

# MINUTES

## OMAHA PLUMBING BOARD

Regular Meeting – Wednesday, June 12<sup>th</sup>, 2013  
1:30 pm – City/County Building – 1819 Farnam Street  
Jesse Lowe Conference Room – Third Floor

### I. Roll Call

#### Members Present:

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

#### Members Absent:

#### Others Present:

Jim Wonder, City of Omaha Planning Department  
Joseph F. Virgil, City of Omaha Planning Department  
Reid Steinkraus, Douglas County Health Department  
Alan Thelen, City Law Department

Mr. Miller called the meeting to order at 1:34 pm.

### II. Approval of Minutes from May 22<sup>nd</sup>, 2013

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

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

Motion carried 7-0.

### III. \*Examination Reviews

#### Journeyman Plumber

Carl C Parys  
6785 Pinkney St  
Omaha NE 68104

Plumbers Local 16  
4801 F St  
Omaha NE 68117

**IV. \*Apprenticeship Agreement(s)**

Justin K Begg  
4821 Magnolia St  
Omaha NE 68137

Dave Janke Plumbing Inc  
15013 Grover St  
Omaha NE 68144

Justin K Begg appeared before the Board. Mr. Miller reviewed the file and commented that all appeared to be in order with the application.

Motion to approve with a start date of May 6, 2013 by Mr. Estabrook. Second by Mr. Salem.

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

Motion carried 7-0.

Kyle R DeWitt  
6811 S 49<sup>th</sup> St  
Omaha NE 68117

Eyman Plumbing  
8506 S 117<sup>th</sup> St  
LaVista NE 68128

Kyle DeWitt appeared before the Board. Mr. Miller reviewed the file and commented that Mr. DeWitt's application was missing some of the required paperwork.

Motion to hold this case over to June 26, 2013 by Mr. Estabrook. Second by Mr. Salem.

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

Motion carried 7-0.

**V. \*Cases**

13-6-78  
Ryan Huseby  
710 Terrace Av  
Bellevue NE 68005

REQUEST: Request for reinstatement of expired journeyman plumber license.

49-212

Ryan Huseby appeared before the Board to request reinstatement of his expired journeyman plumber license. Mr. Miller confirmed with the Board Secretary that Mr. Huseby's continuing education hours were in order.

Motion to approve subject to quad fee as required by Plumbing Code by Mr. Estabrook. Second by Mr. Salem.

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

ABSTAIN: Miller

Motion carried 6-0-1.

13-5-73  
Bill Condon  
Jensen Well Company Inc  
767 Iowa St  
Blair NE 68008

REQUEST: Waiver to allow the installation of a private well  
  
Location: 7644 N 97<sup>th</sup> Plaza  
49-215

**5/22/2013:**

Bill Condon of Jensen Well Company appeared before the Board with Darrel Neeley, property owner. Mr. Miller reviewed the file, commenting that both the Metropolitan Utilities District (MUD) and the Douglas County Health Department are opposed to this waiver request.

Mr. Condon stated that the current well on this property has plugged up and needs to be re-drilled. The water from this well is used for gardening only. Mr. Neeley stated that the cost to extend a water main exceeds the total value of his land. After some discussion, it was determined that this case should be held over in order to allow Mr. Neeley more time to work with MUD and the Health Department to reach an acceptable compromise.

Motion to hold this case over to the June 12<sup>th</sup> meeting by Mr. Reed. Second by Mr. Estabrook.

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

Motion carried 7-0.

**6/12/2013:**

Darrel Neeley appeared before the Board. Mr. Neeley stated that he had spoken to the Metropolitan Utilities District (MUD), which suggested that he could put in a private water line to his property – this would cost approximately \$30,000.00, as opposed to the previously quoted \$70,000.00 for a main extension to his property. Mr. Neeley stated that the Health Department's sole reason for opposing his request was due to the fact that MUD was also in opposition. He added that this request is for a replacement well only; there is no residence on the property, nor does he have any intention of building a home on this piece of land.

Mr. Steinkraus confirmed that the Health Department had no opposition to the requested waiver. Mr. Wonder stated that the Board could stipulate that the well could only remain in use so long as no structures were built.

