

**A LOCAL LAW Amending Chapter 277, Article XV of
the Laws of Westchester County Relating to the
Westchester County Plumbing Licensing Law.**

Sec. 277.501. Legislative intent.

The Legislature of the County of Westchester, in order to properly protect the public health, safety and welfare of the residents of the County of Westchester, herein provides that on and after January 1, 1996, unless otherwise provided, no business, partnership or other entity shall engage in the work or trade of installing, removing, altering, replacing, testing or repairing of plumbing systems within the county, when a plumbing permit is required for the work of installation, removal, altering, replacing, testing or repairing, unless the individual, business, partnership or other entity hired, solicited bids from or whose services are contracted for possesses a valid, unexpired, plumbing license and certificate(s) of competency issued pursuant to the provisions of this article. In addition, the Legislature of the County of Westchester has determined that in order to properly protect the public health, safety and welfare of the residents of the County of Westchester, where a permit is required a person or other entity hiring, soliciting bids or contracting for plumbing services shall hire only a person, business, partnership or other entity that possesses a valid, unexpired, plumbing license and certificate of competency issued pursuant to the provisions of this article. Administration and enforcement of this article shall in all respects be consistent with state and federal laws prohibiting discrimination on the basis of age, race, creed, color, national origin, sex, disability or marital status. The sole intent of this article is to establish a Westchester County Board of Plumbing Examiners and to empower such board to assume all licensing duties within the County of Westchester with respect to the licensure of plumbers and the issuance of a county-wide plumbing license. Nothing contained herein is designed to nor shall be construed as to interfere with or to supersede any other existing state or local law or industry practice relating to plumbing work.

Sec. 277.502. - Definitions.

For the purposes of this article, the following terms shall have the meanings indicated, unless as otherwise indicated by context. Nothing contained in any definition in this article shall be construed as defining, limiting or establishing the activities, operations or jurisdiction of any union, group or association of employees, nor establishing what work is to be done by any such union, association or group of employees.

1. Apprentice plumber. A person who is learning the plumbing trade under the direct supervision and control of a licensed master plumber or under the direct supervision and control of a journey level plumber who is employed by and on the payroll of a licensed master plumber.
2. Board. The County Board of Plumbing Examiners created by this article.
3. Certificate of competency. A certificate issued by the Board of Plumbing Examiners to those persons who have successfully completed the examination for master plumber.
4. Direct supervision. The license holder(s) is physically present at a work site and/or immediately available via telephone or other electronic communication means.
5. Journey level plumber. A person who is employed by and under the direction of a licensed master plumber, who has completed an apprenticeship as is required herein and who has successfully completed an examination for certification as a journey level plumber.
6. Master plumber. Any person who engages in or carries on the business of plumbing, as defined herein.
7. Plumbers task force. Two (2) representatives of the Boards of Directors of each of the professional and labor associations representing the men and women of the plumbing and/or plumbing inspection trades in Westchester County who sit as a task force at the call of the County Executive when needed to recommend appointments to the County Plumbing Board of Examiners as provided for in this article.
8. Plumbing. The business of plumbing is such plumbing work as specifically defined for each municipality within the county in any local ordinances or codes governing plumbing work in effect in such

municipality. In the absence of such local plumbing work ordinances and codes, the business of plumbing shall include those activities described in the definition of “plumbing” set forth in the New York State Plumbing Code and the activity of installing piping, valves or fittings on a premises or in a building that will be utilized to convey natural gas from the outlet of the point of delivery to the equipment. However, unless specifically provided for in local plumbing work ordinances or codes or in the New York State Uniform Fire Prevention and Building Code, underground utility construction shall not be construed as plumbing.

9. Underground utility construction. The practice of installing, maintaining and repairing underground piping for gas and fuel distribution, sanitary and storm drainage, public and private water supply and footing drains outside of any building, unless a local ordinance or code expressly provides for any such practice or practices to be plumbing work.

Sec. 277.503 License Required.

A. No person, partnership, corporation, business organization or other entity shall engage in, carry on or conduct the business of plumbing as a master plumber within the County of Westchester and no person shall represent himself or herself to be or advertise as a master plumber within the County of Westchester unless licensed as a master plumber pursuant to this article.

B. No person shall engage in the business of plumbing, as defined herein, or hire himself or herself out to perform in the business of plumbing unless he or she shall have been duly authorized to do so by the issuance of a master plumber's license or journey level plumber certification or is working as an apprentice plumber as defined herein.

