

MINUTES

OMAHA PLUMBING BOARD

Regular Meeting – Wednesday, October 24, 2012
9:00 am – City/County Building – 1819 Farnam Street
Room 702 – Seventh Floor

I. Roll Call

Members Present:

Brian A Barrett
Jeff O. Estabrook, Vice-Chairman
Brian Feyerherm
David W. Miller, Chairman
Christopher P. Reed
Amy L. Schaap

Members Absent:

Terry Salem

Others Present:

Jim Wonder, City of Omaha Planning Department
Reid Steinkraus, Douglas County Health Department

Mr. Miller called the meeting to order at 9:07 am.

II. Approval of Minutes from October 10th, 2012

Motion by Mr. Estabrook to approve the minutes from the last meeting. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

I. Approval of Apprenticeship Program

12-10-124

Brandon J. Iwansky
15816 Redwood St
Omaha NE 68136

REQUEST: Approval of apprenticeship program

49-244

Brandon Iwansky appeared before the Board. Mr. Miller reviewed the case file and commented that all appeared to be in order with the application. Mr. Iwansky plans to take on one apprentice.

Motion to approve by Mr. Estabrook. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

III. Apprenticeship Agreements

Tyler J Welborn
15667 Shamrock Circle
Omaha NE 68118

Platinum Plumbing Inc.
15816 Redwood Street
Omaha NE 68136

Tyler J Welborn appeared before the Board. Mr. Miller reviewed the case file and commented that all appeared to be in order with Mr. Welborn's request. Mr. Welborn requested a start date of October 10, 2012, and will attend school at Metro Community College.

Motion to approve Tyler J. Welborn as an apprentice plumber with a start date of October 10, 2012 by Mr. Estabrook. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Chad Pedersen *From 10/10/2012*
3328 N 53rd St
Omaha NE 68104

Carmody & Sons Services
641 S 150th St
Omaha NE 68154

10/10/2012:

Mr. Pedersen was not present.

Motion to hold this case over to the October 24th, 2012 meeting by Mr. Estabrook. Second by Mr. Salem.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Salem

Motion carried 6-0.

10/24/2012:

Chad Pedersen appeared before the Board. Mr. Miller reviewed the case file and commented that all appeared to be in order with Mr. Pedersen's request. Mr. Pedersen requested a start date of August 20, 2012. He attends school at Metro Community College.

Motion to approve Chad Pedersen as an apprentice plumber with a start date of August 20, 2012 by Mr. Estabrook. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Jason K Farley
1904 Lincoln Av #36
Plattsmouth NE 68048

Precise Contracting & Plumbing
13109 144th St
Louisville NE 68037

10/10/2012:

Mr. Farley was not present.

Motion to hold this case over to the October 24th, 2012 meeting by Mr. Estabrook. Second by Mr. Salem.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Salem

Motion carried 6-0.

10/24/2012:

Mr. Farley was not present.

Motion to place case on file by Mr. Estabrook. Second by Mr. Feyerherm.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Duvon D Perkins
14109 Pierce Plaza Apt 46
Omaha NE 68144

Precise Contracting & Plumbing
13109 144th St
Louisville NE 68037

10/10/2012:

Mr. Perkins was not present.

Motion to hold this case over to the October 24th, 2012 meeting by Mr. Estabrook. Second by Mr. Salem.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Salem

Motion carried 6-0.

10/24/2012:

Mr. Perkins was not present.

Motion to place case on file by Mr. Estabrook. Second by Mr. Feyerherm.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Devin L Ypper
8063 Grand Av
Omaha NE 68134

Precise Contracting & Plumbing
13109 144th St
Louisville NE 68037

10/10/2012:

Mr. Ypper was not present.

Motion to hold this case over to the October 24th, 2012 meeting by Mr. Estabrook. Second by Mr. Salem.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Salem

Motion carried 6-0.

10/24/2012:

Mr. Ypper was not present.