Motion by Mr. Reed to approve requested waiver for a replacement well, with the stipulation that this well only be used for irrigation. This well may not be used for potable water for any structure that is or may be built on the property. Second by Mr. Feyerherm.

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

NAYS: Estabrook

Motion carried 6-1.

13-6-79

Brad Jungman  
Holland Basham Architects  
119 S 49<sup>th</sup> Av  
Omaha NE 68132

REQUEST: Waiver of section 49-636 as regards drinking fountain.  
  
Location: 2057 Harney St  
49-636

Brad Jungman of Holland Basham Architects appeared before the Board with Rick Volk of Morrissey Engineering. The Board reviewed the application. Mr. Jungman noted that the plans for this space call for a break room with a permanent sink. Water can also be dispensed from the refrigerator in the breakroom.

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

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

ABSTAIN: Reed

Motion carried 6-0-1

13-6-80

Fauss Wygo LLC  
111 N 181<sup>st</sup> St Suite 202  
Omaha NE 68022

REQUEST: Waiver of section 49-636 as regards drinking fountain.  
  
Location: 1039 N 204<sup>th</sup> Av (Elkhorn)  
49-636

Ellen Janssen or Fauss Wygo LLC appeared before the Board. The Board reviewed plans of the proposed office space; Ms. Janssen noted that this space includes a permanent sink in the break room. In response to Mr. Reed's question, Ms. Janssen confirmed that glasses would also be available in the break room for people wishing to get water from the sink.

Motion to approve by Mr. Estabrook, with the stipulation that glasses be provided in the break room for those wishing to obtain water from the break room sink. Second by Mr. Reed.

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

Motion carried 7-0.

**VI. \*Revocation Hearing**

13-6-77

Nathan Steele  
Precise Contracting & Plumbing  
131109 144<sup>th</sup> St  
Louisville NE 68037

REQUEST: Hearing for possible revocation or suspension of license(s)

49-101, 205, 208, 230, 240, 241, 242  
Neb Rev Stat § 18-1907, 18-1910, 18-1917

Nathan Steele and Duane J Safarik Jr of Precise Contracting and Plumbing appeared before the Board with Gene Eckel of Thompson Law Office. Mr. Wonder read an affidavit from Joseph F. Virgil, City of Omaha Plumbing Inspector (see file for signed affidavit):

I, JOSEPH F. VIRGIL, plumbing inspector for the City of Omaha, being first duly sworn under oath, state and depose as follows:

On April 9, 2013 at 12:35 P.M., while responding to a complaint at 19905 Blondo, I witnessed the following:

Joe Safarik and Jason Farley drilling holes and installing CPVC piping in the restrooms at this location.

After observing these men installing a plumbing system at this location for approximately ten minutes, I approached them and asked for identification. They identified themselves as Joe Safarik and Jason Farley.

When asked if any licensed Journeyman Plumber(s) were on the premises, Joe Safarik responded, "No".

I told them that they would have to stop working due to non-compliance with the Omaha Plumbing Code. Joe Safarik said he just does what his boss, Nathan Steele, tells him to do.

I then observed Joe Safarik and Jason Farley load their tools onto a truck not displaying proper license holder or firm names. After loading the truck they drove away.

This incident violates the following sections of the Omaha Plumbing Code and Nebraska Revised Statutes:

49-101	Violation of chapter
49-205	Compliance with law
49-208	Display of name on trucks
49-230	License required
49-240	Registration required
49-241	Supervision
49-242	Registration Information
Neb. Rev. Stat §18-1907	License; examination; when; subject matter
Neb. Rev. Stat §18-1910	License; Required; Compliance with Codes; Exception
Neb. Rev. Stat §18-1917	Installation; repair; who can perform

Mr. Wonder stated that at the time of this incident, neither apprentice found on site was registered with the Plumbing Board; as of today's date, Mr. Safarik is still not a registered apprentice. He concluded by stating that the job site has not been approved as of yet pending review and action by the Board.

