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Ethics

Complaint Form (10/09)

Type or print in ink all information on this form except for verification signature

Person bringing complaint (Complainant):

Complete Name BENJAMIN R. ENGELKING  
Complete Mailing Address P.O. Box 150  
Mountlake Terrace, WA 98043  
Phone Numbers: Work 425-778-2510 Home \_\_\_\_\_

Person or organization against whom complaint is brought (Respondent):

Complete Name SCOTT E. LEMERT / Montana BOARD OF  
301 SOUTH PARK PLUMBERS  
HELENA, MT 59620  
Phone Numbers: Work 406-841-2300 Home \_\_\_\_\_

Please complete the second page of this form  
and describe in detail the facts of the alleged violation.

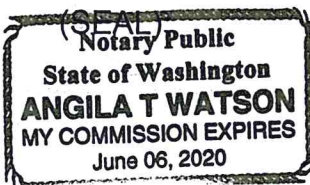
Verification by oath or affirmation

State of <sup>WASHINGTON</sup> Montana, County of Silverthorne

I, Benjamin Engelling, being duly sworn, state that the information in this  
Complaint is complete, true, and correct, to the best of my knowledge and belief.

B. R. S.  
Signature of Complainant

Subscribed and sworn to before me this 14 day of  
March, 2017.



Angila W.  
Notary Public

My Commission Expires: June 6, 2020

Corey Stapleton  
Montana Secretary of State  
State Capitol Building  
1301 E. 6th Avenue  
Helena, MT 59601

**Subject:** Ethical violations of Scott Lemert - Vice Chairman of the Montana Board of Plumbers.

**Executive Summary**

Scott Lemert, of the Montana Board of Plumbers has used his position to enhance his own business interests and stifle business competition.

Scott Lemert has violated at least five (5) Ethical Requirements and Rules of Conduct:  
2-2-105 (2). **ETHICAL REQUIREMENTS for public officers and public employees.**  
2-2-121. (2.e.) **RULES OF CONDUCT for public officers and public employees.**  
2-2-105 (5). **ETHICAL REQUIREMENTS for public officers and public employees.**  
2-2-105 (4). **ETHICAL REQUIREMENTS for public officers and public employees.**  
2-2-105 (1). **ETHICAL REQUIREMENTS for public officers and public employees.**

Scott Lemert's actions have resulted in the dis-enfranchisement of competing businesses from access to the Montana plumber continuing education market for over 1½ years.

**Recommended Actions**

Suspend CE Made Simple's plumbing continuing education courses  
Suspend Scott Lemert's Master plumbing license.  
Remove Scott Lemert from the Montana Board of Plumbers

Suspend Matthew Lemert's Journeyman plumbing license  
Remove Matthew Lemert as the plumbing representative on the Building Codes Council.

**Background**

Our company, B.R. Engelking Co. Inc. dba AnytimeCE has been a continuing education provider in Montana since 2007 providing online continuing education for Montana Master and Journeyman plumbers. Many of these tradesmen have obtained their continuing education for their annual license renewals by using this service.

All continuing education courses and course instructors must meet requirements as found in 24.180.2102 CONTINUING EDUCATION REQUIREMENTS application. PDF. page 4 Exhibit 1.

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**May 11, 2015** The Montana Board of Plumbers received a continuing education course and instructor application from CE Made Simple. Scott Lemert and Matthew Lemert were listed as the instructors. Their resumes are shown in CE Made Simple Application 5.11.15.pdf. Exhibit 2

Upon close examination of their resumes, Exhibit 2, shows that neither one had the required qualifications to be approved as continuing education instructors.

***Prior to the June 17, 2015, Scott Lemert and Matthew Lemert DID NOT meet the requirements be instructors as required by 24.180.2102.***

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**June 17, 2015 Montana Board of Plumbers Meeting.**

**"New" Requirements for continuing education instructors**

At this board meeting, several "new" requirements for continuing education instructors were proposed by board member Scott Lemert. These "new" requirements were to supersede those currently adopted as shown Exhibit 1.

Scott Lemert references correspondence between himself and an IAPMO official who recommended that a plumbing continuing education instructor should be either a licensed plumber "OR" has passed the IAPMO certification as a plumbing inspector.

