

**Board of Boiler Rules Meeting Minutes**  
**December 8, 2014**  
**Special Board Meeting**  
**Department of Labor & Industries, Tacoma, WA**

**Board Members:**

Robert Olson, Chair  
Larry Trender  
Jeff Barnes  
Terry Chapin  
Jeff Waytashek  
Tony Oda, Secretary

**Other Attendees:**

Michael Carlson, State of Washington  
Tim Barker, FM Global  
Larry Leet, City of Seattle  
Calista Shoblom, State of Washington  
Russell Bartlett, Travelers Insurance  
Edward Jackson, C.D.S.  
Robert D. Marvin II, Private  
Pam Reuland, AAG  
Matthew Erlich, L&I

The Special Board of Boiler Rules meeting was called to order by the Chair on December 8, 2014, at 12:05 p.m. Introductions were made by the board members and guests attending the meeting.

The meeting agenda was reviewed and approved as written.

**Agenda Item 1.**

**Investigation procedure for enforcement of RCW 70.79.180**

**Review of Audit Investigation Documents**

**Group 1: Documents pertaining to the inspection conducted on February 19, 2014**

**Group 2: Documents pertaining to the inspection conducted on August 27, 2014**

**Additional supporting documents will be presented to the board at the board meeting**

On November 17, 2014, a letter signed by Rob Olson, Chair, was sent to Mr. Marvin notifying him that the board would be meeting to conduct an investigation and to hear evidence relating to two separate incidents of inspector misconduct relating to inspections that he performed.

The board's duty and responsibility is to investigate whether the evidence presented warrants the board to make a recommendation to the Director of L & I to revoke or suspend Mr. Marvin's WA inspector's commission pursuant to RCW 70.79.180.

The department presented a series of emails as evidence regarding an inservice inspection that Mr. Marvin had performed at the Wilbur-Ellis shop, in Mount Vernon, WA. Mr. Rich Mueller, Shop Foreman contacted state Inspector, Linda Williamson to voice his concerns about the incomplete and cursory inspection they had received on their air receiver. He stated that Mr. Marvin looked at the air receiver from 15 feet away and said, it looks good. Rich inquired if Mr. Marvin would be checking the safety device or would be doing a closer inspection and taking some thickness readings as previous inspectors had done. Mr. Marvin said, there's no need to and everything looks good. On March 10, 2014, Mr. Marvin submitted a clean inservice external certificate inspection report, requesting issuance of a new certificate of inspection, regarding

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state number 04324-99W, MFG-Manchester, Year-1991. This air receiver had been replaced with a new vessel a year earlier, MFG-Steel Fab, Year-2009. On March 11, 2014, Linda Williamson conducted an inservice inspection at this site on the Steel Fab air receiver, state # 04047-14W, and also found another air receiver, state #04046-14W in the maintenance shop.

This is something the department takes very seriously and in the last four years, it has been made clear at the annual meetings and trainings, the importance of Inspector ethics, and our duty to preform complete inspections and deliver the highest service to protect the public.

Tony spoke to Mr. Marvin's supervisor, Philip Van Valkenburg about this incident and Zurich's internal procedure for handling these situations and the corrective action/plan going forward. Mr. Van Valkenburg stated Mr. Marvin will be counselled and educated in proper inspection procedures.

Tony – According to Phil, Robb admitted to doing a walk by not doing a proper inspection.

Mr. Marvin claims he did not have a discussion with his supervisor Phil Van Valkenburg about this incident and that he does not just walk by a vessel without looking at it. He always lifts the safety valves by hand himself.

Rob Olson called the supervisor Phil Van Valkenburg asking if he had a conversation specific to this inspection with Mr. Marvin on March 13, 2014. Phil had talked to Mr. Marvin and he admitted to doing a walk by inspection and the report of inspection activities was accurate. Phil believed that to be correct. Phil had the conversation with Mr. Marvin but cannot disclose the content of that entire conversation.

Mr. Marvin agreed to the conversation but not what was in the email but specifically about verifying nameplate information and doing a better job.

