

**THE BOARD OF REVIEW OF PLUMBING CONTRACTORS  
MINUTES OF THE MEETING  
JANUARY 18, 2017**

The Board of Review of Plumbing Contractors met in Conference Room H at 757 Carolyn Avenue at 5:00 p.m. on January 18, 2017.

The following duly appointed members were present:

John Baumann, Chairman  
Sam Mascari  
Bill Bosaw  
David O'Carroll  
Ray Gleich  
Bill Bosaw  
Lou Volpe  
Hal Richard, Department of Sewers & Drains Representative  
Jim Richardson, Board Secretary

**ACKNOWLEDGE GUESTS**

Dennis Kuhlken, Construction Inspector I  
Melissa Hicks, City Attorney's Office  
Ralph Robinson, Terra Valley Excavating

The meeting was called to order by Chairman **John Baumann**, at 5:05 p.m. The minutes from the October 19, 2016 meeting were approved on a motion by **Dave O'Carroll** and a second by **Ray Gleich**.

**MOTION CARRIED 7-0**

**General Business:**

The first hearing before the Board was a complaint filed by **Dennis Kuhlken, Construction Inspector I**, stating that **Terra Valley Excavating** did work at **3567 Westerville Road** violating the following sections of the **City of Columbus Code: 1133.04**, Regulations for Sewer Contractors and **1133.10**, Notification for Inspection, **1133.16**, Notification for Inspection **Mr. McCloud** presented testimony regarding the complaint; He stated that Carlton (Mr. Harris) did not notify the office (Permit Office) that he would be working on July 4<sup>th</sup>, 2016, which is in violation of Section 1133.10. Mr. McCloud stated that through the owner or a representative of the property, they learned that Carlton had excavated down to the wye. Carlton discovered that the wye was broken. This discovery was made on or near July 4, 2016. The city was not present and therefore, they are not able to state this to be fact. The Permit office has a standing rule that if any contractor is excavating near a city asset, they need to have an inspector on site to verify the condition, which is in violation of Section 1133.16, Damage to pipe of structure. Mr. McCloud also stated that Harris Handyman Services were in violation of City of Columbus Construction and Materials Specifications Manual, based on the following facts: Item 105.11, Inspection of Work, Mr. Harris failed to notify the office of his intent to work on July 4<sup>th</sup>. He failed to notify the Permit office of the damage to their asset. They were only made aware of the damage after the representative of the property owner called Hal Richard on the morning of Tuesday, July 5, 2016. In regards to CMS 105.12, Removal of Unacceptable and Unauthorized work, Mr. Harris had pipe material on the jobsite that was not on the approved material list. This material was removed and replaced with approved product. After the City's wye was exposed by another contractor (Columbus hired a contractor to repair the damaged wye), a white bucket was discovered over the wye. Instead of leaving the wye exposed for an inspector to see, several feet of dirt was placed over the bucket. This constitutes "Unacceptable Work".

Mr. McCloud continued that Inspector Kuhlken had to inform Mr. Harris that the alley where the excavation was taking place had to be "fenced" to make the area safe for the public. Several calls had to be made on July 1<sup>st</sup> by Inspector Kuhlken to ensure that this was completed. In addition, the spoil pile that Mr. Harris excavated was placed on the ground beside the ditch, instead of being placed several feet away from the edge of excavation. Mr. Harris had not made any attempts, on July 1<sup>st</sup>, to protect the excavated hole that he had dug by installing shoring boxes. Upon arrival on July 5<sup>th</sup>, Inspector Kuhlken found the hole to be much larger than it was left on July 1<sup>st</sup>. Inspector Kuhlken does not know if this was the result of a cave-in or continued excavation.

In regard to 107.21, OSHA. OSHA was on the jobsite two different times during the week of July 4th. Since that time the City has received the reports from OSHA which lists four "Serious" safety violations. The report reflected the following sections were violated: 1926.651(a), 1926.651(g)(1)(ii), 1926.651(k)(1) and 1926.651(j)(2).

Mr. Neubauer, the attorney for Harris Handyman Services, asked questions of both inspectors, and of Mr. Howie, Mr. Vasser and Mr. Harris.

Based upon all evidence presented and the testimonies of **Michael McCloud** and **Dennis Kuhlken, Construction Inspectors I**, and the testimony presented by **Mr. Harris, Mr. Vasser** and **Mr. Howie**, as well as information presented by **Mr. Cutting**, the representative for the property owner, **Sam Mascari** made a motion that Harris Handyman Services did the work that was in violation with City of Columbus Code Sections 1133.10, 1133.22, 1133.89 & 1133.90 and Materials and Specifications Manual 105.11, 105.12, 105.14, 107.21 & 108.04 at 1200at 1260 Auto Mall Drive and did give proper notification. **Dave O'Carroll** seconded the motion.

**MOTION CARRIED 7-0**

The Board discussed the penalty options before them for consideration. They discussed whether the violations warranted revocation, suspension or to take no action.

Based upon the evidence presented and the testimony presented, **Sam Mascari** made a motion that due to the fact that Carlton Harris, Harris Handyman Services is guilty of violating all the Code Sections listed in the complaint that his Sewer/Water Contractor license be suspended for a total of six months, commencing 10/20/16, **David O'Carroll** seconded the motion.

**MOTION CARRIED 7-0**

**Old Business:**

The Board reviewed the Remedial Action Plan submitted by PDC Construction. The Board discussed the merits of the letter and felt that letter should include the signature of the license holder, Timothy Patton. **Sam Mascari** made a motion and **Dave O'Carroll** seconded that the Board would accept this letter, once it is signed by Timothy Patton.

**MOTION CARRIED 7-0**

**New Business:**

The Board reviewed the Journeyman Plumber application of Christopher D. Warren. On a motion by **Sam Mascari** and a second by **Ray Gleich**, the Board approved the application of Mr. Warren.

**MOTION CARRIED 7-0**

**Adjournment:**

There being no further business to come before the Board, **Bill Bosaw** moved to adjourn at 6:52 p.m. **Sam Mascari** seconded the motion.

**MOTION CARRIED: 7-0**

---

Chairman John Baumann

---

Acting-Board Secretary, Chuck Rankin