

**Indiana Plumbing Commission
Indiana Government Center South
302 West Washington Street, Conference Center Room 5
Minutes of the November 20, 2013 Commission Meeting**

Review of Applications

Commission members reviewed applications prior to the start of the meeting.

Call to order & Establishment of Quorum

William Ciriello called the meeting to order at 8:30 a.m., local time, in Indiana Government Center South, Conference Center Room 1, 302 West Washington Street, Indianapolis, Indiana and declared a quorum in accordance with Ind. Code § 25-28.5-1.

Commission Members Present:

William Ciriello, Chairman
Owen Stephens
Matt Buczolich
Eric Ott
Robert Synko
John Van Cleve arrived late

State Officials Present:

Crystal Heard, Commission Director, Indiana Professional Licensing Agency
Misty Mercer, Deputy Attorney General/Advisory Counsel, Office of the Attorney General (OAG)

ADOPTION OF THE AGENDA Stephens/Ott made motion to accept amended agenda. Motion carried 4/0/0

ADOPTION OF THE MINUTES FROM THE SEPTEMBER 25, 2013 MEETING OF THE COMMISSION Ott/Buczolich Motion carried 4/0/0

REPORT FROM OFFICE OF ATTORNEY GENERAL

Monica Schmucker reported before the Commission it is now a high volume Commission. In comparison to last year 53 complaints were filed in 2012 and 62 complaints were filed in 2013. There have been a total of 108 complaints closed thus far in 2013. There have been 8 administrative complaints filed in 2013.

PERSONAL APPEARANCES

8:30 a.m

- A. Tony Huff appeared before the Commission to reinstate his license that has been expired since 2009. He states he's worked for a hospital
Commission Action: A motion was made to reinstate license on probation. He must complete 8 hours of CE within one year of order of probation order
Stephens/Ott
Motion carried 5/0/0
- B. Dru Donovan- appeared before the Commission for positive response on apprentice application. He is currently on probation.

Commission Action: A motion was made to issue license on probation. He will remain on probation until civil probation is withdrawn.

Owens/Buczolich

Motion carried 6/0/0

C. Robert Hall – did not appear

D. Donald Shaw – license expired in 1999. He appeared before the Commission to discuss what he has been doing since his license had expired. He is currently working as a plumbers helper.

Commission Action: A motion was made to complete 20 hours of CE and place license on probation. The majority of the CE on the new plumbing code. CE must be completed within one year of order.

Owens/Van Cleve

Motion carried 6/0/0

E. Errol Dodson – appeared before the Commission for a personal appearance for a positive response on plumbing apprentice application. He did complete probation program in October 2012.

Commission Action: A motion was made to issue apprentice license.

Stephens/Synko

Motion carried 6/0/0

F. Christian Smith

Commission Action: A motion was made to grant application to take to contractor's exam.

Stephens/Ott

Motion carried 6/0/0

G. Brian Snyder – appeared before the Commission for a positive response on apprentice license. He is currently on probation in civil court.

Commission Action: A motion was made to issue apprentice license on probation. He is to have probation office submit quarterly reports to the Commission updating the status of probation. He cannot petition to come off probation until civil probation is terminated.

Buczolich/Van Cleve

Motion carried 6/0/0

H. Casius Bell did not appear

I. Carson Bryant – appeared before the Commission for a positive response on apprentice application.

Commission Action: A motion was made to issue license.

Van Cleve/Synko

Motion carried 6/0/0

J. Joshua Gunder- appeared before the Commission for a positive response on his plumbing apprentice application. He is currently on probation in civil court for three more years.

Commission Action: A motion was made to issue license on probation. He is to have probation office send quarterly report updating on probation. Once probation is removed he can petition to have probation removed.

Ott/ Buczolich

Motion carried 6/0/0

K. Nicholas Ferris- did not appear

L. Shawn Jackson- appeared before the Commission for a positive response on his plumbing apprentice application.

Commission Action: A motion was made to issue apprentice license.

Buczolich/Stephens

Motion carried 6/0/0

M. Frank D. England, Jr. – appeared before the Commission for positive response on plumbing contractor's application. He is currently on home detention.