Motion to place case on file by Mr. Estabrook. Second by Mr. Feyerherm.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

IV. *Cases

12-10-125
Georgina Orea
6822 S 36th St.
Omaha NE 68107

REQUEST: Waiver of section 49-630, toilet rooms for two sexes

Location: 6822 S 36th St
49-630

Georgina Orea appeared before the Board. Mr. Wonder explained that Ms. Orea lives in a home in South Omaha in which the front of the building is a store, and the back of the building is living quarters for the store owner. Currently, the shop space is empty. Ms. Orea has an apartment behind the empty store. Mr. Wonder stated that Ms. Orea has a small home business selling natural products. Customers may come to her apartment to pick up their order; however, they do not stay for long periods of time. Mr. Wonder stated that Ms. Orea would like the Board to grant her permission to operate her home business using the existing restroom in her apartment. Mr. Wonder stated that the Plumbing Division had no objection to Ms. Orea's request. He recommended that the Board approve this waiver.

After some discussion, Mr. Reed made a motion to approve. Second by Ms. Schaap.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

12-10-126
Gene Francis
604 E 35th St
Sioux Falls SD 57105

REQUEST: Variance of section 49-636, Table 3, Note 9: Restrooms located within restaurant space. Variance of section 49-1104, grease interceptor

Location: 624 & 626 S 72nd Street
49-636, 1104

Gene Francis appeared before the Board. Mr. Wonder stated that Mr. Francis owns a building on 72nd Street. This building has two restaurants (Pizza take-out and popcorn) going into it. Current plumbing code would require each business to have their own restrooms. However, it does not make allowances for food court style applications. Currently, this building has common restrooms for tenants; Mr. Francis also intends to install a family restroom in the building for customer convenience. Mr. Wonder stated that the Plumbing Division had no objection to Ms. Orea's request. He recommended that the Board approve this waiver.

Mr. Reed asked whether the existing restrooms met fixture count requirements for the building. Mr. Wonder confirmed that the existing restrooms more than meet fixture count requirements for the whole space. Mr. Wonder restated the fact that Mr. Francis also intends to install an additional family restroom for the convenience of his customers, thus further increasing the total fixture count for the space.

After some discussion, Mr. Reed made a motion to approve the use of common restrooms by the aforementioned restaurants. Second by Ms. Schaap.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Mr. Wonder brought a second item to the Board's attention; namely, a request for a waiver of the required grease interceptor in a commercial kitchen. Mr. Wonder explained that the pizza restaurant mentioned at the beginning of this case would like to operate without a grease interceptor. He added that the Board has considered several such requests for pizza restaurants, and have granted them based on whether or not the business in question has a potential to introduce grease into the lines. Mr. Wonder assured the Board that this restaurant does not have fryers. Mr. Francis stated that he, as the owner of the building, has prohibited his tenants from having fryers; citing his desire to have a "clean" building.

The Board discussed the location of the sewer on this property, and the feasibility of installing a grease interceptor at this location. Following this discussion, Mr. Reed made a motion to approve the requested waiver of a grease interceptor, with the stipulation that the pizza restaurant in question may not add fryers to their kitchen. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

12-10-127
Jeff Horeis
1810 N 169th Plz
Omaha NE 68118

REQUEST: Variance of section 49-636, Table 5c as regards drinking fountains

Location: 1810 N 169th Plz
49-636

Jeff Horeis appeared before the Board. Mr. Horeis operates an insurance agency; consultations generally take place over the phone or in their clients' homes. The business employs a full-time office manager, who sees to the needs of their customers. This person's duties include asking clients whether or not they would like a beverage. Mr. Horeis stated that the business provides a water cooler in the break room. Mr. Wonder stated that past code revisions requiring drinking fountains in businesses failed to account for small offices such as the applicant's business. He recommended that the Board approve this request.

Motion to approve by Mr. Estabrook. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

12-10-128
Judith Howard
3806 Hamilton St
Omaha NE 68131

REQUEST: Variance of section 49-631, unisex toilet rooms; waiver of section 49-1104, required grease interceptor in a commercial kitchen.

Location: 13522 Cottner
49-631, 1104

Judith Howard appeared before the Board. Ms. Howard operates a catering company; she has recently taken a lease in a commercial space, and requested that the Board grant her a waiver of both the required grease interceptor in her kitchen, and also to allow her to have a unisex restroom in the space. Ms. Howard's space is for food preparation only.

