

**AGENDA  
ITEM  
IV.C.**

**STATE OF OREGON**

**MEMORANDUM**

**BUILDING CODES DIVISION**

**JUNE 6, 2006**

**To:** Board of Boiler Rules

**From:** Mike Graham  
Chief Boiler Inspector

**Subject:** Curt Lundine Complaint Letter to Government Standards & Practices Commission  
("GSPC")

In early May 2006, the division received a copy of a letter from Curt Ludine, addressed to the GSPC. In this letter, Mr. Lundine alleges that a potential conflict of interest exists involving an unnamed member of the board's continuing education committee, who also provides continuing education. Mr. Lundine proposed that this member of the above committee be replaced with a person who has "no personal interest in approval or denial" of his competitor's program/instructor applications.

On May 18, 2006, the division acknowledged Mr. Lundine's letter and informed him that the division would forward the complaint letter to the board for its consideration as an informational agenda item. No action is required at this time on this matter.

COPY

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L. Patrick Hearn, Chair  
Government Standards and  
Practices Commission  
885 Summer Street NE. - 2<sup>nd</sup> Floor  
Salem OR 97301

Dear Mr. Hearn;

This is a request for the Commission to inquire into an ethically sensitive situation involving the State of Oregon Board of Boiler Rules (Board). The Governor-appointed Board of Boiler Rules is responsible for oversight of ORS 480.510 through 480.990 and OAR 918 Chapter 225, known collectively as the Oregon Boiler Specialty Code. The Oregon Building Codes Division is the enforcement agency for the Boiler Specialty Code.

In 2001, the legislature revised ORS 480.630 by adding subparagraphs (9) and (10), requirements for annual continuing education of tradesmen licensed through the Oregon boiler safety program. In 2003, the Boiler Board created Rules in response to that legislation; OAR 918-225-0900 through OAR 918-225-0970 specify minimum requirements for continuing education training programs, instructor qualifications, and program reporting.

The subject of this request for inquiry lies within the requirements of OAR 918-225-0920, Program Approval Procedure. This rule requires the Division to review and approve or reject education program applications, and report their determination to the Board. In actual practice, the Board established a four-person subcommittee to perform this program review. The subcommittee has final authority for approval or denial of program applications, but must report their review to the full Board.

The Board-appointed subcommittee consists of; the Board Chair, one member of the Board who represents organized labor, the Oregon Chief Boiler Inspector for technical input, and one private person who is a Provider of continuing education programs. The last listed member of the subcommittee is the subject of this letter.

I have been a Provider of the required continuing programs for four years, and I believe it to be inappropriate for a competitor in this business to be in a position of reviewing my program material and application, for approval or denial. Because of his position on the Board-appointed subcommittee, this person has access to and knowledge of his competitors training lessons, testing materials, program fees, and other proprietary information.

ASME CONSTRUCTION CODES, NATIONAL BOARD INSPECTION CODE,  
AND JURISDICTIONAL LAWS

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It seems transparent to me, that having an active continuing education Provider in a program-review position gives this person a distinct advantage over his competitors. While I make no direct allegation of wrongdoing, the opportunity exists for an unethical person in this position to take personal and financial advantage of his business competitors. The ideal resolution would seem to be replacement of this position with a person who has no personal interest in approval or denial of program applications.

The following are contact names for your use;

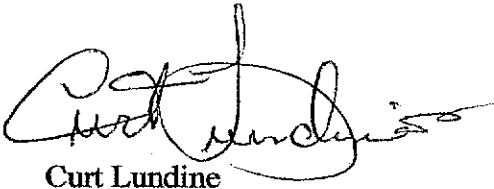
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Please contact me directly if you have any questions or need further information. Thank you for your help.



Curt Lundine

Cc: Cory Streisinger; Director, DCBS  
Mark Long; Administrator, BCD  
Dale McLouth; Chair, Board of Boiler Rules