Documentation is found in the Audio file of Discussion of New Requirements for CE Instructors 6.17.15.mp3- Exhibit 3.

These audio files also show that Scott Lemert had correspondence and discussions with other board members on the proposed "new" requirements rules prior to this board meeting.

It is reasonable to assume that he had built a consensus with the other board members to support his proposal on the "new" requirements for a continuing education course instructor.

During his discussion of this proposal, no one contested the "new" requirements.

The board concurred that an approved continuing education instructor must be a licensed plumber **and** also be an IAPMO certified plumbing inspector.

Although Scott and Matthew Lemert were known to be plumbers their own certification as IAPMO plumbing inspectors was not openly shared at the meeting.

The result of the board's action in implementing /adopting these "new" requirements **would** enable both Scott and Matthew Lemert to have the required qualifications to be approved as continuing education instructors.

On 8.6.2013, the day that Scott and Matthew Lemert passed the IAPMO plumbing inspector test, there were 1280 active plumbers in Montana but only three (3) had been certified as an IAPMO plumber inspectors. Two of these three were the Lemerts.

This combination of these two requirements was advantageous to CE Made Simple as it severely restricted business competition. Mt Plumbers IAPMO Certified as Plumbing Inspectors on 8.6.13. Exhibit 4.

**First ethical violation:**

Scott Lemert violated **2-2-105 (2). ETHICAL REQUIREMENTS for public officers and public employees** by introducing a rule that enhanced CE Made Simple's business's advantage.

(2) Except as provided in subsection (4), a public officer or public employee **may not acquire**<sup>1</sup> an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially **affected to its economic benefit by official action to be taken by the officer's or employee's agency.**

2-2-105 (2). ETHICAL REQUIREMENTS for public officers and public employees Exhibit 5.

Scott Lemert proposed rule changes:

- 1. allowed him to be APPROVED as the CE Made Simple's instructor and**
- 2. restricted in- state competition**

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CE Made Simple was acquired February 15, 2012 approximately 9 years after Scott Lemert had been appointed to the Montana Board of Plumbers.

**Second ethical violation:**

Scott Lemert violated **2-2-121. (2.e.) RULES OF CONDUCT for public officers and public employees:**

(2.e). State employees **may not perform** an official act that will directly and substantially affect the **economic benefit of a business** or other undertaking in which the employee has a substantial financial interest or **is engaged as** counsel, consultant, **representative or agent**

2-2-121. (2.e.) RULES OF CONDUCT for public officers and public employees: Exhibit 6.

This is similar to 2-2-105 (2) in which the rule change directly benefited his company by permitting him and Matthew Lemert to teach continuing education courses whereas without the change they would not be approved to do so.

Scott Lemert's proposal for "new" requirements **did not** include an established precedence from previous board decisions.

The following precedence was absent in his proposed new rules: 24.180.2102 CONTINUING EDUCATION REQUIREMENTS: (v) continuing education instructor from another state or jurisdiction who is approved by the board. Exhibit 1.

A number of out of state continuing education providers, including AnytimeCE were then excluded from competing against CE Made Simple.

Scott Lemert proposed rule changes:

1. allows him to be APPROVED as an CE Made Simple's instructor and
2. restricts in- state competition
- 3. restricts out of state competition**

**Third ethical violation:**

This action by Scott Lemert was in direct violation of: **2-2-105 (5). ETHICAL REQUIREMENTS for public officers and public employees.**

(5) A **public officer** or public employee **may not perform** an official act directly and substantially affecting a business or other undertaking to its **economic detriment** when the officer or employee has a **substantial personal interest in a competing firm** or undertaking. Exhibit 5.

Introduction of this "new" requirement placed Scott Lemert's company, CE Made Simple at a business advantage and at the same time crippled both in-state and out of state business competition.

**Board Review of CE Made Simple course / instructor application.**

A few minutes after the Scott Lemert proposed these "new" requirements for continuing education instructors, the board reviewed CE Made Simple's courses and Scott Lemert and Matthew Lemert instructor's qualifications.

The board had **NO** questions **NOR** made any comments on CE Made Simple's course application or on Scott Lemert and Matthew Lemert application as course instructors.

