be reviewed by enforcement staff and the Consent Order could be signed without further board review.

MOTION by Tom Perrit to retract original motion made adopting the Consent Order as written.

MOTION CARRIED UNANIMOUSLY.

MOTION by Tom Peritt to carry out the penalty phase of this Consent Order following division staff review of a written statement on future violation avoidance plans, to be provided by the company no later than thirty days from September 13, 2006.

MOTION CARRIED UNANIMOUSLY.

C. Summary of enforcement actions previously taken by the division for cases 1 through 12, outlined on the enforcement board report. (No board action required.)

No discussion for this agenda item.

D. Program update.

Chief Boiler Inspector Mike Graham sent an inspector to offer compliance information at a local level to Hyundai in Eugene and Teledyne Wah Chang Corporation in Millersburg.

Manager Simmons reported that a quarterly program update is under review.

IV. Communications

A. New license application rules implementing HB 2181.

Three major changes in the boiler program:

- All boiler, electrical, elevator and plumbing licenses are transitioning to a three-year renewal cycle.
- Continuing education provider approval: Currently providers are being approved on a one-year cycle and this will be changed to a three-year renewal cycle.
- Thirty-day waiting period for exam retakes.

The initial date for the implementation of the new rules, particularly the impact the transition may have upon the licensing process was discussed. The board recommended that licensees not be impeded from conducting work due to the transitional process.

Manager Simmons will communicate to the board any significant transitional licensing issue. Recommendation that e-mails from the Building Code Division be identified with "BCD" in the subject line was made.

B. Update on boiler and pressure vessel Class 5 licensing rules.

The wording in OAR 918-225-0691 has now been corrected to "welding or brazing."

C. Update on the boiler and pressure vessel inspection frequency rules.

OAR 918-225-0570 changes inspection review schedule.

BCD's new employees:

- Martin Pittioni, manager of enforcement and licensing.
- David Gulliver, policy analyst.
- Tamara Brickman, legislative and public affairs manager.
- Michael Mortor, regional coordinator.
- Celina Patterson, policy analyst.
- Marianne Manning, boards coordinator.

Chairman McLouth requested that Jonathan Graves, not in attendance at this board meeting as requested on June 6, 2006 make a presentation at the next board meeting to report on Industrial Training Unlimited continuing education and online education.

Chief Graham, along with the task force, will conduct further investigation about miniature boilers and will report at the next meeting.

V. Appeals – None.

VI. Unfinished Business – None.

VII. New Business

A. Board review and approve addendum for boiler code.

The division recommended that the board approve the proposed code change for rulemaking and subsequent adoption effective January 1, 2007.

MOTION by Robert Cowling to adopt the division's recommendation by making the rules effective on January 1, 2007 with the deletion of the word "for" and the insertion of the word "and" on Item (9), Page 1.

MOTION CARRIED UNANIMOUSLY.

The supplement will be available on online for review at BCD's Web site:
http://www.bcd.oregon.gov/boards/boiler/board_pack/06/120506/proposed_code.html.

B. Board review and approve Division 040 board administration rules and bylaws.

Discussion of regular meetings, requirements for meetings, taking action at meetings, preparation of meeting agendas, quorum voting specifics, and public participation at board meetings ensued.

The board chair/vice chair group and the division recommended approval of proposed board administrative rules repealing existing rules, and agreement with proposed board bylaws.

MOTION by Vincent Leedy to approve the rules and bylaws recommendation as presented.

MOTION CARRIED UNANIMOUSLY.

Vice-chair Endicott inquired about the status of the ethics complaint filed against the board by Curt Lundine. Manager Simmons reported that no action had yet been taken.

VIII. Announcements

Chairman McLouth announced he will retire in January 2007 and offered his thanks for the support of vice-chair Endicott, and offered his support of Mr. Endicott as new chairman.

IX. Adjournment

Chairman Dale McLouth adjourned the meeting at 11:50 a.m.

Respectfully submitted,

Marianne Manning
Boards Coordinator/Recorder

Exhibits:

- A. Packet of BCD's accomplishments, *Agenda Item III.A., page 2.*