Mr. Wonder stated that in his conversations with Ms. Howard, it was mentioned that she has prepared food for up to two hundred people. Ms. Wonder stated that given the potential volumes of food being prepared, he had a hard time believing that she would be the only person in this space. Ms. Howard maintained that she will be the only person in this space, with the possible exception those helping her to load and unload food for deliveries. Mr. Estabrook stated that this space appears to be under construction; and that there appears to be sufficient room to install separate restroom facilities for men and women as required under Plumbing Code. Mr. Wonder stated that if restrooms were placed in the back of the facility, as shown in the plans, the public would be unable to use them, as the Plumbing Code prohibits requiring customers to walk through commercial kitchens, equipment rooms, or any non-public space to access the restrooms. Mr. Reed pointed out that this does not appear to be a place that the public will have access to. Ms. Howard confirmed Mr. Reed's statement.

The Board discussed alternate solutions which would allow Ms. Howard to provide restrooms that would be accessible by the public. Mr. Estabrook raised the possibility of moving the restrooms to the front of the building. A general consensus was reached that the restrooms in this facility needed to be moved to the front of the space, in order to allow access for those who may be aiding Ms. Howard in the present and in the future as her company grows.

Motion by Mr. Reed to allow a unisex restroom in this facility, with the stipulation that this restroom be located so that it is accessible to the public; and that the public is not required to walk through the kitchen space to access it. The business owner may not require customers to leave this space to access the restrooms. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Next, the Board reviewed Ms. Howard's request for a waiver of grease interceptor. Concern was raised over the request for a waiver of the required grease interceptor, as Ms. Howard may be asked to prepare foods which have high grease content. Ms. Howard stated that she currently produces a variety of dishes for her business in her home, where there is no grease interceptor. Ms. Howard states that with dishes such as prime rib, she pours any grease produced into a container and disposes of it in the garbage. She would continue to follow this practice in her new space. After some additional discussion, the Board remained concerned over Ms. Howard's potential to produce grease, especially as her business grows and expands.

Mr. Wonder stated that if the Board were willing to delay a decision on this item until the next meeting, he would be willing to work with Ms. Howard to determine the appropriate grease interceptor sizing for her business. Ms. Howard agreed to this proposition. Mr. Miller stated that Ms. Howard may proceed with installation of plumbing for her restroom between today and her reappearance before the Board on November 14th.

Motion to hold this case over to the November 14, 2012 meeting by Mr. Estabrook. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0. Case held over to November 14th, 2012.

12-10-129

Robert Bloechle
Hawkins Construction Co.
2516 Deer Park Bd
Omaha NE 68105

REQUEST: Variance of section 49-636, Table 5, men-to-women ratio

Location: 2516 Deer Park Bd
49-636

Robert Bloechle of Hawkins Construction and Gary Nielsen of Nielsen Architecture appeared before the Board. Mr. Wonder stated that the facility in question provides maintenance for heavy construction equipment. Traditionally, this facility has been staffed by men; however, the company does not wish to exclude providing for potential female employees. Hawkins construction wishes to have fewer fixtures for females in this facility. The majority of the restrooms in the building will be located on the second floor, as this is where employees go to change clothes and have breaks.

Mr. Barrett raised an objection to the proposed variance. He stated that this type of variance is discriminatory, in that it creates an environment in which females are not as likely to be hired. Mr. Bloechle stated that Hawkins does not wish to discriminate against female employees; however, this type of work is typically sought by males. He stated that Hawkins does have a few female employees; however, it is difficult to find female candidates who want to perform this type of work. Mr. Barrett maintained that to provide less for female employees than male employees is to create the perception that the company will continue to hire primarily males in the future. Mr. Bloechle disagreed with Mr. Barrett on this point. Mr. Estabrook stated that he would not support this request.

After some additional discussion, Mr. Reed made a motion to approve. Second by Ms. Schaap.

AYES: Feyerherm, Miller, Reed, Schaap

NAYS: Barrett, Estabrook

Motion carried 4-2.

12-10-130
Tom's Well Service
14438 Co. Rd P12
Blair NE 68008

REQUEST: Waiver to allow the installation of a private well.

Location: 12216 Blair High Rd
49-1510

Don Pakieser, homeowner, appeared before the Board. Mr. Miller reviewed the application, and commented that neither the Douglas County Health Department nor the Metropolitan Utilities District had any opposition to the proposed waiver. The location is currently a vacant piece of land; the applicant intends to build a home on this site, provided that sufficient water can be located on the property.