In 49 seconds the board reviewed and then unanimously approved CE Made Simple courses and approved Scott Lemert and Matthew Lemert as the instructors. This is documented in Audio file: CE Made Simple application board vote 6.17.15 mp3. Exhibit 7.

The board implemented Scott Lemert's "new" requirements even though they had not been codified by the rule making procedures. This violated 2-4-309 Rulemaking Authority. Exhibit 8.

Although Scott Lemert did not vote on his own company's application, it is reasonable to assume that his long length of service on the board, since 2003, influenced the other board members' decisions to support him on these proposed "new" requirements.

**Fourth ethical violation:**

Examination of **2-2-105 (4). ETHICAL REQUIREMENTS-** Exhibit 5, states that

(4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would directly give rise to an **appearance of impropriety** as to the public employee's influence, benefit, or detriment in regard to the matter, the public **employee shall disclose the interest creating the conflict prior to participating in the official action.**

Scott Lemert DID NOT disclose the following at this meeting:

Scott Lemert is the registered agent for CE Made Simple.  
CE Made Simple LLC Corp info.doc Exhibit 9.

Scott Lemert is the Lead Instructor for CE Made Simple.  
CE Made Simple Scott Lemert Lead Instructor .doc Exhibit 10

Matthew Lemert is Scott Lemert's son.  
Relationship between Scott L and Mathew L. doc Exhibit 11.  
This relationship explains the appearance of collusion between Scott and Matthew Lemert as father /son and sharing a joint business venture.

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**September 17, 2015 Montana Board of Plumbers Meeting.**

**Background;**

On September 1<sup>st</sup> of every year all continuing education courses expire and must be resubmitted to the board for renewal.

For the past 8 years, the board has approved B. R. Engelking as the AnytimeCE instructor having met: 24.180.2102 CONTINUING EDUCATION REQUIREMENTS: (v) continuing education instructor from another state or jurisdiction who is approved by the board. Exhibit 1.

As previously commented, this method of approval, 24.180.2102 (v), was not included in Scott Lemert's proposal for "new" requirements for instructors.

**Montana Board of Plumbers Meeting**

AnytimeCE submitted an application for continuing education courses and B.R. Engelking as the instructor for renewal.

The board used the "new" requirements to evaluate B.R. Engelking 's qualifications and he was subsequently denied approval. This is documented in Audio file of AnytimeCE instructor denied at Mt. Brd .Mt .9.17.15 .mp3. Exhibit 12.

In August 2015, there were a number out of state companies actively providing online plumbing continuing education.

After the September 2015 board meeting, there were only two (2) approved online companies., One of these was CE Made Simple whereas Scott Lemert was the corporate Registered Agent and Lead Instructor.

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**December 17, 2015 Montana Board of Plumbers Meeting.**

During this meeting there was telephonic communication between the board and B.R. Engelking of AnytimeCE. The board, with active participation of Scott Lemert, emphasized the "new" requirements for instructor qualifications that were being enforced.

Scott Lemert was adamant in defending the "new" requirements that he had proposed at June 17, 2015 board meeting. This is documented in the audiotape of the board meeting. Audio file of 12.17.16 Mt. Brd. Mt.mp3. Exhibit 13.

Scott Lemert made no disclosure of conflict of interest as required.  
2-2-105 (4). **ETHICAL REQUIREMENTS**. Exhibit 5.

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**June 16, 2016 Montana Board of Plumbers Meeting.**

In May of 2016, AnytimeCE submitted an application for continuing education courses and an alternative course instructor using the application form which was posted on the Montana Board of Plumbers web site. 24.180.2102 Exhibit 1. This form had not changed since January 2013.

The board rejected the AnytimeCE's instructor citing that his credentials did not meet board's "new" requirements.

Written confirmation for this instructor's denial was based on the "new" requirements as shown in MT Brd Meeting rejection of AnytimeCE instructor letter of 6.22.16 pages 1 and 2. Exhibit 14

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In mid October, AnytimeCE received email correspondence from the Montana Board of Plumbers executive director, Jason Steffins concerning a public hearing on the adoption of the "new" requirements as proposed by Scott Lemert. Additional correspondence stated that these "**new**" requirements were not yet in effect and would not be codified until early March 2017. 12.30.16 email. Exhibit 15.