Mr. Eckel stated that with the exception of the issue regarding unregistered apprentices, Mr. Steele has corrected all other charges listed in the affidavit. Mr. Steele is also willing to remove the piping alleged to have been installed without supervision. Mr. Eckel requested that the Board vote not to suspend or revoke his client's license(s), citing the effect that this would have not only on Mr. Steele's ability to work, but upon his employees. Mr. Wonder stated that the Board does have the right to revoke or suspend licenses for violations, and in the case of suspensions, may do so with any terms or conditions added to it. He stated that the Board could accept Mr. Steele's offer to remove all piping as the sole condition of his suspension if desired.

Mr. Barrett asked Mr. Virgil what tools he observed present on the job site at the time of the offense. Mr. Virgil replied that he had observed both apprentices drilling holes at the property; in addition to the drill and bits needed for this task, Mr. Virgil stated that the men had glue and cleaner opened up for CPVC piping and had a pre-cut piece of pipe pulled through the holes in the wall.

Mr. Estabrook stated that according to Mr. Safarik's affidavit (Exhibit 4), Mr. Safarik did not install any piping on the property. He asked Mr. Safarik for clarification on this statement. Mr. Safarik asserted that he had only marked holes for drilling at the job site. Mr. Estabrook asked Mr. Safarik whether he witnessed Mr. Farley drilling holes or installing CPVC pipe on the property. Mr. Safarik stated that he had not witnessed Mr. Farley doing anything, and could not say what Mr. Farley was doing while on the site. Mr. Estabrook asked Mr. Safarik if he had been sent to the site to install pipe. Mr. Safarik stated that he had been told to keep busy until Mr. Steele arrived; adding that he was dropping Mr. Farley off on site at the time, and was awaiting Mr. Steele's arrival so that he could leave. Mr. Wonder stated that tasks such as marking holes and drilling are an integral part of plumbing. He stated that such work must be calculated for depth, size and movement. Such activity falls under design of plumbing, and design of plumbing is a matter requiring a licensed person, or at the least, supervision by a licensed person. Such work is considered to be plumbing.

Mr. Estabrook asked Mr. Steele what his employees were sent to this job site to do. Mr. Steele stated that at the time of the incident, his assigned plumber was on vacation. Mr. Steele was attempting to fill in as needed, and had instructed the apprentices in question to stay busy until his arrival on site. Mr. Steele stated that Mr. Safarik does service work for him, adding that he is a fourth year apprentice. Mr. Estabrook questioned this statement, as Mr. Safarik is not currently registered as an apprentice plumber. The Board Secretary clarified for the Board members that Mr. Safarik may have recently sent in registration paperwork for 2013; however, such paperwork has not yet been received, nor has it been reviewed and approved by the Board. She stated that Mr. Safarik is not currently registered to work as an apprentice plumber. Mr. Steele amended his statement, stating that his company is working on getting Mr. Safarik registered.

Mr. Salem asked Mr. Steele how long it took him to arrive on the job site following the described violations. Mr. Steele replied that he had met up with his apprentices after they were told to leave. Mr. Miller asked Mr. Steele how long he had been in business. Mr. Steele replied that he had been in business for eight years. In response to Mr. Estabrook's question, Mr. Steele stated that he was knowledgeable about the rules in the Plumbing Code. Mr. Steele confirmed that the truck on site at the time of the incident did not have the name of his company on it, adding that while he does have magnetic signs for his company trucks, he doesn't like his employees to leave these magnets on the truck while they are on site or parked at the employees' homes. He cited a possibility of tools and copper being stolen from the vehicles if the signs were left on during these vehicles. Mr. Steele assured the Board that since the incident in question, he has told his employees to make sure that the Precise Contracting & Plumbing signs remain on the trucks while there are at job sites.

Mr. Barrett stated that the incident occurred at 12:35 in the afternoon. He asked Mr. Steele whether his apprentices had been unsupervised on this job site all morning. Mr. Safarik stated that he and Mr. Farley had spent the morning at a service call in Shadow Lake Towne Center in Papillion. Following lunch, they were to meet Mr. Steele at the job site in question. He stated that they arrived on the site around noon. Mr. Miller asked Mr. Steele whether he habitually tasked apprentices with drill-outs. Mr. Steele stated that he did not like to drill if he did not have to.