Motion to approve by Mr. Reed. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

12-10-131
Mick Jensen
AOI Corporation
8801 S 137th Circle
Omaha NE 68138

REQUEST: Variance of section 49-636, Table 5, men-to-women ratio

Location: 11106 Q Street
49-636

Mick Jensen and Ryan Jensen of AOI Corporation appeared before the Board. Mr. Jensen runs a mixed martial arts gym facility. Currently, 95% of its customers are male. The applicant requested permission to provide additional fixtures male customers. They asked for a waiver of one water closet for females.

After some discussion, Mr. Reed made a motion to approve. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

V. Journeyman Plumber Examination Applications

Aaron M Frank
13009 Woodridge Cir
Bellevue NE 68123

Micro Plumbing
8988 J St
Omaha NE 68127

Aaron Frank appeared before the Board. Mr. Wonder stated that Mr. Frank's on-the-job hours were short in 2008. He stated that there are currently code changes under consideration which would make it possible for Mr. Frank to prove that he met the minimum requirements for testing. These code changes were approved by the Plumbing Board and are anticipated to have their final review before the City Council. Mr. Wonder suggested that the Board approve Mr. Frank to take the journeyman exam; but to withhold his examination scores until such time as the Council has a chance to either approve or deny the aforementioned code changes.

Motion to approve by Mr. Reed. Mr. Frank's license will not be released until the City Council has completed their review of code changes currently under consideration by that body. If he passes the journeyman exam in November, Mr. Frank must reappear before the Board so that they may review the status of the proposed code changes. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

William A Welch *From 7/25/2012*
1901 SW 9th St
Lincoln NE 68522

Benjamin Franklin Plumbing
14302 C Circle
Omaha NE 68144

7/25/2012:

Mr. Welch was not present.

Motion to hold this case over to the October 24, 2012 meeting of the Board by Mr. Estabrook. Second by Mr. Salem.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Salem

Motion carried 6-0

10/24/2012:

William A. Welch appeared before the Board. Mr. Miller reviewed Mr. Welch's application, noting that Mr. Welch has not completed any formal education in the plumbing field. He reviewed Mr. Welch's on-the-job hours. Following review of the application file, the Board came to the consensus that they needed additional information regarding Mr. Welch's on the job training. Mr. Welch stated that he would be able to obtain additional information regarding his previous experience.

Motion to hold this case over to the January 23, 2013 meeting in order to allow Mr. Welch time to provide additional documentation regarding his previous work experience by Mr. Estabrook. Second by Ms. Schaap.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

VI. Master Plumber Examination Applications

Brad S Birge
3524 Parkview Dr
Omaha NE 68134

Vincentini Plumbing
2308 S 16th St
Omaha NE 68108

Brad Birge appeared before the Board. Mr. Miller reviewed the file and stated that all appeared to be in order with the application.

Motion to approve by Mr. Reed. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Joseph S Kunes
19819 Sycamore Dr
Gretna NE 68028

Eyman Plumbing
8506 S 117th St
LaVista NE 68128

Joseph Kunes appeared before the Board. Mr. Miller reviewed the file and stated that all appeared to be in order with the application.

Motion to approve by Mr. Reed. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Jake Sargent
14921 Edna St
Omaha NE 68138

Jake Sargent appeared before the Board. Mr. Wonder stated that Mr. Sargent passed his examination in November of 2008; however, his license was not issued until January of 2009. He assured the Board that Mr. Sargent is eligible to take the examination. Mr. Miller reviewed the file and stated that all appeared to be in order with the application.

Motion to approve by Mr. Reed. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Jordan J Smith *From 7/25/2012*
4100 SW 2nd St
Lincoln NE 68522

Benjamin Franklin Plumbing
14302 C Circle
Omaha NE 68144

7/25/2012:

Mr. Smith was not present.

Motion to hold this case over to the October 24, 2012 meeting of the Board by Mr. Estabrook. Second by Mr. Salem.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Salem

Motion carried 6-0

10/24/2012:

Mr. Smith was not present.

Motion to place this case on file by Mr. Estabrook. Second by Mr. Barrett.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

David L Sykora
15323 Howe St
Omaha NE 68144

Midlands Mechanical Inc
8425 Wirt St
Omaha NE 68134

David Sykora appeared before the Board. Mr. Miller reviewed the file and stated that all appeared to be in order with the application.