Since the "new" requirements were not in effect on June 15, 2015, the board made an error when they approved CE Made Simple's course instructors.

This means:

1. Scott Lemert and Matthew Lemert were improperly approved to be CE Made Simple course instructors and
2. CE Made Simple courses should not have been offered as approved for continuing education for plumber license renewal.

Scott Lemert and the board members should have been aware of the status of these proposed "new" requirements.

**NO** action was taken by Scott Lemert to rectify the improper approval of his company's course instructors. (himself and Matthew Lemert)

**NO** action was taken Scott Lemert or the board to mitigate the injustice of the improper denial of AnytimeCE's course instructor thus depriving AnytimeCE access to the plumber continuing education market place for 1 ½ years.

**Fifth ethical violation:**

**2-2-105. Ethical requirements for public officers and public employees.** (1) The requirements in this section are intended as rules of conduct, and violations constitute a **breach of the public trust** and public duty of office or employment in state or local government.

Scott Lemert breached his duty to preserve the public trust.

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**December 15, 2016 Montana Board of Plumbers Meeting.**

During this meeting many of the submitted AnytimeCE courses and a second alternative instructor was approved under the currently adopted 24.180.2102 Exhibit 1.

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**January 24, 2017 Montana Board of Plumbers Meeting.**

During this meeting the board approved several remaining AnytimeCE courses (pending minor revisions) under the currently adopted 24.180.2102 Exhibit 1.

**Time is of the Essence.** Scott Lemert's actions and leadership of the Montana Board of Plumbing wrongfully delayed AnytimeCE courses and instructor approval for 1½ years. This delay has cost thousands of dollars of potential lost revenue to AnytimeCE.

**In summary Scott Lemert violated the following:**

- 2-2-105 (2). ETHICAL REQUIREMENTS for public officers and public employees.
- 2-2-121. (2.e.) RULES OF CONDUCT for public officers and public employees.
- 2-2-105 (5). ETHICAL REQUIREMENTS for public officers and public employees.
- 2-2-105 (4). ETHICAL REQUIREMENTS for public officers and public employees.
- 2-2-105 (1). ETHICAL REQUIREMENTS for public officers and public employees.

**Recommendations**

**Suspension of CE Made Simple Courses**

These courses/ instructors were approved under the deliberate subterfuge of Scott and Matthew Lemert. The courses should be immediately suspended.

**Plumbing license suspension.**

Public trust is paramount when working in the trades. A professional license reflects the need for that trust as shown on page 6 of the Montana Plumber license application. Mt.Plumber license application..pdf Exhibit 16.

As demonstrated by this investigation, both Scott and Matthew Lemert have demonstrated blatant disregard for the ETHICAL REQUIREMENTS and Rules of Conduct of their positions.

Scott Lemert and Matthew Lemert should have their plumbing licenses suspended.

**Removal of Scott Lemert and Matthew Lemert from board positions.**

Scott Lemert intentionally misused his position on the Montana Board of Plumbers to enhance his private business, CE Made Simple, to the detriment of competing business. He should be immediately removed from the board.


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It is reasonable to assume that Matthew Lemert acted in concert and in collusion with his father and business associate Scott Lemert when these ethical violations took place.

Matthew Lemert's professional integrity has been compromised.

It would be a disservice to the public if Matthew Lemert continued as the plumbing representative on the Building Codes Council. He should be immediately removed from this position.

Respectfully submitted,

  
B.R. Engelking – Head Master AnytimeCE Chief of Staff February 22, 2017  
23024 Brier Road Brier WA. 98036  
Telephone 425-778-2510 [hvacschool@comcast.net](mailto:hvacschool@comcast.net)

Attachments: Flash Drive, which contains the following **List of Exhibits**

Exhibit 1 24.180.2102 CONTINUING EDUCATION REQUIREMENTS application. PDF

Exhibit 2 CE Made Simple Application 5.11.15.pdf.

Exhibit 3 Audio file of Discussion of New Requirements for CE Instructors 6.17.15.mp3

Exhibit 4 Mt Plumbers IAPMO Certified as Plumbing Inspectors on 8.6.13.

Exhibit 5 2-2-105. ETHICAL REQUIREMENTS for public officers and public employees.

