

MINUTES

THE INDIANA PLUMBING COMMISSION

**Meeting Held
Wednesday, September 23, 2009**

**Indiana Government Center-South
402 West Washington Street, Room W072
Indianapolis, Indiana**

I. REVIEW OF APPLICATIONS

The Commission members reviewed applications until 9:30 a.m.

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Mr. Ciriello called the meeting to order at 9:30 a.m. in Conference Center Room W072, 402 West Washington Street, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-28.5-1.

Members Present:

William Ciriello, Chairman
Robert Synko, Secretary
Owen Stephens
Eric Ott

Members Not Present:

Matt Buczolich
John Van Cleve

State Officials Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency
Rebecca Tinsley, Case Manager, Indiana Professional Licensing Agency
Julie Alexander, Advisory Counsel, Office of the Attorney General

III. ADOPTION OF THE AGENDA

Board Action: A motion was made to adopt the agenda as amended.

Stephens/Ott
Motion carried 4/0/0

IV. ADOPTION OF THE MINUTES FROM JULY 23, 2009 MEETING OF THE COMMISSION

Board Action: A motion was made to approve the minutes as amended.

Stephens/Ott
Motion carried 4/0/0

V. PERSONAL APPEARANCES

A. Shank Brothers

Thomas Shank appeared before the commission, per their request, based upon his response to the unlicensed practice letter sent to him by Mr. Nave. Mr. Shank is the contractor holder for his company. He has three guys who are not licensed, but they are not performing plumbing. Mr. Shank

misunderstood the definition of "working in the plumbing trade". The commission reviewed the code with Mr. Shank.

Board Action: A motion was made to allow Mr. Shank to review the code and material and send another response to the commission indicating that he will be compliant with the laws of Indiana and the response to be received within 30 days. Staff to send a letter to that affect.

Ciriello/Stephens
Motion carried 4/0/0

B. Darin Sellers

Mr. Sellers appeared before the commission to get clarification on his application to take the journeyman exam. He has not been a registered apprentice since 12/2008.

Board Action: A motion was made to approve him to take the exam.

Ott/Stephens
Motion carried 4/0/0

C. Doug McDonald

Mr. McDonald is a contractor and his license expired in 2001. He is currently licensed in KY as a contractor. He has also earned continuing education and submitted a certificate. He has been working in Kentucky even though his office address is in Indiana. He is required to take 8 hours of CE in Indiana.

Board Action: A motion was made to reinstate the license with a condition that he earn 8 hours of CE, but the commission would accept the 8 hours of CE just completed for his KY license; therefore his license is reinstated without additional penalty.

Stephens/Ott
Motion carried 4/0/0

D. John Easter (will not appear)

E. Shawn Williams

Mr. Williams wants to renew his journeyman's license which expired in 2005. He has been working in the plumbing corporate office during this time and he recently purchased the Kozon Plumbing and Heating Corporation in 2007. The other plumber has the contractor's license for the corporation.

Board Action: A motion was made to reinstate the license.

Stephens/Ott
Motion carried 4/0/0

F. John Cashdollar

Mr. Cashdollar's license expired in 1997. He has been incarcerated since 1996 and is ready to go back to work.

Board Action: A motion was made to grant him a probationary license and require him to earn 20 hours of CE to be completed within the year. Once he completes his CE he may petition for termination of probation.

Stephens/Ott
Motion carried 4/0/0

VI. ADMINISTRATIVE HEARINGS

A. In the Matter of the Application of Max Edward Long

Cause No.: IPC 09-03

Re: Final Hearing

Parties Present:

Mr. Long was not present.

Joe Basile was present on behalf of the State.

Board Members Present:

William Ciriello, Hearing Officer

Robert Synko

Owen Stephens

Eric Ott

Witnesses:

Mr. Robert Lundquist

Ms. Beth Cox

Case Summary: Mr. Long has criminal convictions and a complaint for failure to do good work. Mr. Lundquist and Beth Cox, analyst with OAG, are present to testify about their experiences and research.

The State requested that the board issue a notice of proposed default.

The Commission held respondent in default and took evidence on the record.

State's Exhibit A: The Voils Plumbing Invoice to Lundquist

State's Exhibit B: September 12, 2000 Order from the Brown County Circuit Court

State's Exhibit C: Indiana Department of Correction Datasheet

The hearing was concluded.

B. In the Matter of Jeffrey Mullins

Cause No.: IPC 09-13

Re: Denial of licensure

Parties Present:

Mr. Mullins was present, without counsel.

No one was present on behalf of the State.

Board Members Present:

William Ciriello, Hearing Officer

Robert Synko

Owen Stephens

Eric Ott

Witnesses:

Mr. Mullins

Case Summary: He had his application denied for failure to complete proper training, etc. He has worked for Superior Enterprises in Ft. Wayne and he wants to re-take the exam as a journeyman plumber. He last took the test over two years ago.

The application which was denied in 2009 did not have information on the previous exam attempts nor was there any evidence of an apprenticeship program.

Board Action: A motion was made to approve his application to take the test due to the long standing practice of (if the application pre-dated the 2005 exam, they were allowed to continue to test under the August 1, 2005 provision).

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Stephens/Ott
Motion carried 6/0/0

C. In the Matter of G. William Burt

Cause No.: IPC 09-14
Re: Denial of licensure
Withdrawal

Board Action: A motion was made to accept the withdrawal of his petition for review.

Stephens/Synko
Motion carried 4/0/0

VII. PETITIONS FOR REVIEW

A. James Lane

Board Action: A motion was made to grant the petition for review.

Synko/Ott
Motion carried 4/0/0

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

None

IX. NOTICE OF PROPOSED DEFAULT

None

X. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE ORDERS

None

XI. EXAMINATION LICENSURE/UNLICENSED PRACTICE

None

X. APPLICATIONS FOR APPROVAL – PLUMBING APPRENTICE SCHOOL

None

XI. APPLICATIONS FOR LICENSURE

Board Action: A motion was made and seconded to approve all recommendations and decisions made by the Commission members on applications for licensure that were reviewed throughout the Commission meeting.

Ciriello/Synko
Motion carried 4/0/0

XII. REVIEW OF PROBATIONARY REPORTS

None

XIII. DISCUSSION

A. Statutes and Rules
Re: Possible Modifications

B. Apprenticeship Licenses
Re: Renewals, Exam Eligibility and Working

They do not have to be registered as an apprentice to take the test and thus there is no need for them to renew an expired apprentice license in order to take the test. They do have to have proof of completion of an apprentice program. In order to work in Indiana at all they must hold some sort of license and if they are an apprentice "learning" the trade/business, they must maintain an active license.

C. Exam Update
Re: Status of Exam and Issues

ICC and Ivy Tech agreement has gone sour and as a result there are several issues which have arisen and complicated the exam process for candidates and thus the board. The commission discussed the issues at length and requested a face to face meeting with the ICC and a couple of commission members.

XIV. BOARD DIRECTOR'S REPORT

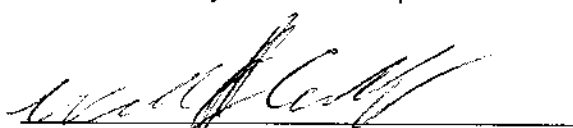
None

XV. OLD/NEW BUSINESS

None

XVI. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Indiana Plumbing Commission adjourned at 1:43 p.m.



William Cirjello - Chairman
Indiana Plumbing Commission

9-25-09
Date