Commission Action: A motion was made to allow Mr. England to take contractor's exam.

Once he takes and passes the exam the license will be issued on probation. He is to have probation officer to send quarterly reports.

Stephens/Ott

Motion carried 6/0/0

N. Christopher A. Mitchell- did not appear

O. Andrew Inskeep- appeared before the Commission for positive response. Upon review of the application it was determined he did not qualify for licensure.

Commission Action: A motion was made to deny application.

Ciriello/Owens

Motion carried 6/0/0

P. Scott Chrisman- appeared before the Commission for a positive response on plumbing apprentice reinstatement. He is currently on probation until April 2014.

Commission Action: A motion was made to reinstate apprentice license on probation. He is to have probation officer submit quarterly reports to the Commission. Once probation is over he needs to submit proof probation has ended and at that time he can petition to withdraw probation.

Stephens/Synko

Motion carried 6/0/0

I. ADMINISTRATIVE HEARINGS

9:00 a.m

Dana Miller was the court reporter for all administrative hearings.

In the Matter of the License of Ronald Turner Cause Number IPC 13-23

Case Summary: The State of Indiana was represented by Derek Peterson

Commission Action: A motion was made to issue a Notice of Proposed Default

Stephens/ Buczolich

Motion carried 6/0/0

In the Matter of the License of Joseph Cavazos Cause Number IPC 12-24

Case Summary: Joseph Cavazos appeared before the Commission to request his probation be withdrawn.

Commission Action: A motion was made to withdraw probation.

Stephens/Synko

Motion carried 6/0/0

In the Matter of the Application of John P. Shimp Cause Number IPC 13-30

Case Summary- John Shimp appeared before the Commission to explain why he feels he meets the requirements for licensure as a plumbing contractor.

- Exhibit 1- Letter from employer

Commission Action: A motion was made to allow Mr. Shimp to sit for the plumbing contractor's examination.

Stephens/Van Cleve

Motion carried 4/1/1; Buczolich opposed; Synko abstained

In the Matter of the License of Stacey Henderson Cause Number IPC 13-24

Case Summary: Monica Schmucker is representing the State of Indiana. Andrea Racine was the witness for the State of Indiana. The State of Indiana filed a complaint against Stacey Henderson for not notifying the Commission he did notify the Commission of child molestation charges.

- State Exhibit's A- Order from Sentencing
- State's Exhibit B- Journeyman license application
- State's Exhibit C- Plumbing Contractor license application

Mr. Henderson presented to the Commission the charges are over 23 years. He states he has been in business to for over 20 years with no complaints. He states that for every home he goes into there is always an adult present, if no adult is present he does not enter the home.

Commission Action: A motion was made to issue a thousand fine for each offense; due within 30 days of order. He is to pay court cost and pay \$5 fine to Attorney General's Office. His license will be placed on indefinite probation, with a ten year minium before he can withdraw from probation, with a restriction where registered sex offenders are not allow. He will also need to submit a yearly criminal background check due January 2.

Van Cleve/Owens

Motion carried 5/1/0 Ciriello abstained.

In the Matter of the Application of Nicholas Hayes Cause Number IPC 12-06

Case Summary: Nicholas Hayes was not present

Commission Action: A motion was made to find him in default.

Stephens/Synko

Motion carried 6/0/0

Commission Action: A motion was made to suspend his license

Stephens/Van Cleve

Motion carried 6/0/0

In the Matter of Unlicensed Practice of Imperial Handyman Service Cause Number IPC 13-20

Case Summary: The State of Indiana was represented by Monica Schmucker and Laura Sahn (legal intern). Andrea Racine witness for the State. Respondent Imperial Handyman Service was not present.

Commission Action: A motion was made to find respondent in default.

Stephens/Synko

Motion carried 6/0/0

Case Summary: Respondent provided services to consumer, Hazel Catron, without a valid plumbing license and is advertising without the appropriate licensing information on advertising.

Exhibit A: Business card

Exhibit B: Website print out of advertisement

Exhibit C: Work order for consumer (Hazel Catron)

Exhibit D: Invoice for consumer

Exhibit E: Invoice for consumer

Exhibit F: Letter from the City of New Castle Building Commissioner

Commission Action: A motion was made to issue a cease and desist and to pay restitution of \$4050.00.

