

MINUTES

THE INDIANA PLUMBING COMMISSION

Meeting was held

Wednesday, November 16, 2011

at 8:00 a.m.

Indiana Government Center South
402 West Washington Street, Conference Center Room 6
Indianapolis, Indiana

REVIEW OF APPLICATIONS

Commission members reviewed applications until 8:30 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

Owen Stephens called the meeting to order at 8:31 a.m. in Indiana Government Center South, Conference Center Room 6, 402 West Washington Street, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-28.5-1.

Commission Members Present:

Owen Stephens, Chairman
Matthew Buczolic
William Cirello
Eric Ott
Robert Synko

State Officials Present:

Christina Wiseley, Director, Indiana Professional Licensing Agency
Crystal Heard, Assistant Board Director, Indiana Professional Licensing Agency
James Schmidt, Deputy Attorney General/Advisory Counsel, Office of the Attorney General (OAG)

ADOPTION OF THE AGENDA

Commission Action: William Ciriello moved to adopt the agenda. Matthew Buczolic seconded the motion. Motion carried with a vote of 5-0-0.

ADOPTION OF THE MINUTES FROM THE SEPTEMBER 28, 2011 MEETING OF THE COMMISSION

Commission Action: William Ciriello moved to accept the minutes from the September 28, 2011 meeting. Robert Synko seconded the motion. Motion carried with a vote of 5-0-0.

EDUCATION

Personal Appearance of Brenda Dant

RE: Curriculum of Mechanical Skills, Inc. Plumbing Apprentice Program

Ms. Dant appeared before the commission at the last meeting to seek approval of new course curriculum at Mechanical Skills. John Delgado from Office of Apprenticeship Training also addressed the board stating

the national standard of PHCC has been accepted. One point stressed is students living with a certain radius of the school should be receiving hands on training at the school in the area.

Commission Action: Matt Buczolich moved to approve the amended online curriculum. Eric Ott seconded the motion. Motion carried with a vote of 4/0/1 William Cirello abstained; wanted it on the record he is affiliated with Mechanical Skills and has been for 30 years.

Personal Appearance of Evansville Local 136

RE: Failure to require students to obtain a plumber apprentice license during internship.

Mike Faulkenstein appeared before Commission to discuss his time as the training coordinator with Local 136 when 2 out of 3 apprentices were in the apprentice program are listed as pipefitters on the BAT agreement. A suggestion was made to have the individuals to go back to Apprenticeship Training to see if they would be able to get credit for the apprenticeship training. John Delgado interjected and stated they would have to be registered in the apprenticeship program for at least 1000 hours. Board Director Christina (Tina) Wiseley will compile a letter to send to Local 136.

I. PERSONAL APPEARANCES

A. Eric Trinkle, JP29901070, positive response

Mr. Trinkle was convicted of leaving the scene of a crime resulting in a fatality. He was sentenced in February and is serving in a work release program until February 2012. Once his work release is completed, he will be off probation after the work release program is complete.

Commission Action: Eric Ott moved to have Eric to submit court documents to validate statement given to the Commission. Board member Owen Stephens will review documents and if everything matches staff can renew license; if not licensee will need to reappear at the January meeting. William Ciriello seconded motion. Motion carried with a vote of 5/0/0

Mr. Trinkle returned before the commission with court documents stating the charges pending. William Ciriello made motion to allow Eric Trinkle's license to be renewed. Robert Synko seconded motion. Motion carried with a vote of 5/0/0

II. ADMINISTRATIVE HEARINGS

Sherri Rutledge served as the Court Reporter on all matters before the Commission on November 16, 2011.

A. In the Matter of the Unlicensed Practice of Gary Bright Cause Number IPC 11-14

Case Summary: Respondent did not appear.

Commission Action: William Ciriello made motion to find Gary Bright in default. Matt Buczolich seconded motion. Motion carried with a vote of 5/0/0

Case Summary: Once the commission found Gary Bright in default, Joseph Basile represented the State. Sharon Elfenbaum was a witness for the state and she is a case analyst for the OAG. Ms. Elfenbaum indicated that she found advertisement for "Bright's" plumbing without a PC license. The advertisement offers plumbing services and has listed license number, 31527890, which is not a valid license number. An additional advertisement was found in the phone book indicates a license number 27011382, which is

not a valid license number. Mr. Bright indicated to Sharon Elfenbaum that they made the number up, but couldn't remember why it was made up, and that they don't have a license.