(Second incident)

(Item 2E) Tony received a call from Pie-Yon Gilge with the college and she had inquired why they were being invoiced for four vessels that according to her understanding these buildings were demolished and these vessels were no longer on site at the time of the inspection so this was brought to Tony's attention. Pie-Yon emailed Tony the specifics of when the building was demolished.

Tony called Phil again to tell him another situation had come up. Page 2 - Phil told Tony that he talked to Mr. Marvin, and Mr. Marvin stated that he was going back that afternoon to take pictures of these four vessels to show evidence that they existed and that they were inspected. Tony said that's great but to make sure he gets a picture of the actual state number and the nameplate of the vessels. Phil came back and said that Mr. Marvin admitted that those vessels weren't there at the time of his inspection. After Tony spoke with Bruce Weech and Mike

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Carlson it was decided that as a department we need to conduct a full re-inspection audit so that's when Mike called the location and set up the re-inspection.

Mike Carlson (2A, Pg1)

Of those four vessels in question, three were gone and the other one was an error on the location of the vessel. It was actually in the SH building not the HS which is gone and remodeled.

Mr. Carlson's audit inspection found the following discrepancies:

There are 14 highlighted areas:

- 1) 3 tanks reported as not on site the 2-expansion tanks 25088-65WA & 26147-90W were not there and reported as inspected in JO.
- 2) Air tank he said in August just looked at visually but when I looked at it closer, it was disconnected from the system. It was inactive at the time and he put it as active on his report. Mechanic Ken Blakely said he was with Mr. Marvin and was in that area.
- 3) There were 19 boilers on site 15 of them were submitted as internal inspections. These boilers marked as internal inspections, were fire side only inspections, where the burners were pulled out. There was a bigger Birchfield boiler, with a low water cut off, and that was not opened up. It was put in JO as an internal inspection.
- 4) Air tank that was in a crawl space. According to Mr. Blakely, they never looked at this one but it was submitted in JO as inspected.
- 5) Water heater was said to have not been inspected either. It was in their HR, which is hard to get into, and they never went into that space at all. Mike wrote a noncompliance.
- 6) Expansion tank was replaced at time of inspection. They were remodeling that area in August but it wasn't there in August either and submitted in JO as inspected.
- 7) Separator submitted in August. Mike had to write that up because insulation covered up the nameplate. It was submitted as okay.
- 8) Low pressure steam generator's side glass and probe was leaking. Mr. Blakely also said they never went in there during the inspection either. Mike wrote that one up too.
- 9) Air tank had a plug where relief valve goes and could see it was plugged. Mike wrote that one up too.
- 10) Water Heater they said they did not inspect in August and it was submitted as inspected.
- 11) Mr. Blakely also said they didn't inspect but it was submitted in August also we looked at it.
- 12) Brand new boilers and pressure vessels that were inspected by Mr. Marvin in August and they did not have state numbers written on the boilers and pressure vessels so Mike had to write state numbers on the vessels.
- 13) Couple year old boilers and the shutdown switch were not labeled per our WAC. Not identified properly.
- 14) This was one of the remodeled areas and the actual water heater was in their shop area and it was entered as inspected and actually sitting at the back of the maintenance shop according to Mr. Blakely.

The next 62 items are various information that was incorrect or missing on JO database. 71 vessels total at the site.

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So when you have a completed inspection report on 71 vessels sent in with this many errors, tells us that each vessel was not carefully looked at, nameplates weren't checked and specifications weren't modified in JO.

2B: Bruce Weech

We received a complaint and decided to do an inspection audit at Green River Community College. Mike Carlson and Bruce Weech inspected this location first on October 24, 2014. The original inspection entered as performed in August 2014 by Robb Marvin.

Mike performed thorough inspections on every vessel they saw. It was not possible to do the entire campus in one day. It ended up taking 2 1/2 full workdays to complete all the inspections.

That was following NBIC Part 2.

Building numbers WT105 – It was recorded that numbers weren't correct. He didn't verify them against the data plate. Expansion tanks we added to the database they were overlooked. Robb would have Mr. Blakeley reading the numbers if he even attempted to verify them. He didn't look at them himself. He did not have Mr. Blakely operate the pressure relief valve nor did Mr. Marvin test the PRV's.

