

MINUTES

THE INDIANA PLUMBING COMMISSION

**Meeting Held
Wednesday, March 25, 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
Matt Buczolich
John Van Cleve
Owen Stephens

Members Not Present:

Eric Ott

State Officials Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency
Crystal Heard, Assistant Board Director, 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 approve the agenda as amended.

Buczolich/Synko
Motion carried 5/0/0

IV. ADOPTION OF THE MINUTES FROM JANUARY 28, 2009 MEETING OF THE COMMISSION

Board Action: A motion was made to adopt the minutes.

Buczolich/Synko
Motion carried 5/0/0

V. PERSONAL APPEARANCES

Jeanie Tucker, Inspector of IPLA
Met the board members and introduced herself as the new inspector.

A. James M. Brown (*Reinstatement of License*)

Mr. Brown appeared before the commission to have his contractor's license reinstated. His license lapsed in 2005 when he underwent treatment for cancer. He is licensed in Illinois and has obtained continuing education in Illinois because it is required to remain licensed. He has been working in Illinois during this time.

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

Buczolich/Van Cleve
Motion carried 5/0/0

B. Paul K. Allen

Mr. Allen appeared before the commission to have his contractor's license reinstated. His license lapsed in 2001. He has not been plumbing during this time.

Board Action: A motion was made to grant him a probationary license, which he may request to have withdrawn after one year, with the condition that he must take and pass the exam during that year.

Stephens/Van Cleve
Motion carried 5/0/0

C. George Foster

Mr. Foster appeared before the commission to have his contractor's license reinstated. He has been working in Indiana during this time. He has not gotten any continuing education for plumbing, only in the area of heating and air conditioning.

Board Action: A motion was made to reinstate the license on probation which he may request to have withdrawn after one year. He is required to earn 20 hours of C.E. to be completed within one year from the date of the order.

Stephens/Van Cleve
Motion carried 5/0/0

D. Robert McCoige

His license expired December 31, 2005. He has been the director of public works in the city of Goshen during this time.

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

Synko/Van Cleve
Motion carried 5/0/0

VI. ADMINISTRATIVE HEARINGS

A. In the Matter of Max Long

Cause No.: IPC 09-03
Re: Final Hearing

Parties Present:

Max Long was not present, nor was counsel present on his behalf.
Myron Rahn was present on behalf of the State.

Board Members Present:

Bill Ciriello, Hearing Officer
Jon Van Cleve

Matt Buczovich
Owen Stephens
Robert Synko

Witnesses:

None

Case Summary: Mr. Long was incarcerated and notice was sent to both his address of record and the prison. The State requested the commission issue a notice of proposed default.

Board Action: A motion was made to issue a notice of proposed default.

Stephens/Van Cleve
Motion carried 5/0/0

B. In the Matter of Jeff Skirvin

Cause No.: IPC 08-12
Re: Final Hearing

Parties Present:

Jeff Skirvin was not present nor was counsel present on his behalf.
Myron Rahn was present on behalf of the State.

Board Members Present:

Bill Ciriello, Hearing Officer
Jon Van Cleve
Matt Buczovich
Owen Stephens
Robert Synko

Witnesses:

None

Case Summary: The AG's office received a consumer complaint against Mr. Skirvin for accepting payment of services not rendered.

Petitioner's Exhibit A: A copy of the Consumer Complaint Form.
Petitioner's Exhibit B: Proposal for work.
Petitioner's Exhibit C: A copy of the cancelled check used to pay Mr. Skirvin.
Petitioner's Exhibit D: Promise for delivery of services from Mr. Skirvin.
Petitioner's Exhibit E: Note from the log of the AG's office regarding phone conversations held with Mr. Skirvin.

The Commission held deliberations in abeyance.

Board Action: A motion was made to issue another notice of proposed default and if he does not timely object then he is automatically defaulted

Stephens/Van Cleve
Motion carried 5/0/0

C. In the Matter of Franklin Gazzam

Cause No.: IPC 08-16
Re: Final Hearing

(CONTINUED)

D. In the Matter of Kenneth Hartley

Cause No.: IPC 08-16
Re: Petition for Review of Denial of admission to the journeyman plumber examination

Parties Present:

Kenneth Hartley was present without counsel.
There was no one present on behalf of the state as this is a denial of admission to exam.

Board Members Present:

Bill Ciriello, Hearing Officer
Jon Van Cleve
Matt Buczolich
Owen Stephens
Robert Synko

Witnesses:

Mr. Hartley

Case Summary: Mr. Hartley wants the commission to consider his experience gained while working under a plumbing contractor. He believes that is sufficient and he need not complete the apprenticeship program. He does not hold a license out of state nor does he have supporting evidence that he has experience from any of the section 32 exemptions.

Board Action: A motion was made to deny Mr. Hartley admission to the exam and to send a letter regarding the unlicensed practice to his employer.

Stephens/ Buczolich
Motion carried 5/0/0

VII. PETITIONS FOR REVIEW

- A. Darrin Ward
- B. Charles Moon
- C. Sergay Hamutov
- D. Jim Moxley
- E. Nathan Lee
- F. Lucas Partain
- G. John Shepherd

Board Action: A motion was made to grant the petitions for review listed above and schedule for a hearing before the commission.

Stephens/Van Cleve
Motion carried 5/0/0

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

A. In the Matter of the Application of Roger Lakes

Cause No.: IPC 08-15

Re: Petition for Review of Denial of licensure as plumbing contractor due to examination failure
(withdrawal)

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

Stephens/Synko
Motion carried 5/0/0

IX. NOTICE OF PROPOSED DEFAULT

None

X. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE ORDERS

None

XI. EXAMINATION LICENSURE/UNLICENSED PRACTICE

A. James J. Schuler (Darrin Ward) – Schuler Plumbing, Inc.

Board Action: A motion was made to accept the letter with no further action.

Van Cleve/Synko
Motion carried 5/0/0

X. APPLICATIONS FOR APPROVAL – PLUMBING APPRENTICE SCHOOL

For schools who have not submitted an addendum the following will occur: Send a letter to them that they are deficient in supplying information about the test. In order for their apprentices to be recognized to take the test, this information must be received by the board.

For schools approved: Send a letter stating that their submission was received and they remain approved in light of the new practical exam requirements.

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.

Buczolich/Van Cleve
Motion carried 4/0/0

A. Temporary Plumbing Contractor License

1. Pena's Plumbing & Heating, Inc. – The matter is moot and no action was taken by the commission.

XII. REVIEW OF PROBATIONARY REPORTS

None

XIII. DISCUSSION

A. Statutes and Rules
Re: Possible Modifications

B. Plumbing Exam
Re: Start Time

Going forward, we are to begin the exam at 10:00 a.m. since so many candidates have to travel from so far.

XIV. BOARD DIRECTOR'S REPORT

A. Outsourcing of Exam – ***Status and Exam Schedule***

The first exam committee meeting was held. It lasted two days and was very productive. Until the exam is complete and ready to go live, we will continue to hold them here at the IGCS in the conference center.

B. On-line Verification

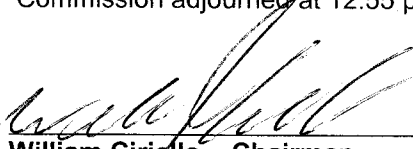
We are no longer doing paper verifications. Anyone who needs a verification of licensure must do it on-line and pay a fee.

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 12:55 p.m.



William Ciriello – Chairman
Indiana Plumbing Commission

5-27-09
Date