State Exhibit A: Advertisement from Gary Bright

State Exhibit B: Advertisement from respondent Gary Bright

Commission members Present:

Owen Stephens

Robert Synko

William Ciriello

Matt Buczulich

Eric Ott

Witness: Sharon Elfenbaum

Commission Action: Matt Buczulich made motion to issue cease and desist order. Eric Ott seconded motion. Motion carried with a vote of 5/0/0

B. In the Matter of the Unlicensed Practice of Anytime Plumbing Repair Cause Number IPC 11-01

Case Summary: Respondent did not appear. Joseph Basile, attorney for the state, questioned whether or not the timing of the default notice was received in enough time for respondent to respond and be received by the commission.

Commission Action: William Ciriello made motion to find Anytime Plumbing in default. Matt Buczulich seconded motion. Motion carried with a vote of 5/0/0.

Case Summary: State present case on how Anytime Plumbing Repair is offering services without being licensed. Sharon Elfenbaum, state witness, indicated she found advertisement offering plumbing services and shows not license number. An online advertisement was presented as well. State closed case with summary and requested the commission to issue a cease and desist order.

State Exhibit A- reviews of services rendered.

State Exhibit B- Advertisement from Anytime Plumbing Repair

Commission members Present:

Owen Stephens

Robert Synko

William Ciriello

Matt Buczulich

Eric Ott

Witness: Sharon Elfenbaum

Commission Action: William Ciriello made motion to issue cease and desist order Matt Buczulich seconded motion. Motion carried with a vote of 5/0/0.

III. APPLICATIONS FOR LICENSURE

William Ciriello moved to approve list of approved, denied, and tabled applications. Eric Ott seconded the motion. Motion carried with a vote of 5-0-0.

23 approved, 2 tabled, 2 denied

A. Plumbing Contractor

1. Jason P. Schneider - approved
2. Duane Miller - approved
3. William Huffman approved
4. Shawn Hart - tabled
5. Christopher Napier - approved
6. Steven Jackson -approved
7. Tom Jay Palmer - approved

B. Journeyman Plumber

1. William S. Caseltine – denied
2. Shannon M. Coar - tabled
3. Jerren Dale incomplete file
4. Shawn R. Downey - approved
5. Gordon W. King, III -approved
6. David B. Harrington - approved
7. Ron G. Hensley - approved
8. Daniel Sartore - approved
9. Thomas Finnerty - approved
10. Scott Nolley - approved
11. Reggie Clayton - approved

C. Apprentice Plumber

1. Daniel J. Lowery approved
2. David L. Richardson - approved
3. Justin W. West - approved
4. Kile A. Weust - approved
5. Keith A. Wilcox - approved
6. Dillion Moss - approved
7. John Scruggs - approved
8. Dustin Delporte - approved
9. William Richardson - approved

IV. DISCUSSION

A. Updated plumbing test for new code

New code is in the financial approval process. William Ciriello will send an email to the testing center of developing a new test. A recommendation will go to the Plumbing Code Book Committee to have an insert of an amendment to the Fire Code Prevention and Building Safety Commission.

Commission Action: Robert Synko made motion to have an insert of an amendment to the Fire Code Prevention and Building Safety Commission. Matt Buczolich seconded motion. Motion carried with a vote of 5/0/0.

B. Apprentice Renewals

Assistant Board Director, Crystal Heard, will check with IT department to see if renewal cycle can be extended for 90 days so that apprentice schools can receive while students are still in school.

C. Cease and Desist

James Schmidt made the suggestion for cease and desist – to allow the complaint be filed by staff member (board director) and or have a complaint filed by a member of the commission.

Commission Action: Matt Buczolich made motion to allow staff to file complaints on behalf of the commission. Robert Synko seconded motion. Motion carried with a vote of 5/0/0.

V. ELECTION OF OFFICERS

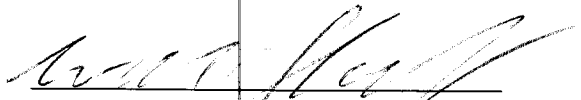
Chairman Owen Stephens nominated William Ciriello as pres. Matthew Buczolich seconded the motion. The motion carried with a vote of 5-0-0.

Secretary William Ciriello nominated Matthew Buczolich as secretary. Robert Synko seconded the motion. Motion carried with a vote of 5-0-0.

Liaison to AG Owen Stephens nominated Eric Ott as liaison to Attorney General's Office. Matthew Buczolich seconded the motion. The motion carried with a vote of 5-0-0.

VI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Plumbing Commission adjourned at 12:12 p.m.



**William Ciriello – Chairman
Indiana Plumbing Commission**

1-25-12

Date