Motion to approve by Mr. Reed. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

VII. Lawn Sprinkler Contractor Examination Applications

Barry L Croft
13423 Montclair Dr. #40
Omaha NE 68144

Mr. Croft was not present.

Motion to hold this case over to the January 23, 2012 meeting by Mr. Estabrook. Second by Mr. Reed.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Clifton Poling
2205 N 88th St
Omaha NE 68134

Clifton Poling appeared before the Board. After review of Mr. Poling's application, it was determined that it would be more appropriate to grant him a temporary lawn sprinkler contractor license for a term of one year due to the departure of his company's licensed lawn sprinkler contractor. This temporary license would also give Mr. Poling time to accrue additional on-the-job hours.

Motion to deny application for examination by Mr. Estabrook. Second by Mr. Feyerherm.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Motion to grant a temporary lawn sprinkler contractor license to Clifton Poling for the term of one year by Mr. Estabrook. Second by Ms. Schaap.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

Francisco J Serrano
2002 Southland Ct
Baton Rouge LA 70810

Francisco Serrano appeared before the Board. Mr. Miller reviewed the file and stated that all appeared to be in order with the application. Mr. Serrano included in his application documentation showing licenses in several states and a letter of reference from his current employer.

After some discussion, Mr. Estabrook made a motion to approve. Second by Mr. Estabrook.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

VIII. Sewer Layer Examinations

Micah T Perkins
7020 S 97th Plaza #N
LaVista NE 68128

Mr. Rooter Plumbing of Omaha
3605 S 149th St
Omaha NE 68144

Nicholas C Waddell
9716 Ohern Plaza #2
Omaha NE 68127

Wonder Plumbing Inc
7811 S 134th St #100
Omaha NE 68138

Motion to approve the above-listed applicants to take the sewer layer examination by Mr. Estabrook. Second by Mr. Reed.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0.

IX. Revocation Hearing

12-10-132
Joseph W. Greenwood Jr.
14601 Locust St.
Omaha NE 68116

REQUEST: Hearing for possible suspension or revocation of licenses

49-206, 220(d)

Joseph W. Greenwood Jr. appeared before the Board. Mr. Wonder read his sworn affidavit aloud to those present, which stated that Mr. Greenwood, while employed as the master plumber of record for Plumbing Specialties Inc., had used this company's name to take out a permit for A to Z Plumbing. A to Z Plumbing does not have a registered master plumber, and its owner, Dale Anderson, is a journeyman plumber. This permit was taken out without the permission of Jacob Sargent, the owner of Plumbing Specialties Inc. Mr. Wonder asserted that in taking out this permit, Mr. Greenwood violated sections 49-206 (Misuse of name) and 49-220(d) (License required) of the Omaha Municipal Code. Mr. Wonder stated that this issue came to light following a complaint by the person who hired A to Z Plumbing. Mr. Wonder stated that the business owner complained after the job was not completed.

Mr. Greenwood was asked to respond to Mr. Wonder's statements. Mr. Greenwood replied that he had never been brought before the Board previously. He accepted responsibility for having taken out a permit for A to Z Plumbing under Plumbing Specialties Inc.'s name; however, he stated that He stated that he had been trying to help his friend, Dale Anderson, in a tough economic time. He added that also took out the permit in order to try to create more business for Plumbing Specialties. He stated that he had done this once previously for another company; this previous time, he stated that he had Mr. Sargent's permission to do so. Mr. Miller stated that he was unable to see how Mr. Greenwood intended to create more business for his employer by taking out a permit for a competitor. Mr. Greenwood stated that he got caught in the middle of this situation.

Mr. Wonder asked Mr. Greenwood whether he was paid any money by A to Z Plumbing for his part in this situation. Mr. Greenwood replied that he was paid to take out the permit, and to help Mr. Anderson to complete the work. Mr. Wonder asked Mr. Greenwood whether he understood that the Plumbing Code only allowed him to use his license for one company, unless he has ownership of each company in question. Mr. Greenwood stated that he was not aware of this fact, and apologized. Mr. Wonder stated that the Board may choose today to not renew his license, and could require Mr. Greenwood to take an examination in order to prove his competency.

