

MINUTES

THE INDIANA PLUMBING COMMISSION

meeting was held

Wednesday, September 28, 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 9:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

Owen Stephens called the meeting to order at 9:02 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 Buczolich

William Ciriello

Robert Synko

State Officials Present:

Christina Wiseley, Director, Indiana Professional Licensing Agency

Elizabeth Brown, Deputy Attorney General/Advisory Counsel, Office of the Attorney General (OAG)

EDUCATION

Brenda Dant, from PHCC, appeared with representatives from Mechanical Skills to request that the curriculum for the school to be amended to include and approve online courses. Specifically, curriculum developed by PHCC, and approved by the National Office of Apprenticeship. The online courses would apply only to classroom study, not the practice of plumbing.

Mr. Owen Stephens asked what safeguards are in place. The representatives from Mechanical Skills addressed the issue indicating that it would have the same safeguards with any other online course. Mr. Stephens indicated that there are safeguards that can be put in place to make sure that the person doing the work is the same person as taking the course. Mr. Stephens suggested that the examinations be given in the classroom so that there is a level of accountability and security. Mr. William Ciriello asked if there will be a substantial investment in software and hardware. The representatives from Mechanical Skills indicated that there would be a large investment made for the courses to begin.

Robert Synko asked about the potential problem of absenteeism. The school indicated that they would have a mileage limit so that people who are close to a school go to the classroom rather than take courses online. Mr. Matthew Buczolich asked if there was any input from the BAT regarding providing

the courses online, as the curriculum was already approved. School staff indicated that they did not receive any input from BAT in reference to the proposed change of offering courses online.

School staff added that the practical portion is still required.

Commission Action:

Matthew Buczolich moved to table the decision on the amended curriculum for the Mechanical Skills School so that the entire board may review it at the next board meeting. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

ADOPTION OF THE AGENDA

Commission Action: Matthew Buczolich moved to adopt the agenda. William Ciriello seconded the motion. Motion carried with a vote of 4-0-0.

ADOPTION OF THE MINUTES FROM THE JULY 27, 2011 MEETING OF THE COMMISSION

Commission Action: Commission Action: Matthew Buczolich moved to accept the minutes from the July 27, 2011 meeting. William Ciriello seconded the motion. Motion carried with a vote of 4-0-0.

PERSONAL APPEARANCES

A. Michael K. Jensen

Mr. Jensen made an appearance and requested that the commission reinstate his journeyman plumber license so that he can take the PC examination. He went to work for a hospital as a nurse aid. He has been doing some personal plumbing, but not working as a plumber. Mr. Jensen indicated that he wishes to apply for the PC license examination.

Commission Action: William Ciriello moved to reinstate Mr. Jensen's license on probation for one year with the stipulation that he takes and passes either the Journeyman Plumber or PC exam within one year. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

B. Brandon Turpin

Mr. Turpin did not make a personal appearance. The commission determined that Mr. Turpin may make a personal appearance at the November 16, 2011 meeting, as the board will still be within the 90-day limit to make a decision regarding reinstatement of Mr. Turpin's plumber apprentice license.

C. Andrew Simmons

Mr. Simmons requested that the commission reinstate his PC license. He admitted that he is currently working as a plumber without a license. He applied for reinstatement as soon as he realized that his license expired. He indicated that he became incorporated as a plumbing corporation in January 2011.

Commission Action: William Ciriello moved to reinstate Mr. Simmons' license on probation. Terms: 6 hours of continuing education from an accredited provider specifically about plumbing license law or retake his PC exam within one year. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

D. Mark White

Mr. White did not make a personal appearance. The commission determined that Mr. White may make a personal appearance at the November 16, 2011 meeting, as the board will still be within the 90-day limit to make a decision regarding reinstatement of Mr. White's plumber apprentice license.

ADMINISTRATIVE HEARINGS

Ruth Davis served as the Court Reporter on all matters before the Commission on September 28, 2011.

1. In the Matter of the Unlicensed Practice of Gary Bright, Cause Number 11-14

Case Summary: Respondent did not appear. Kelsie Moore of the Office of the Attorney General requested that the commission issue a notice of proposed default.

Commission members Present:

Owen Stephens

Robert Synko

William Ciriello

Matt Buczolich

Witness: None

Commission Action: William Ciriello moved to issue a notice of proposed default. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

2. In the Matter of the Unlicensed Practice of Anytime Plumbing Repair, Cause Number 11-01A

Case Summary: The respondent failed to appear. The state requested that the commission issue a notice of proposed default.

