

**DEPARTMENT OF ADMINISTRATIVE SERVICES
DIVISION OF PROFESSIONAL REGULATION
1800 Board of Plumbing Examiners
Statutory Authority: 24 Delaware Code, Section 1802(b) (24 Del.C. §1802(b)) 24 DE Admin.
Code 1800**

FINAL

ORDER

After due notice in the *Register of Regulations* and two Delaware newspapers, a public hearing was held on December 14, 2004 at a scheduled meeting of the Board of Electrical Examiners to receive comments regarding proposed Regulation 8.0. The proposed regulation identifies crimes substantially related to plumbing services as mandated by SB 229 enacted by the 142nd General Assembly. The proposed regulation was published in the *Register of Regulations*, Vol. 8, Issue 5, November 1, 2004.

Background

The disciplinary provisions in 24 **Del.C.** §1810(a)(3) were amended to replace the word “felony” with the phrase “crime that is substantially related to plumbing services.” Offenses that are grounds for discipline 24 **Del.C.** §1810(a)(3) are a bar to licensure under 24 **Del.C.** §1806(c). The Board is charged by SB 229 with “promulgating regulations specifically identifying those crimes which are substantially related to plumbing services” in §1805(b). ‘Substantially related’ means the nature of the criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to providing plumbing services. §1802(6).

Summary of the Evidence and Information Submitted

No written comments were received.

Paul Smith commented in the public hearing that he believed that burglary in the third degree, proposed rule 8.1.2.2, should not be included in the crimes related to plumbing. In his view it was barely over a misdemeanor.

Findings of Fact with Respect to the Evidence and Information Submitted

The Board carefully reviewed and considered the crimes presented as a compilation of crimes extracted from the Delaware Code. The overarching concern of the Board was the safety of public since the licensees have access to the homes of consumers, sometimes when the resident is home alone or not at home. The Board finds that burglary in the third degree should be included in the list of crimes since an element of the offense is entry into a building with the intent to commit a crime.

The “primary objective of the Board of Plumbing Examiners, to which all other objectives and purposes are secondary, is to protect the general public, specifically those persons who are the direct recipients of the services regulated by this chapter, from unsafe practices and from occupational practices which tend to reduce competition or fix the price of services rendered” 24 **Del.C.** §1801. Unrestricted access to a person’s home is a matter of security and involves an element of trust. Board finds crimes of dishonesty and violence are substantially related to providing plumbing services.

Decision and Effective Date

The Board hereby adopts the changes to Regulation 8.0 to be effective 10 days following publication of this order in the *Register of Regulations*.

Text and Citation

The text of the revised rules remains as published in *Register of Regulations*, Vol. 8, Issue 5, November 1, 2004.
SO ORDERED this 14th day of December, 2004.

STATE BOARD OF PLUMBING EXAMINERS

Bruce Collins, Chair
Lawrence Carson, Secretary
Dess Stokes
Brent Schrock
Frank Beebe
Carol Guilbert
Thomas Ciconte
Robert Briccotto, Jr.

1800 Board of Plumbing Examiners

8.0 Crimes substantially related to plumbing services.

8.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of the solicitation to commit any of the following crimes, is deemed to be a crime substantially related to plumbing services or in the State of Delaware without regard to the place of conviction:

- 8.1.1 Reckless endangering in the first degree. 11 Del.C. §604
- 8.1.2 Assault in the second degree. 11 Del.C. §612
- 8.1.3 Assault in the first degree. 11 Del.C. §613
- 8.1.4 Manslaughter. 11 Del.C. §632
- 8.1.5 Murder by abuse or neglect in the second degree. 11 Del.C. §633
- 8.1.6 Murder by abuse or neglect in the first degree. 11 Del.C. §634
- 8.1.7 Murder in the second degree. 11 Del.C. §635
- 8.1.8 Murder in the first degree. 11 Del.C. §636
- 8.1.9 Unlawful sexual contact in the second degree. 11 Del.C. §768
- 8.1.10 Unlawful sexual contact in the first degree. 11 Del.C. §769
- 8.1.11 Rape in the fourth degree. 11 Del.C. §770
- 8.1.12 Rape in the third degree. 11 Del.C. §771
- 8.1.13 Rape in the second degree. 11 Del.C. §772
- 8.1.14 Rape in the first degree. 11 Del.C. §773
- 8.1.15 Sexual extortion. 11 Del.C. §776
- 8.1.16 Continuous sexual abuse of a child. 11 Del.C. §778
- 8.1.17 Kidnapping in the second degree. 11 Del.C. §783
- 8.1.18 Kidnapping in the first degree. 11 Del.C. §783A
- 8.1.19 Arson in the second degree. 11 Del.C. §802
- 8.1.20 Arson in the first degree. 11 Del.C. §803
- 8.1.21 Criminal mischief. 11 Del.C. §811
- 8.1.22 Burglary in the third degree. 11 Del.C. §824
- 8.1.23 Burglary in the second degree. 11 Del.C. §825
- 8.1.24 Burglary in the first degree. 11 Del.C. §826
- 8.1.25 Robbery in the second degree. 11 Del.C. §831
- 8.1.26 Robbery in the first degree. 11 Del.C. §832
- 8.1.27 Theft; lost or mislaid property; mistaken delivery. 11 Del.C. §842
- 8.1.28 Theft; false pretense. 11 Del.C. §843
- 8.1.29 Theft, false promise. 11 Del.C. §844
- 8.1.30 Theft of services. 11 Del.C. §845
- 8.1.31 Extortion. 11 Del.C. §846
- 8.1.32 Identity theft. 11 Del.C. §854
- 8.1.33 Forgery. 11 Del.C. §861
- 8.1.34 Falsifying business records. 11 Del.C. §871
- 8.1.35 Unlawful use of credit card. 11 Del.C. §903
- 8.1.36 Reencoder and scanning devices. 11 Del.C. §903A

- 8.1.37 Insurance fraud. 11 Del.C. §913
- 8.1.38 Home improvement fraud. 11 Del.C. §916
- 8.1.39 New home construction fraud. 11 Del.C. §917
- 8.1.40 Dealing in children. 11 Del.C. §1100
- 8.1.41 Sexual exploitation of a child. 11 Del.C. §1108
- 8.1.42 Sexual solicitation of a child. 11 Del.C. §1112A
- 8.1.43 Perjury in the second degree. 11 Del.C. §1222
- 8.1.44 Perjury in the first degree. 11 Del.C. §1223
- 8.1.45 Aggravated harassment. 11 Del.C. §1312
- 8.1.46 Possession of a deadly weapon during commission of a felony. 11 Del.C. §1447
- 8.1.47 Possession of a firearm during commission of a felony. 11 Del.C. §1447A
- 8.1.48 Breaking and entering, etc., to place or remove equipment. 11 Del.C. §2410

8.2 Crimes substantially related to plumbing services shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

8 DE Reg. 1000 (01/01/05)

***Please Note: As the rest of the sections were not amended they are not being published. A complete set of the rules and regulations for the Board of Plumbing Examiners is available at: [http://www.state.de.us/research/AdminCode/title24/1800 Board of Plumbing Examiners.shtml](http://www.state.de.us/research/AdminCode/title24/1800%20Board%20of%20Plumbing%20Examiners.shtml)**