Exhibit 6 2-2-121. (2.e.) RULES OF CONDUCT for public officers and public employees.

Exhibit 7 Audio file: CE Made Simple application board vote 6.17.15 mp3.

Exhibit 8 2-4-309 Rulemaking Authority.

Exhibit 9 CE Made Simple LLC Corp info.doc

Exhibit 10 CE Made Simple Scott Lemert Lead Instructor .jpg

Exhibit 11 Relationship between Scott L and Mathew L. jpg

Exhibit 12 Audio file of AnytimeCE instructor denied at Mt. Brd .Mt .9.17.15 .mp3.

Exhibit 13 Audio file of 12.17.16 Mt. Brd. Mt.mp3.

Exhibit 14 MT Brd Meeting rejection of AnytimeCE instructor letter of 6.22.16

Exhibit 15 12.30.16 Email

Exhibit 16 Mt.Plumber license application..pdf

Audio Files were downloaded from the Montana Board of Plumbers web site:  
<https://filenet.mt.gov/dlimtg/search/meetings?BoardCode=PLU>

The audio files on the flash drive are truncated to encompass the pertinent information of interest.

**CC:**

Governor Bullock  
Secretary of State Corey Stapleton  
Commissioner Pam Bucy



- (a) Course curriculum must be based on:
  - (i) the adopted state plumbing code;
  - (ii) Title 37, chapter 69, MCA, pertaining to licensure of plumbers;
  - (iii) Title 50, chapter 60, MCA, pertaining to building codes and permit requirements;
  - (iv) ARM Title 24, chapter 180, pertaining to the board's rules;
  - (v) ARM 24.301.301 through 24.301.351, pertaining to building code plumbing matters; or
  - (vi) Other subjects related to the plumbing industry, as approved by the board.
- (b) Course sponsors are responsible for ensuring that instructors are credentialed as one or more of the following:
  - (i) a Montana licensed journeyman or master plumber, with additional training in related subject areas;
  - (ii) a certified teacher with board approved plumbing credentials;
  - (iii) a certified journeyman and apprentice plumbing instructor;
  - (iv) a plumbing inspector possessing a state journeyman or master plumber's license; or
  - (v) continuing education instructor from another state or jurisdiction who is approved by the board.
- (c) Course sponsors shall provide the department with a minimum of 15 working days prior notice of the time and place of every course or seminar.
- (d) Course sponsors shall provide each person completing a continuing education course with a completion certificate. The completion certificate must contain all of the following information:
  - (i) the date of the course;
  - (ii) the location of the course;
  - (iii) the name of the instructor(s);
  - (iv) the name of licensee completing the course;
  - (v) the state assigned course approval number; and
  - (vi) the number of completed hours of instruction.
- (3) For quality assurance or evaluation purposes, representatives of the department or the board may audit the course for content without charge. Such a person shall not receive or be issued a certificate of completion for that course.
- (4) The department may conduct a random audit of up to 50% of all active licensees following the license renewal process.
  - (a) All licensees shall retain course completion certificates for a minimum of three years, for auditing purposes.
  - (b) Audited licensees are required to furnish to the department certificates of completion which demonstrate attainment of the four hour continuing education requirement.
  - (c) Failure by the licensee to provide certificates of completion when audited shall constitute grounds for implementation of disciplinary proceedings against the licensee.
- (5) All requests for exemption from the continuing education requirements will be reviewed by the board and determinations will be done on a case-by-case basis.
- (6) If a licensee does not timely file a renewal application, and thereafter files a late renewal application, the late renewal application must contain documentary proof that the licensee has obtained the required amount of continuing education.

EXHIBIT 1

CE MADE SIMPLE LLC.  
~INSTRUCTOR RESUMES~

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MATTHEW S. LEMERT  
1296 US HWY 10 W. - Livingston, MT 59047  
888.223.1057 | proctor@cemadesimple.com

EDUCATION & EXPERIENCE

---

Pepperdine University, Graziadio School of Business and Management MBA, Minor Marketing & Small Business Administration	Malibu, CA April 2012
Montana State University Bachelor's of Science - Business	Bozeman, MT December - 2005
Licensed Journeyman Plumber (license #3643)- Montana Successful completion of Montana Plumber Apprenticeship Program	Livingston, MT 2007- Present
IAPMO Certified Plumbing Inspector (Certification # N99729)	Current