C. No person, partnership, corporation, business organization or other entity shall engage in, carry on or conduct the business of plumbing in the County of Westchester unless such work is performed by or under the direct supervision of a person licensed as a master plumber under the provisions of this article.

D. No person, partnership, corporation, business organization or other entity shall engage in, carry on or conduct the business of plumbing in the County of Westchester unless such person, partnership, corporation, business organization or other entity shall secure all insurance required by this article.

E. A licensed master plumber shall be personally responsible for the proper supervision and layout work for any plumbing work for which an application for a permit has been made. All workers engaged by said licensed plumber for any plumbing work, as defined herein, must be on such licensed plumber's own payroll and covered by such licensed plumber's own workers' compensation and disability insurance.

Sec. 277.504. - Board of Plumbing Examiners.

A. There shall be a County Board of Plumbing Examiners consisting of 11 members, who shall be residents of the State of New York and who shall be appointed by the County Executive subject to confirmation by the Westchester County Board of Legislators:

1. Three members, who each possess a Westchester master plumber license and ten years' experience as a plumbing contractor in the plumbing business in the County of Westchester, shall be chosen from among several recommended by the Plumbers Task Force.

2. Three members, who each possess journey level plumber's certifications with at least ten years' experience at the journey level in the County of Westchester, shall be chosen from among several recommended by the Plumbers Task Force.

3. One member, a plumbing code enforcement official with at least five years' experience as an active plumbing code enforcement official employed in Westchester County and possessing a Westchester County master plumber's license or certificate of competency, shall be chosen from among several recommended by the Plumbers Task Force.

4. One member, a county official or county employee licensed by the State of New York as a professional engineer.

5. Two members of the general public who are not members of the engineering or plumbing profession, shall be chosen from several recommended by the Chair of the Westchester

6. One member, employed by a local municipal government department of public works or its equivalent office, shall be chosen among several recommended by the Chair of the

7. Of the members first appointed, two shall be appointed for terms of two years, and three shall be appointed for a term of three years, and five shall be appointed for a term of five years. Their successors shall be appointed for terms of five years from and after the expiration of the terms of their predecessors in office.

B. The board shall elect its own chairperson by a majority vote of the board. The chairperson will serve for a term of two years.

C. A majority of the board shall constitute a quorum for the transaction of business.

D. Any vacancy on said Board of Plumbing Examiners shall be filled in the same manner as provided in section 277.504 A. of the Laws of Westchester County for the unexpired portion of the term.

E. A member of the board may be removed by the majority of the County Board of Legislators for misconduct or malfeasance in office, incompetency, incapacity, neglect of duty or other good and sufficient cause as set forth in the board's rules and regulations, and absenteeism.

F. Compensation to be paid to the members of the board, if any, shall be determined by the County Board of Legislators upon recommendation by the County Executive in the proposed operating budget.

Sec. 277.505. - Powers and duties of the board.

The board shall have the following powers and duties in addition to those elsewhere prescribed in this Article.

A. The board shall hold meetings at least four times a year at the call of the chairman and at such other times as the board may determine when necessary or desirable for the efficient discharge of the business of the board. Such board shall keep minutes of its proceedings, showing the vote of each member upon

question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. The board shall immediately file with the County Clerk of the County of Westchester every rule, regulation and amendment and every decision or determination, or appeal thereof, and the same shall be a public record.

B. The board shall examine the qualifications, fitness and employment history of applicants for a license under this article.

C. The board shall grant and issue licenses and certificates to individuals possessing the requisite qualifications.

D. The board may suspend and revoke licenses for cause as prescribed in this Article. The board may issue and cause to be served subpoenas in the manner provided for in the Civil Practice Law and Rules requiring the attendance of witnesses and the production of books, insurance records and policies, payroll records and papers relative to any hearing held by it upon complaint relative to this Article.

E. The board may conduct hearings relating to any matter within its jurisdiction and shall refer all hearings in regards to violations of this chapter to an administrative law judge, who shall preside over the hearing and thereafter render a written report, containing findings and recommendations.

F. The board shall adopt rules and regulations with respect to proceedings before it and with respect to any subject matter over which it has jurisdiction under this Article.

G. The board may make recommendations to the Westchester County Board of Legislators regarding plumbing regulations and codes pertaining thereto.