In CH on the fourth floor, there were two large hot water boilers that had no state numbers on them. Mr. Marvin didn't perform any tests or examinations on these during his inspection.

In TC, all vessels here had state numbers but Mr. Blakely stated that other than a visual no PRV's were tested. One new hot water tank that was recorded and tested but it wasn't found at the time of the original inspection.

In building WC, we found another hot water tank that had not been inspected but had been charged.

PA208 we found three Lochinvar boilers that per Mr. Blakely, Mr. Marvin performed no test or inspections on despite the fact that he issued operating permits on both these units.

In building HLA, we discovered another hot water tank that was not listed on Mr. Marvin's inspection report. Two boilers not properly inspected or tested in August either.

In TE, there were three more untested boilers that were located.

In building SH, two more boilers were not tested nor previously inspected.

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Bruce stated that it was apparent to him that Mr. Marvin had done cursory examinations of the equipment that in anyway did not constitute inspections required by the State of Washington or the National Boiler Board.

Bruce went back on November 5, 2014, and spoke with Pie-Yon the original complainant who had noticed the discrepancies in the billings. Mr. Marvin had marked as having been inspected a number of units that were located in buildings that had been demolished the previous spring.

2C: Tony Oda's notes of the events.

Small discussion on questions by the board.

Bruce pointed out that the date in the first paragraph should be 11/10/2014 not 10/10/2014.

Went back on 11/05/14 Pie-Yon noticed discrepancies. Building that had been demolished.

It took 4-5 hours by Robb Marvin when doing entire campus.

October 29, 2014, According to Zurich Inspector Supervisor Philip Van Valkenburg:Mr. Marvin was terminated from employment.

2D original invoice (circled items were in question.)

2E: Emails and communication/interaction that was going on during this occurrence.

Robb Marvin explains the four vessels that were put down as being at the location and not being there. He didn't meet with the person they are talking about when doing his inspections, he met with Bart Dowd. All 71 vessels that he put down that he looked at he did the inspections except for the four vessels in question that the lady at Green River claimed were not there in the torn down buildings. He went back to the location on 10/14 and he realized what had happened when he walked into the new building. It was a clerical error and he has multitude of clients who do not want writing on the vessels.

Marvin met with Bart Dowd. On his paperwork, he didn't take those vessels off. Clerical error on his part. Contractor was going to tag them. Never happened, gave contractor the numbers and they were supposed to tag the vessels with their asset tags.

They didn't put the asset tag by Mike Carlson's visit.

Doing an inspection short form. He put the new vessels in but forgot to take the four vessels out.

Mr. Marvin said he spent a whole day at Green River Community College just doing inspections.

14 hours it took the department to do the inspections.

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Tony Oda: It will be inspected internal & external for air receivers. UT inspectors. It's in the NBIC, which has been adopted and enforced. RCW 70.79.240 #3

Mr. Marvin: On second trip, Mr. Dowd went with him on inspections.

38516-81W is on the invoice and Marvin states he inspected the vessel and did not see a relief valve.

Tony Oda: NBIC part 2, section 2.3.6.2 compressed air vessels specifically addresses corrosion.

Pam: 70.79.190 Department decides their action. Marvin is entitled to appeal.

Mr. Blakely went both times w/Marvin on the inspections.

Mr. Marvin stated that he has retired from Zurich on October 29, 2014.

Mr. Marvin wanted to make it clear that Mr. Oda used to work for him and he thinks that there is a strong animosity against him.

Rob Olson: It is the Board's responsibility to hear evidence and do an investigation according to the statute. And if the Board chooses to make a recommendation it will be to the Director, not the Chief, to act or not.

Discussion had about the merit of untrustworthiness relative to lack of knowledge. The board has heard from the state that they don't trust the inspections performed.

There was a motion and a vote (4-0, Jeff Barnes abstained) for the board to send a letter to the Director of L & I to recommend the revocation of Mr. Marvin's WA State Boiler Inspector's commission pursuant to RCW 70.79.180 based on criteria and evidence being due to untrustworthiness.

Meeting adjourned at 2:40 p.m.