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SCOTT E. LEMERT

[REDACTED]  
[REDACTED] | scott@cemadesimple.com

EDUCATION & EXPERIENCE

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Licensed Master Plumber (license #842)- Montana	Livingston, MT
Licensed Master Plumber (license #493)- Wyoming Bachelor's of Science - Business	Hot Springs County 1982 - Present
EPA Certified Lead Renovate (#R-1-18481-10-0562)	Current
IAPMO Certified Plumbing Inspector (Certification # N99730)	Current
State of Montana Board of Plumbers -Vice Chairman -Exam Committee Member -Screening Panel Member -Legislative Committee Member	Helena, MT 2003 - Present
State of Montana Building Codes Council -Council Chairman (2008-2011)	Helena, MT 2005 - 2011

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EXHIBIT 2

IAPMO Cert. Plumber Inspector & Master /Journeyman Plumbers on 8.6.13

Name	State	Cert. #	Original test	Cert date	Expire date	Journeyman #	Masters #
Edward Adams	MT	97550	12/15/2010	12/15/2010	12/15/2013		1091
Matthew Lemert	MT	N99729	8/7/2013	8/6/2013	8/6/2016	3643	
Scott Lemert	MT	N99730	8/7/2013	8/6/2013	8/6/2016		842
<a href="http://www.iapmo.org/CertifiedProfessionals/default.aspx">http://www.iapmo.org/CertifiedProfessionals/default.aspx</a>							

Exhibit 4.

# Montana Code Annotated 2015

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## 2-2-105. Ethical requirements for public officers and public employees.

- (1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.
- (2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.
- (3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to others, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.
- (4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall **disclose** the interest creating the conflict prior to participating in the official action.
- (5) A public officer or public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.

Exhibit 5

# Montana Code Annotated 2015

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**2-2-121. Rules of conduct for public officers and public employees.** (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

**(2) A public officer or a public employee may not:**

**(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or**

**(10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act.**

# Montana Code Annotated 2015

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**2-4-309. Rulemaking authority for laws not yet effective -- rule not effective until law effective.** Unless otherwise provided in the statute, an agency may proceed with rulemaking under this chapter after the enactment of a statute to be implemented by rule, but a rule may not become effective prior to the effective date of the statute.

[https://app.mt.gov/cgi-bin/bes/besCertificate.cgi?action=detail&bessearch=C223201&trans\\_id=besa1534718552826c500](https://app.mt.gov/cgi-bin/bes/besCertificate.cgi?action=detail&bessearch=C223201&trans_id=besa1534718552826c500)

From Montana Secretary of State – Linda McCulloch

**Name:** CE MADE SIMPLE LLC

**ID #:** C223201

**Type:** LLC MANAGED BY MEMBERS

LLC MANAGER OR MEMBER MATTHEW W LEMERT 1296 US HWY 10 W  
LIVINGSTON MT59047

**Jurisdiction State:** MT

**Status:** ACTIVE

**Status Reason:** GOOD STANDING

**Expiration Date:**

**Date of Organization:** 02/15/2012

**Last AR Filed:** 04/14/2015

**Inactive Date:**

**Involuntary Intent:** 09/03/2013

**Diss/Widthdr/Revoke:**

**Street:** 1296 US HWY 10 W

**City:** LIVINGSTON

**State:** MT

**Zip:** 59047-0000

**Term:** PERP

**Purpose Code:** NONE STATED

**Agent Registered Agent:** SCOTT E LEMERT

**Address 1:** PO BOX 1641

**Address 2:** #75 KINDSFATHER DR

**City:** LIVINGSTON

**State:** MT

**Zip:** 59047-0000

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Exhibit 9

# CE Made Simple

## CE Made Simple - Montana Plumber CE Seminar Series

Go beyond the code™ - Our popular seminar, back again for 2016!

### Seminar Series - Montana Statutes, Amendments & Code Requirements (Updated)

**SEMINAR DESCRIPTION**

CE Made Simple LLC, brings in Montana Plumbing Board Vice-Chairman (and CE Made Simple Lead Instructor) Scott E. Lerner to discuss the ins and outs of being a licensed plumber in the state - Learn how to avoid costly fines and penalties, protect your license, and deal with the changes affecting all plumbers.