H. The board may employ experts, clerks and a secretary and pay for their services and such other expenses as may be necessary and proper, not exceeding the appropriation that may be made therefor by the Westchester County Board of Legislators for such board.

I. The board shall have the power to establish in its rules and regulations administrative fees for the submission of applications for licenses, certifications, renewals, and activities related to enforcement of this Article.

J. The board shall appoint administrative law judges to preside at hearings conducted pursuant to this Article on a rotating basis from a list provided by the Law Department. Administrative law judges should be qualified by reason of experience and education including, but not limited to, experience and education as an attorney admitted to practice law in the State of New York.

Sec. 277.505-A – Limitation of the powers and duties of the board.

The Board of Plumbing Examiners shall not engage in any activities or adopt any rules and regulations which extend beyond its function of (i) determining plumbing candidates' qualifications for licensure and certification; (ii) testing for such licensure and certification; (iii) the issuance of licenses, certifications and renewals; and (iv) the enforcement of the licensing requirements as explicitly set forth in the Plumbing Licensing Law.

Sec. 277.506. – Issuance and renewal of licenses and certifications; classes of licenses; terms; fees; licenses and certifications for individuals licensed outside of Westchester County.

A. Issuances and renewals. The County Board of Plumbing Examiners may issue and renew a master plumber's license or certification. These instruments shall authorize the individual to engage in the business of master plumber or journey level plumber within the County of Westchester for the period ending the 31st of December of the year in which it is issued or renewed. Application for renewal is to be made 60 days prior to the expiration date of the license or certification. All applications for renewal shall be accompanied by the required renewal fee. If application for renewal is not made as provided herein, the board may, nevertheless, renew the license or certification in accordance with the board's rules and regulations, provided, further, that the applicant has satisfied the board as to his or her qualifications in accordance with said rules and regulations, including the assessing of a late fee, as set forth in in the

boards rules and regulations, for renewing a license and/or certification after the expiration date of the license or certification.

B. Classes, terms and fees. There shall be the following classifications of licenses and certifications with the following terms and fees:

1. Master plumber's license. After a candidate receives a certificate of competency as a master plumber, a license will be issued by the County Board of Plumbing Examiners to permit the performance of plumbing work with no restrictions in any city, town or village in the county. Such license is hereby required for all plumbing inspectors in cities within the county; however, such inspectors shall be exempt from annual renewal fees. All applicants shall have successfully completed 10 years of experience in the business of Plumbing as defined by this Article as a master plumber or journey level plumber or an apprentice plumber in the employ and under the direct and continuing supervision of a licensed master plumber as the requirement for application. The annual fee for a master plumber's license is \$600.00.

2. Journey level certification. This certification permits the journey level plumber to perform plumbing work under the direct supervision and in the employ of licensed master plumbers in any city, town or village in the county. The successful completion of (a) five years of experience in the business of Plumbing as defined by this Article in the employ of licensed master plumbers as an apprentice plumber or (b) the successful completion of a five-year plumbing apprentice program shall be the requirement for application. The annual fee for a certification is \$75.00.

C. Master plumber's license and journeyman level certification for individuals licensed outside of Westchester County.

1. Notwithstanding the aforementioned, the board may waive the examination requirement under this Article for individuals licensed in a jurisdiction outside Westchester County (hereinafter referred to as the "original licensing jurisdiction") where: (1) an applicant otherwise meets the minimum qualifications for a master plumber's license or a journeyman level certificate pursuant to this Article; (2) has passed an

examination in the original licensing jurisdiction determined by the board to be comparable to the examination required in Westchester County; and (3) the original licensing jurisdiction will similarly issue a license or certificate or the equivalent thereof to master plumbers and journeyman level plumbers licensed or certified pursuant to this Article and will similarly waive the examination requirement for such license or certificate.

2. A master plumber's license and/or journeyman level certificate issued pursuant to this section shall only be valid for a period of one year and may be renewed annually under this section if the master plumber and/or the journeyman still has a valid license and/or certificate from the original licensing jurisdiction. In addition, a license and/or certificate issued pursuant to this section shall terminate prior to the expiration date if the underlying license and/or certificate in the original licensing jurisdiction is terminated for cause and if the individual is provided with notice and an opportunity to be heard.

3. The fees for a master plumber's license and journeyman level certificate issued pursuant to this section shall be the same as those for a master plumber's license and journeyman level certificate. The issuance of such license or certificate under this section shall be deemed an effective waiver of the requirement for an examination under this Article.

