

Advertising for Plumbers 101

By, Joseph P. Guzzo

Our first lesson will deal with the three (3) fundamentals, that also happen to be the law. Mass. General Law Chapter 142, section 3. In short,

1, nor solicit, by sign, listing or any other form of advertisement, work regulated or controlled by this chapter or by any ordinance, by-law rule or regulation made hereunder, unless he is lawfully registered, or has been licensed by the examiners as provided in this chapter.

2, the license or certificate of a Master Plumber or a Master Gas Fitter shall at all times be displayed conspicuously within his place of business.

3, any sign, listing or advertisement of a Master Plumber, a Master Gas Fitter, a Journeyman Plumber or a Journeyman Gas Fitter shall contain his designation and license.

Basically the law says, only licensed master plumbers and gas fitters, and licensed journeyman plumbers and gas fitters are allowed to advertise any form of plumbing. For example, a general contractor cannot put an ad in the paper or anywhere else offering plumbing or gas fitting. The same is true for H.V.A.C. contractors, drain cleaners etc. You must be in the business of plumbing to advertise plumbing. You're probably saying wait just a minute Mr. Teacher, I see advertisements by the large drain cleaning companies and heating companies advertising plumbing all the time. You are right my student, but which ones are legal, that's the question. Unfortunately there is not an easy answer.

The true intent and spirit of our law is simple. You start out as an apprentice, go through all the training and required schooling, get you Journeyman's license, then your Masters. A journeyman may open a business by him/her self. Or a Master may open a business and hire journeyman and apprentices. There you have it, a Plumbing Business owned by a licensed plumber.

Somewhere along the line a loop hole was created. I will blame it on the H.V.A.C. companies, although the drain cleaners are a close second. Clearly they are not plumbing or gas fitting companies, but they want to be able to perform plumbing without subbing the jobs out. At first they started to just hire a journeyman plumber, put him on the payroll, send him out to pull all the permits, and who knows who was actually doing the work. Although this may still be going on, most Plumbing Inspectors have put a stop to it simply because it's so easy to spot on the application, Journeyman Plumber = Red Flag.

Ah, but plan B. Hire a Master Plumber, incorporate the business, make the master an officer of the corporation, the master obtains a certificate of a plumbing corporation, and presto the sheet metal company is now a plumbing company, although the Master does not own the company, does nothing but sign the permit applications, and lives in Maine. It's a sad commentary and I contend it is not legal. But this will be a story for another article.

248 C.M.R. section 3.03 also covers advertising, most derived from MGL 142. You must display your Master Plumbers or Gas Fitters license within his/her place of business. Think about it, **within his/her business**. Deceptive advertising is also covered under section 3.06, 2,a,b,c,d. Let's highlight *d, advertising that contains any representation, statement or claim that the Board determines is misleading or deceptive*

to the public.

But the section of the code on advertising that is violated the most is #3, or 3.03,1,a,6. Unfortunately the violations are from licensed plumbers. That is, ***Any sign. Listing, or advertisement authorized by the Licensee shall contain his/her designation and license number.*** Key word is designation. Do you know what it means? Many do not. Whenever you advertise, any form, sign, trucks, windows, phone book, business cards, letterheads, checks, virtually anything and everything, advertising plumbing must contain your license number **8693**, and designation **Master Plumber**. Get it.

Here are a few that are not legal: (Mass. Licensed), (Licensed and Insured), (Licensed Plumber), (Licensed Master Plumber), (Licensed Plumber #xxxx), (Master Plumber), (Journeyman Plumber), (Nothing at all). The key is you must list **both** your license number **and** either Master or Journeyman Plumber. If you just list a number, how is the general public going to know what type of license you hold. It could be your fishing license for all they know. That is a form of deceptive advertising.

Your homework assignment is, get a phone book, the bigger the better. Look under the following categories, Plumbing, Heating, Air Conditioning, Drain Cleaners, and Handyman Services. Read the advertisements and see how many violations of MGL, & 248 you can find. Look for companies advertising plumbing or gas fitting. See how many legitimate plumbing companies list both their license number and designation. For extra credit take a look at the ads in the Plumbing Inspectors Directory, surely there can't be any violations there?

Your homework is due on Monday, typed in duplicate. Your grade will follow, neatness counts.