\**Montana Statutes, Amendments & Code Requirements*

"*Montana Statutes, Amendments & Code Requirements*" goes beyond the code and fills in the large gaps that traditional and repetitive "code-related" CE courses leave behind. Our course covers information that other CE providers simply can't match!

Register now as seating is limited! See Upcoming Dates to the Right. All seminars from 5:15-9:15pm unless otherwise stated.

**Early Registration: \$65**

At The Door: \$75

**Topics Covered:**

- Current News and Events for the Montana Plumber
- Protecting Your License
- Unlicensed Practice
- Your State Plumbing Board and How it Relates to You
- Avoiding Costly Fines
- Avoiding State License Complaints (and How to Handle Them if They Occur)
- Montana Plumber Guidelines
- Being a Successful Plumber in Today's Industry

**Montana Seminar Locations:**

- Billings, MT
- Bozeman, MT
- Miles City, MT

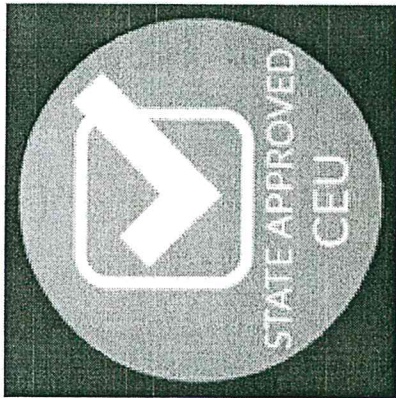
To Pre-Register, click on the seminar locations above.

Questions? Give us a call at (989)223-1057.

**Seminar Sponsors:**







# CE Made Simple LLC. - Online Continuing Education for Plumbers

@cemadesimple

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Nels Ketola, Adam G. Katz and Marie Lemert like this.



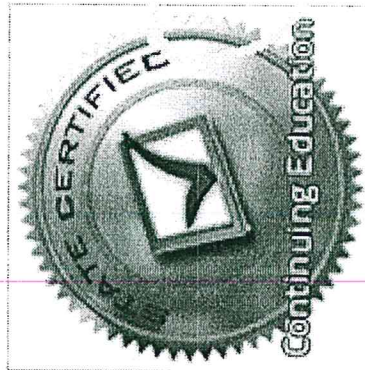
## CE Made Simple LLC. - Online Continuing Education for Plumbers

August 7, 2013

Congrats to our two instructors - Scott & Matthew Lemert for recently passing the test to become IAPMO Certified Plumbing Inspectors!

Read a little more about them here:

<http://www.cemadesimple.com/about-us/meet-the-team/>



## Meet the Team - CE Made Simple - Online Continuing Education for Plumbers

Matthew is a 2nd generation plumber who has been involved in the industry for over 15 years. He started...

[CEMADESIMPLE.COM](http://www.cemadesimple.com)

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Marie Lemert and Rhonda Campbell like this.



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## Montana Board of Plumbers

June 22, 2016

WWW.ANYTIMECE.COM

ATTN: BEN ENGELKING via email: hvacschool@comcast.net

PO BOX 150

MOUNTLAKE TERRACE WA 98043

RE: Continuing Education Course and Provider Application  
PLU-CEC-APP-10802-11 & PLU-CEP-APP-10801

Dear Mr. Engelking:

The Montana Board of Plumbers recently reviewed your application for approval as a continuing education provider. Having fully considered the matter, the board denied your application because your proposed instructor does not meet the Board's qualifications.

You expressed your belief AnytimeCE's proposed instructor qualifications exceed that which is required by the Board. Specifically, you said he met the following qualifications:

1. a certified teacher with board approved plumbing credentials; and
2. a certified journeyman and apprentice plumbing instructor.

Please note that the first of these qualifications requires "board approved" plumbing credentials. Having reviewed the materials supplied in support of the instructor's qualifications, the Board did not approve the instructor's "plumbing credentials," nor has the Board approved any similar set of credentials for any other continuing education instructor. Clearly, he does not have "board approved" plumbing credentials, and fails to satisfy the first of the two alternatives.