Sec. 277.507. Application for license or certificate.

A. All applications for a county-wide master plumber's license or journey level certification shall be submitted on forms furnished by the board and shall be accompanied by the required fee, as herein provided. Each application shall set forth the name, residence address, business address, telephone numbers and trade name(s) of the applicant plus such additional information concerning his or her qualifications as the board may require. All applicants must document their experience by providing one of the following:

1. Detailed social security earnings report.

2. Federal W-2's showing the applicant's name, the employer's name and the reported income from each employer that the applicant is claiming experience from.
3. Federal Schedule C or K-1 forms showing proof of business ownership if the applicant is self-employed and cannot produce items 1 or 2.

B. The fee for each application under this Article shall be fifty dollars (\$50.00) for a master plumber's license and twenty-five dollars (\$25.00) for a journey level certification. The application fee is in addition to any other fee required to be paid under this Article. Fees imposed under this Article for such application shall not be refundable in the event of failure to pass the examination.

Sec. 277.507-A. - Credit for Education and Military Service for Master Plumber's License.

An applicant shall be credited up to three (3) years toward the total years of experience required by this Article in Sec. 277.506(B) and Sec. 207.507(A) for a master plumber's license by submitting satisfactory proof establishing that the:

1. Applicant is New York State licensed professional (Registered Architect or Professional Engineer) or equivalent, who has at least seven (7) years of experience within the ten (10) years prior to application in the business of plumbing as defined by this Article in the employ and under the direct and continuing supervision of a licensed Master Plumber in the United States. Proof of educational and professional licensure shall consist of official transcripts from the educational institution and letter(s) of good standing from the licensing agency;
2. Applicant has received a bachelor's degree in mechanical engineering or appropriate plumbing related engineering technology from an accredited college or university registered by the New York State Department of Education or equivalent and has had at least eight (8) years of total experience within the ten (10) years prior to application in the business of plumbing as defined by this Article in the employ and under the direct and continuing supervision of a licensed Master Plumber in the United States. Proof of

educational and work experience shall consist of official transcripts from the educational institution and/or the documentation required by Sec. 277.507(A)(1) of this Article;

3. Applicant has obtained experience in the business of plumbing as defined by this Article or in an area related to plumbing while serving in any branch of the United States Military shall be credited with practical experience equal to 25 percent of the number of military years they have satisfactorily completed, which, in no event, however, shall exceed three (3) years of credit. Proof of experience shall consist of documentation issued by the United States Department of Defense, such as a DD Form 214 or equivalent, detailing an applicant's military job specialty, training and/or qualifications; and/or

4. Applicant has obtained experience in the business of plumbing as defined by this Article or in an area related to plumbing, in a country other than the United States, while acting in accordance with the laws, regulations, and licensing requirements applicable in that jurisdiction, which shall be credited with practical experience equal to 25 percent of the number of years of experience, which, in no event, however, shall exceed three (3) years of credit. Applicant shall be required to provide proof of experience satisfactory to the Board of Plumbing Examiners, and shall be required to provide certified translations of any documents not in English.

Sec. 277.508. - Examination; exceptions.

A. The examination for a county-wide master plumber's license shall consist of a written and a practical test; the examination for a journey level certification shall consist of a written test only. A complete record of every examination shall be kept on file until three years after the day of the examination. Examinations shall be held at such times and places as the board may fix or otherwise arrange. The board may designate or contract with an outside organization to create and administer the examination.

B. An applicant who has failed his or her first examination shall not be eligible for re-examination until at least one month from the date of such failure. An applicant who fails two times or more shall not be

eligible for further re-examination until at least six months have elapsed from the date of such second or subsequent failure.

C. Applicants must submit a completed license application within one year of receiving a passing grade on the examination. Any applicant who does not apply within one year shall be required to re-take the examination.

D. Applicants shall pay all costs associated with taking the practical test.

Sec. 277.509. - Unlawful use of license or certification; display.