Mr. Greenwood countered Mr. Wonder's statement by asking whether working for multiple companies has ever been the subject of a continuing education class. He admitted that this information is in the Municipal Code; however, he maintained that the subject of working for more than one company has never, to his recollection, been mentioned in continuing education classes. Mr. Greenwood admitted that he was aware that it is not allowed to use a license for more than one company; however, he stated that he was trying to be a nice guy.

In response to Mr. Greenwood's statement that he was trying to be a nice guy, Mr. Miller stated that Mr. Greenwood was compensated for this act; and was not doing this as a charitable act. Mr. Greenwood confirmed Mr. Miller's statement that he had been paid, citing the fact that he needed money. Mr. Barrett asked Mr. Greenwood whether he was an employee of Plumbing Specialties Inc. at the time of this incident. Mr. Greenwood confirmed that he was employed by Plumbing Specialties Inc., at the time when he took out a permit for A to Z Plumbing. He stated that his pay from Plumbing Specialties Inc. was not enough to live off of.

Mr. Estabrook stated that Mr. Greenwood has worked for several companies through the years. He asked Mr. Greenwood to give some history on the companies he has worked for. Mr. Greenwood stated that his previous employer was Mr. Rooter. Mr. Estabrook asked Mr. Greenwood had understood that his license could only be used by one company during his time with Mr. Rooter. Mr. Greenwood replied that in his time with Mr. Rooter, it was understood that he could do some outside work and small jobs. Mr. Estabrook countered that the requirement pertaining to use of license by one company has been in place for some time. Mr. Greenwood confirmed that he was aware of this requirement. Mr. Miller commented that prior to his time with Mr. Rooter, Mr. Greenwood had his own company, JW Greenwood Plumbing. He asked Mr. Greenwood whether he was aware of the requirement that his license may only be used for one company during his time running his own company. Mr. Greenwood replied that he was aware of this requirement.

Mr. Greenwood stated that in taking out a permit for A to Z Plumbing, he was trying to create work and to be a nice guy. Mr. Miller pointed out that by taking out the permit in question, Mr. Greenwood put his employer, Plumbing Specialties, Inc., in a mess. Mr. Miller added that he did not understand how Mr. Greenwood thought he was helping his employer out by taking out a permit for his competitor. Mr. Greenwood stated that he was not aware that Mr. Anderson had walked off the project when the customer refused to pay until it was too late. Mr. Miller stated that it was irrelevant whether or not Mr. Anderson was paid; rather, the issue was that Mr. Greenwood made life havoc on his employer, who is now dealing with the situation resulting from Mr. Greenwood's actions. Mr. Greenwood stated that the situation in question is not the end of the world. He questioned Mr. Miller's assessment that he had made things bad for his employer. He added that he had had a lot of things go bad in his life, and he hadn't cried about it. He later apologized for this statement.

Mr. Wonder stated that the A to Z Plumbing received fifteen thousand dollars out of a twenty five thousand dollar contract, with the remainder of the balance to be paid following the installation of the business' grease interceptor. Mr. Wonder stated that the grease interceptor was installed incorrectly at this site, and now has to be destroyed so that another may be installed correctly. Mr. Miller stated that the customer was left with a product that they cannot use. Mr. Greenwood interjected that he was paid only for taking out the permit; he stated that he did not receive the fifteen thousand dollars described by Mr. Wonder.

Mr. Wonder asked Mr. Greenwood to look at his contract with Plumbing Specialties Inc., and to confirm whether it was his signature on this document. Mr. Greenwood confirmed that he had signed a contract of employment with Plumbing Specialties, Inc., but maintained that this contract did not prohibit him from trying to get more work for the company. Mr. Wonder asked Mr. Greenwood why this contract would contain a no compete, no solicitation clause for five years following his employment if Mr. Sargent wanted Mr. Greenwood to do work for other companies. Mr. Greenwood countered that the business owner in question had not been a customer of Plumbing Specialties Inc. Mr. Wonder asked Mr. Greenwood again why he thought his employer would put in a no compete no solicitation clause for five years after his employment, but want him to take out permits for another company during his employment with their company. Mr. Greenwood stated that he didn't know, and maintained that he was trying to get work for his employer.

