

**OPINION  
51-129**

June 18, 1951           (OPINION)

PLUMBERS

RE: Master Plumber Cannot sit as Journeyman Member on Board

You ask for an opinion regarding section 42-1801 of the Revised Code of 1943. You state in your letter of June 11 that the State Association of Master Plumbers wishes to submit a candidate for a position on the board who is licensed master plumber and you state that he also is licensed as a journeyman plumber. You state that the candidate in question will sit as the journeyman member of the board. You also state that it is your opinion that the appointment would not be in contravention of the law and that the appointment would be generally for the convenience of the association. We disagree with your opinion.

Subsection 2 of section 43-1801 states: "'Journeyman plumber' shall mean any person, other than a master plumber, who, as his principal occupation, is engaged in the practical installation of plumbing;". You will note that the section refers to persons other than master plumbers.

Rule 1 of Rules and Regulations issued by the Association states that the board issues a person a journeyman plumber's certificate and license upon and with the understanding that the holder thereof shall not engage in the business of installing plumbing unless at all times a registered and licensed master plumber, who is responsible for the proper installation thereof, is in charge of such work.

Rule 4 which provides for fees does not provide that any plumber shall pay more than one license fee.

Rule 7 provides that the passing grade for a master plumber shall be eighty percent and that the journeyman plumber shall pass with a grade of seventy percent.

Rule 6 provides for the eligibility of applicants.

We note there are not apprentice requirements as to education, length of past experience, or type of past experience. The board must only satisfy itself that the applicant, as far as practical working experience is concerned, will be able to perform the duties of his classification if granted a license. The specific evidence which the board should accept as satisfactory is largely within the discretion of the board. Qualifications should be such as to convince the board that the applicant will be able to successfully carry out the duties of master or journeyman plumber, as the case may be. We cite the above for the purpose of showing the moral turpitude involved with respect to the journeyman plumber. As a member of the board he is representative of a lesser class of plumbers.

While the law is clear that a plumber must necessarily fall into one

of three classes, namely, master plumber, journeyman plumber, or plumber apprentice, it would necessarily follow that the plumber must elect to membership in one of the three classes. A master plumber has been graduated from the class of journeyman plumbers. He no longer is a member of that class, nor can he morally represent that class, nor under the law can he legally do so.

It is, therefore, our opinion that the appointment in question must come from that class of plumber know as journeyman.

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