Commission members Present:

Owen Stephens

Robert Synko

William Ciriello

Matt Buczolich

Witness: None

Commission Action: William Ciriello moved to issue a notice of proposed default. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

3. In the Matter of the License of James R. Esposito, Cause Number IPC 10-13

Case Summary: Mr. Esposito provided proof that he has completed the 16 hours of continuing education required by the terms of his license probation.

Commission members Present:

Owen Stephens

Robert Synko

William Ciriello

Matt Buczolich

Witness: James Esposito

Commission Action: Matthew Buczolich moved to reinstate petitioner's license to active. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

4. In the Matter of the License of John Norman, Cause Number

Case Summary: Mr. Miller appeared without counsel and chose to proceed. Mr. Miller indicated that he had not completed the continuing education required by the commission. The commission determined that Mr. Miller had not completed the terms of his license probation.

Commission members Present:

Owen Stephens
Robert Synko
William Ciriello
Matt Buczolich

Witness: None

Commission Action: William Ciriello moved to issue a notice of proposed default. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

5. In the Matter of the Aaron Fisher IPC 11-12

Case Summary: Mr. Fisher appeared and indicated that he would like the commission to consider overturning the denial of his license application. He also indicated that he has many years of experience in the plumbing trade. He admitted to having worked without a license in Indiana.

Commission members Present:

Owen Stephens
Robert Synko
William Ciriello
Matt Buczolich

Witness: Aaron Fisher

Commission Action: William Ciriello moved to uphold the denial of petitioner's license that was denied pursuant to IC 25-28.5-12. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

A. In the Matter of the License of James Gerke

Commission members present:

Owen Stephens
Robert Synko
William Ciriello
Matt Buczolich

Commission Action: William Ciriello moved to affirm the proposed findings of fact, conclusions of law, and order. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

ADMINISTRATIVE HEARINGS - NOTICE OF PROPOSED DEFAULT/DISMISSAL

A. In the Matter of Ralph Senninger

Commission members Present:

Owen Stephens
Robert Synko
William Ciriello
Matt Buczolich

Commission Action: William Ciriello moved to withdraw the show cause order in the matter of Ralph Senninger. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

B. In the Matter of John Springman

Commission Members present:

Owen Stephens
Robert Synko
William Ciriello
Matt Buczolich

Commission Action: William Ciriello moved to hold respondent in default. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

Commission Action: William Ciriello moved to suspend the respondent's license indefinitely. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

C. In the Matter of Hoosier Home Pros, Inc.

Case Summary: Kelsey Moore represented the OAG. Sharon Elfenbaum, case analyst for the OAG, appeared as witness for state. Ms. Elfenbaum indicated that she investigated the case of Hoosier Home Pros., Inc. advertising without a license. State entered AT&T yellow pages ad for Hoosier Home Pros., Inc. as Exhibit A. Ad indicates licensure, but there is no license for Hoosier Home Pros., Inc. State entered letter from Hoosier Home Pros., Inc. as Exhibit B. They indicated in the letter that they use licensed plumbers for jobs, but they did not respond to the allegations regarding advertising without being licensed. Ms. Elfenbaum indicated that Hoosier Home Pros, Inc. continues to advertise in this manner. State requested for commission to issue a cease and desist order.

Commission Members present:

Owen Stephens
Robert Synko
William Ciriello
Matt Buczolich

Commission Action: William Ciriello moved to hold respondent in default. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

Commission Action: William Ciriello moved to issue a cease and desist order. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

D. In the Matter of Professional Home Improvement

Case Summary: Kelsey Moore represented the OAG. Sharon Elfenbaum, case analyst for the OAG, appeared as witness for state. Opening statement indicated advertising without a license to do so and for not using a license number in a plumbing advertisement. Ms. Elfenbaum indicated that she investigated the case of Professional Home Improvement advertising without a license. State entered telephone book ad for Professional Home Improvement as Exhibit A. Ad indicates licensure, but there is no license for Professional Home Improvement. There is no license number in the ad. State entered snapshot of Professional Home Improvement website indicating the offering of plumbing services. Professional Home Improvement has no license and does not display license number in advertising on website. State entered snapshot of Professional Home Improvement NEW website indicating the offering of plumbing services. Professional Home Improvement has no license and does not display license number in advertising on website, but does indicate that Jeff Rachell is the owner of the business and offers plumbing services to the public. Mr. Rachell has no license. Closing of state requested that commission issue a cease and desist order.