A. No holder of a license or certification issued under this Article shall authorize, consent to or permit the use of his or her license or certification by or on behalf of any other person. No person who has not qualified or obtained a license or certification under this Article shall represent himself or herself to the public as holder of a license or certification issued under this Article. No person shall offer, solicit, or bid plumbing work, either directly, by means of signs, sign cards, metal plates, stationery, or use of the word plumbing in their company name unless they are licensed pursuant to this Article. However, nothing herein shall be construed to prohibit the use of a license by the holder thereof for or on behalf of a partnership, corporation or other business association, provided that 51 percent or more of the control of the voting capital stock of such partnership, corporation or other business association is owned by one or more holders of a Westchester County master plumbing license and that all work performed by such partnership, corporation or other business association is performed by or under the direct supervision, of such license holder or holders.

B. Whenever a licensed master plumber representing a plumbing business which operates under a trade, partnership or corporate name severs his or her relationship with such business, it shall be the duty of both the licensee and the business to notify the board of such action within 30 days from the date thereof. Failure to do so shall be deemed sufficient cause for denying a new license to the licensee and prohibiting the firm to continue in the plumbing business.

C. All licenses and certificates shall be numbered in the order in which they are issued and shall be in such form and of such color and shall contain such information as may be prescribed by the board.

D. Each license shall at all times be kept conspicuously displayed in the place of business of the licensee, and each identification card for master plumber or certified journey level plumber shall be available for inspection at all times.

E. For vehicles used in connection with all licensed activities under this Article:

1. Licensee shall conspicuously affix a decal furnished by the board to each vehicle used for his or her business in connection with licensed activities during the effective term of the license.

2. Decals shall be available for a fee of \$5.00 each. All such vehicles shall also conspicuously display the company name, address, and applicable license number(s) that are registered with the County of Westchester.

3. Vehicle lettering shall be no smaller than two (2) inches tall or 144-point type in bold print. Vehicle lettering shall be in letters and numerals readily legible from a distance of fifty feet during daylight hours and while the motor vehicle is stationary.

4. Signage shall be required on both side panels of all vehicles.

5. All vehicles must comply with applicable New York State and Federal vehicle and traffic laws.

6. Magnetic signage shall be permitted.

F. Each licensee shall display his or her Westchester County license number on all advertisements, stationery, invoices and proposals.

G. No individual holding a master plumber's license or journey level certification issued under this Article shall lend such license or certificate to any person or allow any other person to carry on, engage in or labor at the business, as defined herein, of installing, removing, altering, testing, replacing or repairing plumbing systems on the basis of a certificate of competency issued in another's name. A violation of this

subsection by any person holding a license or certification shall be sufficient cause for revocation of such license or certification by the board.

H. No person shall work at the business of plumbing as an apprentice without being under the direct supervision of a certified journey level plumber or licensed master plumber.

Sec. 277.510. - Suspension or revocation of license or certificate.

A. Any license or certification issued hereunder may be suspended or revoked at the discretion of the board, in accordance with the rules and regulations of the board, if the board is satisfied by substantial evidence that the holder of such license or certificate has violated any provision of this Article, the rules and regulations of the board or any other law or ordinance pertaining to plumbing. Prior to the revocation or suspension of a license or certificate, the holder shall receive, in writing, all the particulars of the alleged violation and shall have an opportunity to present his or her defense at an administrative hearing held by an Administrative Law Judge.

B. The suspension or revocation of a license shall apply to all county plumbing licenses held by that individual.

Section 277.510-B. - Hearings

A. If upon an initial determination by the board that, pursuant to the standards set forth in this Article, the board is entitled to suspend or revoke a license or certification, deny a license or certification renewal, or to take any other appropriate action against the privileges of a holder of a license or certification, the board shall cause to be held a hearing before an administrative law judge selected by the board.

B. The board shall issue and serve a written notice of hearing by personal service or by certified mail return receipt requested to the holder of a license or certification at the last known business address of such holder of a license or certificate.

1. The hearing shall be held as soon as possible, but in no case later than 60 days after service of the notice of hearing upon the holder of a license or certificate. Notwithstanding the above, a hearing

required pursuant to the board's initial determination that there is reasonable cause to suspend or revoke a license or certification shall be held not later than 15 days after service of the notice of hearing.