Mr. Estabrook asked Mr. Virgil to describe how much work appeared to have been completed on the property at the time of this incident. Mr. Virgil replied by stating that the waste and vent appeared to have been completed, with the exception of a two inch line coming off what he believed to be a washing machine vent. The first floor plumbing appeared to have been completed. Mr. Estabrook asked Mr. Virgil whether, in his opinion, it appeared that the apprentices had been working in other areas of the property. Mr. Virgil replied that there were tools scattered on all floors.

Mr. Estabrook stated his belief in Mr. Virgil's statements, postulating that such activity had most likely been going on for some time. Mr. Steele contradicted this statement, adding that his shop is in ratio. Mr. Estabrook denied Mr. Steele's claim, asking why his apprentices weren't registered if his shop was in compliance with ratio requirements. Mr. Steele stated that he had not realized that his employees were not registered at the time; he has since told his employees to correct this issue. Mr. Miller stated that it is Mr. Steele's business to make sure that his employees are registered. Mr. Steele stated that he had assumed that his employees had followed through with registration for the year. He stated his intent to check up on his employees in future.

Mr. Miller asked the Board whether there were any further questions for Mr. Steele. Mr. Reed asked Mr. Miller whether the other Board members would be willing to accept that the piping at this site be removed and reinstalled by licensed plumbers. Mr. Estabrook stated his feeling that Mr. Steele's license should be suspended for a certain period of time, with the added stipulation described by Mr. Reed. Mr. Salem stated that he can understand trying to cover jobs while others are on vacation; however, he stated that Mr. Steele has a responsibility to make sure that his apprentices are registered. He added that failure to register can result in difficulties for that apprentice when it is time for them to sit for the journeyman plumber examination. Mr. Salem concluded by stating that Mr. Steele needs to tighten his policies.

Mr. Eckel asked for clarification on the removal and reinstallation of piping at this address. He asked whether this work would have to be done by another company, as Mr. Steele would not be able to be on site. Mr. Wonder stated that in cases of suspension, the Board has previously allowed the offending master plumber to complete any work currently under permit, while restricting that company's ability to pull new permits for a certain period of time. Mr. Wonder continued, citing the fact that as a first-time offense, a six month suspension could be seen as being excessive. Mr. Wonder offered the Board suggestions as to possible resolutions for this case. Mr. Eckel outlined the measures which Mr. Steele has put in place to prevent further violation of the Code; these measures include an annual review with each employee in order to confirm registration and licensure and a continuing education class covering licensing requirements.

In regards to removing piping at the property, Mr. Eckel stated that it was Mr. Steele's understanding that only the Board has the right to request the removal of piping, not City inspectors. This sparked his client's objection to removing piping at this address when he was told to do so by the Plumbing Division. Mr. Eckel commented that it was Mr. Steele's refusal to remove the installed piping at the property which sparked the decision to bring him before the Board for today's hearing. Mr. Miller disputed Mr. Eckel's statement, saying that Mr. Steele allowed unregistered, unsupervised apprentices to perform plumbing work on a job site. He applauded the City's inspectors for watching out for such occurrences and doing something about them.

After some discussion, Mr. Reed made a motion to suspend Nathan Steele's master plumber license for a term of thirty days, with the stipulation that all water piping on the second floor of 19905 Blondo be replaced by licensed plumbers. Mr. Steele must also provide a one hour continuing education class for his employees regarding licensing requirements for the City of Omaha. No new permits may be pulled by Mr. Steele during this term of suspension. Second by Mr. Estabrook.

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

Motion carried 7-0.

**VII. Approval of Apprenticeship Renewals (2)**

Aaron Osterholm	Brooke Peters Plumbing	Completed
John Polson	Precise Plumbing	Completed

Motion by Mr. Estabrook to approve the renewal of the above-listed apprentices. Second by Mr. Salem.

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

Motion carried 7-0.

**VIII. Discussion**

**IX. Adjourn**

Motion to adjourn by Mr. Estabrook. Second by Mr. Salem.

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

Motion carried 7-0. Meeting adjourned at 2:36 pm.

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

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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.

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