Commission Members present:

Owen Stephens
Robert Synko
William Ciriello
Matt Buczolich

Commission Action: Matthew Buczolich moved to hold respondent in default. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

Commission Action: William Ciriello moved to issue a cease and desist order. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

E. In the Matter of MJ Home Improvements

Case Summary: Kelsey Moore represented the OAG. Sharon Elfenbaum, case analyst for the OAG, appeared as witness for state. Opening statement indicated advertising without a license to do so and for not using a license number in a plumbing advertisement. Ms. Elfenbaum indicated that she investigated the case of MJ Home Improvements advertising without a license. State entered telephone book ad for MJ Home Improvements as Exhibit A. Ad indicates licensure, but there is no license for MJ Home Improvements. There is no license number in the ad. The closing of state requested that commission issue a cease and desist order.

Commission Members present:

Owen Stephens
Robert Synko
William Ciriello
Matt Buczolich

Commission Action: Matthew Buczolich moved to hold respondent in default. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

Commission Action: William Ciriello moved to issue a cease and desist order. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

F. In the Matter of Handyman Services

Case Summary: Kelsey Moore represented the OAG. Sharon Elfenbaum, case analyst for the OAG, appeared as witness for state. Opening statement indicated advertising without a license to do so and for not using a license number in a plumbing advertisement. Ms. Elfenbaum indicated that she investigated the case of Handyman Services advertising without a license. State entered mailer advertisement ad for Handyman Services as Exhibit A. Ad indicates licensure, but there is no license for Handyman Services. There is also no license number in the ad. State entered snapshot of Handyman Services website indicating the offering of plumbing services. Handyman Services has no license and does not display license number in advertising on website. State entered snapshot of Handyman Services "contact us" website page on the Handyman Services website (indicating the address as the address on file with the AG's office) indicating the offering of plumbing services. Handyman Services has no license and does not display license number in advertising on website. The closing of state requested that commission issue a cease and desist order.

Commission Members present:

Owen Stephens
Robert Synko
William Ciriello
Matt Buczolich

Commission Action: Matthew Buczolich moved to hold respondent in default. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

Commission Action: Matthew Buczolich moved to issue a cease and desist order. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

G. In the Matter of Jay B. Wallace

Case Summary: Kelsey Moore represented the OAG. Sharon Elfenbaum, case analyst for the OAG, appeared as witness for state. Opening statement indicated advertising without a license to do so and for not using a license number in a plumbing advertisement. Ms. Elfenbaum indicated that she investigated the case of Jay B. Wallace and his unlicensed practice. Pam Dunbar and Mr. Wallace's brother were named as people who assisted Jay B. Wallace in the practice of plumbing without a license. Ms. Elfenbaum indicated that respondent also took money without completing plumbing services.

Commission Action: Matthew Buczolich moved to hold respondent in default. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

Commission Action: Matthew Buczolich moved to issue a cease and desist order. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

APPLICATIONS FOR LICENSURE

A. Plumbing Contractor

1. Balestracci, Stuart - APPROVED
2. Beuttel, Stephen - TABLED
3. Creigh, Jeremy Lee - APPROVED
4. Hamann, Jay - APPROVED
5. Hamman, Lloyd - TABLED
6. Kalizae, Timothy - APPROVED
7. Moseley, Michael - APPROVED
8. Okray, Terry - TABLED
9. Raley, Mark - APPROVED
10. Rodriguez, Angelo - APPROVED

B. Journeyman Plumber

1. Caseltine, William - TABLED
2. Downey, Shawn - APPROVED
3. Gluys, Jonathan - APPROVED
4. Harrington, David - TABLED
5. Heflin, Matthew - APPROVED
6. Hensley, Ron - TABLED
7. Huffman, William - APPROVED
8. Mayes, Joe - TABLED
9. Rizzo, Jeff - TABLED
10. Sartore, Daniel - APPROVED
11. Whelan, James - TABLED

C. Apprentice Plumber

1. Conger, James - APPROVED

2. Fancil, Todd - APPROVED
3. Galey, Adam - TABLED
4. Garland, Jeffrey - APPROVED
5. Heldman, Christopher - TABLED
6. Lowery, Daniel - TABLED
7. McCormick, Grant – APPROVED
8. Miller, Derek - APPROVED
9. Miller, Harry - APPROVED
10. Shaw, Thomas - APPROVED
11. West, Justin - APPROVED

Commission Action: Matthew Buczolic moved to approve list as above. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

DISCUSSION

A. The commission the Evansville Local 136 students who submitted applications that indicated they completed the apprenticeship program without having been licensed as plumber apprentices. The commission determined that they would like the school to make a personal appearance.

I. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Plumbing Commission adjourned at 1:00 p.m.



**Owen Stephens – Chairman
Indiana Plumbing Commission**

11-16-11
Date