2. The notice of hearing shall include the following:

- (i) The time, place, and nature of the hearing;
- (ii) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to particular sections of state law, the laws of Westchester County, and/or rules where possible;
- (iii) A statement outlining the matters asserted, including alleged facts supporting the initial determination;
- (iv) A notice that, upon application of the respondent, a more detailed and definite statement of the matters being asserted will be provided. The board shall make the determination as to whether the initial statement of the matters asserted is not sufficiently definite. Such determination by the board shall not be subject to judicial review;
- (v) The respondent's right to present evidence;
- (vi) The respondent's right to examine and cross-examine witnesses;
- (vii) The respondent's right to be represented by counsel;
- (viii) A statement that the respondent's failure to appear shall constitute a default by the respondent and that the hearing may proceed in the respondent's absence and a determination made based solely upon evidence submitted by the board;
- (ix) A statement that interpreter services will be made available to non-English speaking or hearing-impaired persons at no cost;
- (x) A statement that a respondent may waive his right to a hearing and accept the initial determination of the board without objection, by signing where indicated on and

returning the notice of hearing to the board together with any fine which was assessed by the board in conjunction with such determination. Upon the receipt of such a properly completed acknowledgement by the board, the board shall file same with the administrative law judge along with a notice of cancellation of hearing; and

- (xi) The name and address of the administrative law judge for the filings of any notices or papers pursuant to such proceedings.

C. Adjournments:

1. The administrative law judge may grant an adjournment upon the request of any party to the proceeding, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a date certain. In the case of a hearing initiated due to an initial determination by the board to suspend or revoke a license or certificate, only the holder of a license or certificate shall be entitled to request an adjournment, and such hearing shall not be adjourned for more than seven days, unless both parties agree.
2. If an adjournment is to be requested in advance of the hearing date, such request shall be presented to the administrative law judge in writing at least three business days in advance of such hearing, and shall specify the reason for such request.
3. In considering an application for adjournment of a hearing, the administrative law judge shall consider whether the purpose of the hearing will be affected by the granting of such adjournment.

D. Subpoenas

1. To aid in the administration of this law, the administrative law judge designated by the board in a particular proceeding, may issue subpoenas in the board's name requiring the attendance of and the giving of testimony by witnesses, and the production of books, papers and other evidence for any hearing or proceeding conducted pursuant to this section. Service of such subpoena(s), enforcement of obedience thereto, and punishment for disobedience thereto, shall be had as and in the manner provided by the

New York State Civil Practice Law and Rules relating to the enforcement of any subpoena issued by a board or administrative law judge.

2. It shall be the responsibility of the party requesting the issuance of a subpoena to effect service thereof.

E. The administrative law judge may add a party to the proceeding upon due and adequate notice to both the party to be added and the parties named in the proceedings.

F. On the return date of a hearing, the administrative law judge shall note the appearances of the persons attending the hearing. All hearings shall be open to the public.

G. Witnesses shall be sworn and testimony shall be taken and recorded by use of either a court reporter or an electronic recording device. Testimony shall be transcribed upon the request of any interested party. The party requesting the transcript shall pay the costs and expenses in connection therewith.

H. The administrative law judge shall not be bound by the strict rules of evidence in the conduct of a hearing initiated pursuant to this chapter, but their findings of fact and conclusions of law shall be founded upon substantial evidence presented at the hearing. The hearing officer shall admit and consider any evidence of mitigation offered by the holder of a license or certification.

I. After the conclusion of a formal hearing, the administrative law judge shall prepare and issue a report containing a summary of the evidence, findings of fact, conclusions of law and recommendation(s) to the board.

J. The recommendations of the administrative law judge may include, but shall not be limited to, a recommendation as to whether the board's initial determination should be rescinded, affirmed, or modified and/or whether a suspended or revoked license or certification should be reinstated unconditionally or upon the condition that the threat to the health or safety or welfare of the public is remedied by the holder of a license or certification in a specified manner according to a specified timetable.

K. Upon the conclusion of a formal hearing and after consideration of the administrative law judge's report and recommendations, and any evidence of mitigation, the board shall make a final determination based on substantial evidence, and shall execute an administrative order implementing such decision.

L. If the board determines that the hearing record is not sufficient to make a final determination, the board may direct a rehearing or require the taking of additional evidence

M. The board shall cause to be served upon the respondent, copies of the administrative law judge's report and the board's final determination and order. Service shall be made in the manner prescribed for the service of notices of hearing.

N. Index of Decisions

1. The board shall maintain an index, which shall be accessible by computer or otherwise, which lists by name and subject all final written decisions, determinations and orders rendered through such hearing proceedings. Such index shall also include by name and subject all written decisions, determinations and orders rendered pursuant to a statute providing any party an opportunity to be heard other than rule making. Such index and the text of any such written final decision, determination or order shall be available for public inspection and copying. Copying services shall be provided at a reasonable fee to be determined by the commission. Each decision, determination and order shall be indexed within 60 days after having been rendered.