Mr. Miller stated that work for a competitor does not add up to getting work for his employer. He stated that Mr. Greenwood hurt his employer instead of helping him, and asked Mr. Greenwood to justify how he thought he was helping Plumbing Specialties Inc. by working for a competitor. Mr. Greenwood responded that he was sorry, and that he had been put in the middle of this situation. Mr. Miller countered that Mr. Greenwood was not put into the middle of anything; he acted of his own free will out of a desire to be compensated. Mr. Greenwood stated that he did not receive the fifteen thousand dollars described by Mr. Wonder; he was paid only for the permit, and he went and helped Mr. Anderson a few times at the job site. Mr. Miller concluded by stating his opinion that Mr. Greenwood had violated the Code, and had no explanation for it.

Mr. Wonder asked the Board to read the enclosed contract and no compete clause between Mr. Greenwood and Plumbing Specialties Inc. He asked that following their review of the documentation that they move to revoke Mr. Greenwood's license. He asked Mr. Greenwood, with the Board's permission, whether there was any person present that Mr. Greenwood would like to hear regarding the issue at hand. Mr. Greenwood responded that he would like Mr. Dale Anderson to come forward to the table.

Dale Anderson of A to Z Plumbing appeared before the Board. While reading the contract between Mr. Greenwood and Plumbing Specialties Inc., Mr. Miller confirmed Mr. Greenwood's compensation with this company. Mr. Greenwood confirmed that the information in the contract regarding his compensation was correct. When asked by Mr. Miller, Mr. Anderson confirmed that Mr. Greenwood had been trying to do him a favor by taking out the permit in question. He admitted that things had gotten out of hand on the job site, and that he had had to abandon the job when the owner refused to pay for the work. He mentioned that his company had had problems completing the work due to the owner's habit of having parties, which prevented his company from being able to access the job site.

Mr. Miller stated that he was still unable to see any justification for Mr. Greenwood to work for his employer's competitor. Mr. Wonder clarified his earlier request that the Board revoke Mr. Greenwood's license to include only his master plumber license, not his journeyman plumber license. Mr. Miller acknowledged this statement.

Mr. Estabrook asked Mr. Anderson to speak as to what work Mr. Greenwood did on this job, and how much he was paid for this work on this project. Mr. Anderson confirmed that he had paid Mr. Greenwood to take out the permit in question, and had paid Mr. Greenwood for the work that he completed. According to Mr. Anderson, he paid Mr. Greenwood for approximately thirty hours of work, or roughly seven hundred dollars.

Mr. Wonder stated that if the Board chose to revoke Mr. Greenwood's master plumber license, it would be advisable to state as part of the motion those sections of the Code that Mr. Greenwood had violated; namely, 49-206 and 49-220(d). Mr. Miller stated that he would entertain a motion to revoke Mr. Greenwood's license at this time. Mr. Estabrook stated that it hurt him to do this; however, he felt that Mr. Greenwood had left the Board with no other choice. Mr. Greenwood stated that he was sorry.

Motion by Mr. Estabrook to revoke Joseph W. Greenwood Jr.'s master plumber license for violations of sections 49-206 and 49-220(d). Second by Mr. Feyerherm.

AYES: Estabrook, Feyerherm, Miller, Reed

NAYS: Barrett, Schaap

Motion carried 4-2.

X. Discussion

- The Board discussed upcoming Code revisions. Mr. Wonder will present a draft copy of these revisions to the Board at the November 14th meeting.
- The Board Secretary stated that the November 14th meeting will take place in room 302.

XI. Adjourn

Motion to adjourn by Mr. Reed. Second by Ms. Schaap.

AYES: Barrett, Estabrook, Feyerherm, Miller, Reed, Schaap

Motion carried 6-0. Meeting adjourned at 11:31 pm.

*** = APPLICANT MUST BE PRESENT AT MEETING**

A full, continually current agenda is available for public inspection in Room 1110 of the Omaha/Douglas Civic Center during normal business hours.

The Omaha Plumbing Board reserves the right to modify the agenda at the public meeting.

If alternative (tape) to the agenda is needed, please advise Jim Wonder. A 72-hour notice is required.

Visit the Planning Department's Site on the Internet at <http://co.douglas.ne.us/omaha/planning/boards/plumbing-board>