Van Cleve/Buczolich

Motion carried

In the Matter of Unlicensed Practice of Honorable Home Repair Cause Number IPC 13-22

Case Summary: The State of Indiana was represented by Monica Schmucker and Laura Sahn (legal intern). Audrea Racine witness for the State. Respondent Imperial Handyman Service was not present.

Commission Action: A motion was made to find respondent in default.

Van Cleve/Synko

Motion carried 6/0/0

Case Summary: The State presented Respondent is advertising without the appropriate information on advertisement. Respondent has also complete work unacceptable to plumbing standards

Exhibit A: Advertisement

Exhibit B: Website advertisement

Exhibit C: Newspaper advertisement in the Waynedale paper

Exhibit D-L: Evidence of work performed in consumer's home by new company.

Commission Action: A motion was made to issue a cease and desist and to pay a \$900 restitution.

Van Cleve/Synko

Motion carried 6/0/0

PROPOSED FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the Matter of the Unlicensed Practice of Handyman by the Hour, LLC

A motion was made to accept the proposed settlement.

Stephens/Synko

Motion carried 6/0/0

In the Matter of the Unlicensed Practice of Timothy Patrick

A motion was made to accept the proposed settlement.

Stephens/Synko

Motion carried 6/0/0

PETITION FOR REVIEW

Max Boles

A motion was made to accept petition for review.

Stephens/Ott

Motion carried 6/0/0

APPLICATIONS FOR LICENSURE

Plumbing Contractor

1. Todd Huber - tabled
2. Drew Lasher approved
3. Mark W. Dearden- approved
4. Ray Poe- approved
5. John Huikko – approved
6. Karl Pigg- tabled
7. Jeffrey Kaptain - approved
8. Peter Guliotta- approved
9. Jerry Grant approved
10. Jeff Perry - approved

Journeyman Plumber

1. Joseph Oostman- approved
2. Jonathan Heil – denied (school sign off on application)

Apprentice Plumber

1. Bobby Denison –needs evidence of completing program Positive response
2. Domingo Rodriquez – approved

A motion was made and seconded to accept recommendations from Commission Members.
Van Cleve/Synko

DISCUSSION

Compliance letters

- i. SourceTech
The Commission voted to accept letter as written.
Owens/Synko
Motion carried 6/0/0
- ii. McCurdy Mechanical
The Commission voted to accept letter as written
Stephens/Synko
Motion carried 6/0/0
- iii. Local 157- A motion was made to request personal appearance
Buchlitz/Synko
Motion carried 6/0/0

Elections

Chair- Owen Stephens

A motion was made to accept recommendation for Owen Stephens as Chair
Ott/Buczolich

Motion carried 6/0/0

Secretary- William Cirello

A motion was made to accept recommendation for William Cirello as Secretary
Buczolich/ Van Cleve

Motion carried 6/0/0

Liasion Eric Ott

A motion was made to accept recommendation for Eric Ott to remain as Liasion
Stephens/Buczolich
Motion carried 6/0/0

Renewals

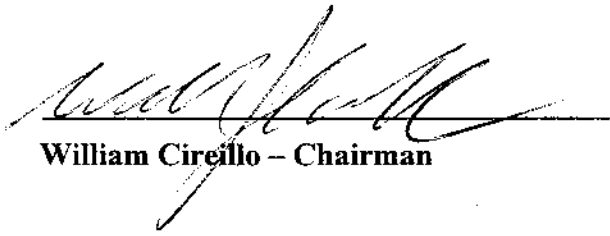
Michael Karriker – Commission directed staff to renew license

Nicholas Elliot – Commission directed staff to renew license

Nicholas Lefever – Commission directed staff to renew license

Todd Tonner – positive response received from renewal information presented to the
Commission and directed staff to renew license.

There being no further business, and having completed its duties, the meeting of the Indiana
Plumbing Commission adjourned at 2:07 p.m..



William Cireillo – Chairman

1-22-14
Date