2. The board may, upon good cause and the request of a party to a hearing, delete from any such index, decision, determination or order any information that, if disclosed, would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eight-nine of the Public Officers Law and may also delete at the request of any person all references to trade secrets that, if disclosed, would cause substantial injury to the competitive position of such person. Information which would reveal confidential material protected by federal or state statute shall also be deleted from such index, decision, determination or order.

O. Where any violation of this chapter by a holder of a license or certification has caused the board or the County to incur any expenses with respect to enforcement, such expenses may be charged to the holder of such license or certification. In the discretion of the board, such expenses may be separately collected in a civil suit against such licensee or certification, brought by the County Attorney in the name of the County in a court of competent jurisdiction, in the event that the licensee or registrant refuses to pay such charges voluntarily.

Sec. 277.511 - Construction of Provisions.

Nothing contained herein shall be construed to obviate the need for a permit for plumbing work from local authorities whenever the same is required by statute, local law, resolution, building code or ordinance of the municipality where such plumbing work is performed.

Sec. 277.512. – Installation Standards of Workmanship

All plumbing work as defined herein within the County of Westchester shall conform to the provisions of this article unless otherwise provided for by any other applicable statutes, local laws, resolutions, ordinances or building codes pertaining thereto. Local officials who determine that a violation of this article or of an applicable statute, local law or resolution has occurred shall report the same to the board.

Sec. 277.513. - Penalties for offenses.

A. Any person who violates any provision of this Article shall be subject to the imposition of a civil penalty of not less than \$500 and not more than \$5,000 as determined by the board following notice and opportunity to be heard. Each day on which such violation occurs shall constitute a separate offense. Any person who is found in violation of 277.509 sections (A) or (G) for a second or subsequent violation shall be subject to the imposition of a civil penalty of up to \$10,000 for each day on which a violation occurs. Nothing herein contained shall be construed to exempt an offender from any other prosecution or penalty imposed by law. The penalty imposed hereunder and the reasonable costs, disbursements and expenses

attendant to its collection shall be recoverable from the offender in the same civil action brought by the County Attorney in the name of the County of Westchester.

B. Any person who, with intent to defraud or deceive, knowingly makes a false statement in the application for a license or the renewal of a license or an application for a plumbing permit or for a certificate of occupancy or in any application provided for in this Article or in any proof or instrument in writing in connection therewith or unlawfully performs plumbing work shall be assessed a civil penalty not to exceed \$5,000.00 as determined by the board following notice and opportunity to be heard. Each day on which such violation occurs shall constitute a separate offense.

C. The board in its discretion may refer any matters that rise to the level of a criminal offense to the office of the District Attorney for further review and appropriate action.

Sec. 277.514. - Insurance required.

All persons licensed by this Article shall be required to secure insurance to protect their employees and to protect all persons from personal injury or property damage that could occur, directly or indirectly, during work performed under a license issued pursuant to this Article. The board shall require that such insurance must include New York State workers' compensation, disability, liability and property damage coverage. The minimum amount of the insurance policies shall be set by the board conditioned upon observance of all applicable laws, rules and regulations. In addition, prior to issuance of any license or renewal, the applicant shall file satisfactory evidence of compliance with insurance requirements.

Sec. 277.515 - Severability.

If any word, phrase, clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The sole intent of this article is to establish a Westchester County Board of Plumbing Examiners

and to empower such board to issue a county-wide plumbing license. Nothing contained in this article is intended to supersede any other existing statutory or local laws or ordinances relating to plumbing work.

Sec. 277.516 - Criminal penalties.

Any person who shall maintain, conduct, operate or engage in a plumbing business within the County of Westchester without a license as required under this Article or who continues to conduct a plumbing business after such license has been denied, suspended, revoked or has expired shall be guilty of a class A misdemeanor.

Section 14. Within two (2) years of enactment of this Local Law, the Board of Plumbing Examiners shall establish a practice exam as required to be administered by this Local Law. Until such time as the practical exam established, there shall be no requirement that an individual pass a practical exam as a condition of licensure under this Local Law. Upon establishment of the practical exam, the requirement to pass such an exam shall apply to applications received after the date of establishment.

Section 15. Effective Date. This Local Law shall take effect thirty (30) days after enactment.