As to the second alternative, your proposed instructor is not a "certified journeyman and apprentice plumbing instructor." That phrase means a journeyman plumber who has been certified to teach apprentice plumbers; it describes the union apprenticeship trainers. This is the Board's long-standing interpretation of the rule.

The Board understands the current Board rule regarding instructor qualifications provides for a measure of Board discretion. That discretion may leave applicants uncertain regarding what specifically is required, and the Board will soon be proposing amendments to the rule. However, please note that the Board on more than one occasion has provided AnytimeCE specific guidance, the same guidance it offers all applicants regarding instructor qualifications and the same guidance that will be offered as an amendment to the rule. This way, the Board avoids inconsistent results among applicants who wish to be providers of continuing education.

Copy of email 12.30.16

Ben,

The Board had all the comments you submitted in their entirety. Attached is the document they reviewed that you submitted. They get the Board book information 2 weeks prior to the meeting, so they may not repeat what was in the comments since they have already reviewed the information. They typically will just make a motion on the agenda item with little discussion and move on with the next piece of business. The Board adopted the rule without amendments after reviewing all your comments. This means, nothing was changed to the original proposed rule based off the comments submitted.

**The final adoption should take place in the next 60 days or so.**

*(bolded by B. R. Engelking)*

Thank you for your consideration.

*Jason Steffins, Executive Officer  
Montana Department of Labor and Industry  
Montana Board of Plumbers, [www.plumber.mt.gov](http://www.plumber.mt.gov)  
Montana State Electrical Board, [www.electrician.mt.gov](http://www.electrician.mt.gov)  
Montana Board of Radiologic Technologists, [www.radiology.mt.gov](http://www.radiology.mt.gov)  
(406) 841-2329  
[jsteffins@mt.gov](mailto:jsteffins@mt.gov)*

Exhibit 15

**DISCIPLINARY QUESTIONS:**

Please read carefully & answer questions completely and truthfully, it may affect your licensure.

13. Have you ever had an application for a professional or occupational license refused or denied? If yes, please attach a detailed explanation and provide supporting documentation from the source. Yes No

14. Have you ever withdrawn an application for licensure prior to the licensing agency's decision regarding your application? If yes, please attach a detailed explanation and provide supporting documentation from the source. Yes No

15. Has a licensing agency initiated or completed disciplinary action against any professional or occupational license you have held? If yes, please provide agency documents including the complaint, initiating documents, orders, final orders, stipulations and consent and/or settlement agreements directly from the source. Yes No

16. Have you ever voluntarily surrendered, cancelled, forfeited, failed to renew a professional or occupation license in anticipation of or during an investigation or disciplinary proceedings or action? If yes, please attach a detailed explanation and provide supporting documentation from the source. Yes No

17. Has a complaint ever been made against you with a professional or occupational licensing agency? If yes, please attach a detailed explanation and provide supporting documentation from the source. Yes No

18. Have any civil legal proceedings been filed against you by a (patient/client), (former patient/client) or employer/employee? If yes, attach a detailed explanation and documentation from the source including initiating document(s) and documentation of final disposition. Yes No

19. Have you ever been convicted of a misdemeanor or felony crime or do you have a pending criminal charge? "Convicted" for the purposes of this question includes a conviction under appeal, guilty plea, no contest plea, and/or forfeiture of bond. "A pending criminal charge" for the purposes of this question includes a deferred imposition of sentence and/or deferred prosecution. Yes No  
If you answer yes, you must submit a detailed explanation of the events AND the charging documents and final judgments or orders of dismissal. You must report but may omit documentation for: (1) misdemeanor traffic violations older than 10 years ago and that resulted in fines of less than \$200; and (2) convictions prior to your 18<sup>th</sup> birthday unless you were tried as an adult.

20. Have you ever been diagnosed with chemical dependency or another addiction, or have you participated in a chemical dependency or other addiction treatment program? If yes, please attach a detailed explanation and provide documentation regarding evaluations, diagnosis, treatment recommendations and monitoring from the source. Yes No

21. Have you ever been diagnosed with a physical condition or mental health disorder involving potential health risk to the public? If yes, please provide a detailed explanation. Yes No

22. Have you ever been courts martial or discharged other than honorably from any branch of the armed service? If yes, attach a detailed explanation and documentation for the source. Yes No

EXHIBIT 16