

Can and Should a Plumbing Inspector Work with the Tools

By Joseph P. Guzzo

Introduction

Recently during a continuing education seminar one of the subjects on the agenda was, *“Inspectors Engaging in Plumbing and Gas Work, (salary) M.G.L.142 Sec. 12.”* The instructor, who I shall not mention by name, was not at all informative on the subject. However giving him the benefit of doubt, he was apparently filling in for an Attorney who was supposed to explain this complicated issue. The instructor said they will try to have a more detailed explanation at the next continuing education meeting.

I shall now save them the trouble. Following is my article on this subject as it appeared in print in 2002. I thoroughly researched this subject and can assure the Board and all the Kings Horses it is 100% accurate and true to intent.

The Article

Every so often the question will come up, “Can a Plumbing and or Gas Fitting Inspector legally file for a permit and perform plumbing or gas fitting in the City or Town they work for?” The answer could be complicated. The response is always a wide range of opinions and interpretations and usually sparks a debate. A couple of years ago I decided to try to untangle this perplexity of words and sentences in Massachusetts General Laws Chapter 142 section 12. So I wrote a letter to the State Ethics Commission. The good news is that I received a response, and I must say it was not complicated. It was more like dizzying. This is the kind of stuff you take one look at and head right for the Motrin, it’s legal mumbo jumbo at its best. If anyone would like a copy give me a call and I will gladly send you one, just make sure your brother in law the Nuclear Physicist is there to read it to you. Now I had to look up how to spell Physicist so I will try to explain this section of M.G.L. 142, 12 in my own simple opinion.

First- If you are a full or part time Plumbing and or Gas Fitting Inspector and you are paid an annual salary you may not perform plumbing or gas fitting in that City or Town. You may work in other Cities and Towns outside your jurisdiction.

Next- If you are a full or part time Plumbing and or Gas Fitting Inspector and are not paid an annual salary, but paid on a per inspection basis, you may work in that City or Town but you must have the work inspected by others.

That’s it plain and simple. Now anyone can twist the words around and the more you read it the more confusing it gets. So like all regulations we must try to figure out what the intent of the law is and take it from there. Most large and medium Cities and Towns employ a full time Plumbing - Gas Fitting Inspector. Full time usually means the Inspector is paid an annual salary, receives benefits, vacation, etc., etc., and has chosen this profession as their career. Most small Cities and Towns employ a part time Plumbing - Gas Fitting Inspector. Part time usually means the Inspector does not receive an annual salary and is paid by a different method sometimes per inspection, therefore does not receive benefits, vacation, etc., etc. This Inspector has not chosen this as their career and does something else, and in most cases runs a plumbing business or works as a plumber in the same City or Town where they are employed as an Inspector. This is very common, and therein lies the intent.

Inspectors that are paid an annual salary are usually full time, therefore less likely

to run a plumbing business and be in competition with other plumbing contractors in that area. Following is an excerpt from the opinion I received from the State Ethics Commission taken from a decision in a court case.

“Moreover in 12 the Legislature distinguished between salaried and non-salaried plumbing inspectors, providing that only those plumbing inspectors who are paid per inspection are permitted to perform work within their municipality. This distinction evidences a legislative intent to hold inspectors who are paid an annual salary to the highest duty of loyalty to their communities by prohibiting all work within the community, while permitting some flexibility for inspectors who are paid on a per inspection basis.”

In the General Laws there is no distinction between full or part time Inspectors, with an assumption that a full time Inspector would not own and operate a plumbing business, and be in competition with the very contractors they would be issuing permits and inspecting. I have heard many stories about just that. For example a plumbing contractor wins a nice job, unfortunately he beats out the plumbing contractor who is also the Plumbing Inspector. There goes some if not all of his profits. The Inspector now upset will make the plumber jump through fire hoops, hold up inspections, make up his own rules and interpretations of the code, and on and on. And this is for someone the Inspector knows and probably grew up with. God forbid a plumber from out of town gets a job over the Inspector, they might as well just pack it up. I believe this is the primary reason for M.G.L., 12. As explained in the court decision, it holds the Inspector to the highest duty of loyalty to their communities, and not to a business that may be more important to them.

Unfortunately most plumbing contractors will never challenge an Inspector, simply because they don't have the time, and usually end up doing whatever the Inspector wants even if it's not in the code. Slowly but surely we need to start weeding out these indignant Inspectors who have been dictating their own version of the code for years. Perhaps through attrition or the mandatory continuing education program for all Plumbing and Gas Fitting Inspectors, could be the best way to get some uniformity back in the code and the inspection process.

I believe there should be more full time Plumbing and Gas Fitting Inspectors, or by General Law, Inspectors that are paid an annual salary, that are serious about making the job their career. The days of thinking that being a Plumbing Inspector is a great retirement job are long gone. Inspectors have always got a bad rap for just that. Unfortunately the blame lies right on those Inspectors that thought they were taking a retirement job and never took the job seriously, didn't bother to keep up with the code, and never put much effort into the job. A few years back there was legislation presented that would require Cities and Towns up to a certain population employ a full time Plumbing- Gas Fitting Inspector. Perhaps this bill can be revisited. And what about those small Towns that don't need a full time Inspector? A full time Inspector could work for two or more Towns, it's being done right now in some areas successfully.

Remember part of an Inspectors job is to deal with the public. You could be the most knowledgeable Inspector in the State, but if you lack basic people skills like cooperation, consideration, and patience you need to quit and make room for someone that can do the job right.

In Closing

Prior to writing this article I thoroughly researched this subject, as I do with all of my articles. I would hope the Board would use this very important information, and relay it to all Inspectors at the next continuing education seminars. And then maybe they will shower me with accolades, or then again maybe not.

Joseph P. Guzzo, Plumbing Inspector

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