

MINUTES

THE INDIANA PLUMBING COMMISSION

Meeting Held
Wednesday, July 28, 2010

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. Stephens called the meeting to order at 11:00 a.m. in Indiana Government Center South, 402 W. Washington Street, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-28.5-1.

Members Present

Owen Stephens, Chairman
John Van Cleve
Robert Synko
William Ciriello

Members Not Present:

Eric Ott
Matthew Buczolic

State Officials Present:

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

Ciriello/Van Cleve
Motion carried 4/0/0

IV. ADOPTION OF THE MINUTES FROM MAY 26, 2010 MEETING OF THE COMMISSION

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

Ciriello/Van Cleve
Motion carried 4/0/0

V. PERSONAL APPEARANCES

A. Paul Zurbuch (*Reinstatement*)

Mr. Zurbuch did not appear before the Commission.

B. James Esposito (*Reinstatement*)

Mr. Esposito appeared to get his license reinstated. His license lapsed in 1999. He plumbed during the time his license was lapsed. He knew he was working illegally, his employer did not care that he was not licensed. They do training once a month through his current employer.

Board Action: A motion was made to issue the license on probation and he must complete 16 hours of continuing education within one year from the date of this order and he has the right to petition for withdrawal of probation after completion of the terms.

Van Cleve/Synko
Motion carried 4/0/0

C. Wallace C. Borchelt (*Reinstatement*)

Mr. Borchelt did not appear before the Commission.

D. Michael Mueller (*Reinstatement*)

Mr. Mueller appeared to get his license reinstated. His license lapsed in 2003. He lived in Tennessee for the past few years, but did not do plumbing in Indiana during the time he lived in Tennessee; however, he has been working in Indiana for the past few months as a plumber under his current employer.

Board Action: A motion was made to issue the license on probation and he must complete 8 hours of continuing education within one year from the date of this order or he may take the test and he has the right to petition for withdrawal of probation after completion of the terms.

Ciriello/Van Cleve
Motion carried 4/0/0

E. Floyd Lewis (*Pending Application*)

He took the exam in 1999 but failed, he rescheduled to take the test again and he was a no show for the test. He resubmitted an application to take the test again, and he was informed that he must show proof of completion of a 4 year apprenticeship program. He has actual experience from working at the Indiana Girls' School—he was a steam plant operator. The Commission instructed him to get proof of employment and his job duties as he qualifies under IC 25-28.5-1-32(7). He needs to get that section of his application completed by his former employer. This application was tabled.

F. Charles Moon

Mr. Moon appeared before the board to get direction on how to proceed with obtaining licensure in Indiana. Four (4) years ago he moved back from California (he is originally from Indiana). The last few years he worked in California, but never got a license. He claims that you do not need to be licensed in California to do plumbing work. He would like to get a license so he can work in Indiana. The Commission explained the paths to licensure for him.

VI. ADMINISTRATIVE HEARINGS

A. In the Matter of Lloyd Pugh

Cause No.: IPC 08-13
Re: Withdrawal of Probation

Parties Present:

Mr. Pugh was present, without counsel.
No one was present on behalf of the State.

Board Members Present:

Owen Stephens, Hearing Officer
William Ciriello

Robert Synko
John Van Cleve

Witnesses:

Mr. Pugh

Case Summary: His license was previously reinstated on probation and he would like to have his probationary status removed. He presented evidence of the completion of his continuing education and compliance with his probationary order.

Board Action: A motion was made to terminate probation.

Ciriello/Synko
Motion carried /0/0

B. In the Matter of the Unlicensed Practice of Rick Graham Home Services

Cause No.: IPC 10-08

Re: Motion for Order to Cease and Desist

Parties Present:

Mr. Richard Graham Rick Graham Home Services was present, without counsel.
Kelsie Moore was present on behalf of the State.

Board Members Present:

Owen Stephens, Hearing Officer
William Ciriello
Robert Synko
John Van Cleve

Witnesses:

Mr. Graham

Board Action: A motion was made to issue a cease and desist order for Rick Graham Home Services and Richard Graham and set for a hearing on the matter.

Ciriello/Van Cleve
Motion carried 4/0/0

Board Action: A motion was made to consolidate the hearing on IPC10-08 and IPC 10-09.

Synko/Ciriello
Motion carried. 4/0/0

The hearing was held on the record.

Case Summary: The AG's office filed a motion requesting that the Commission issue an order to cease and desist the unlicensed practice of plumbing according to code. The complaint alleges that he has been practicing plumbing without a license; such as pipe replacement, etc.

State's Exhibit A: Computer printout is not admitted because the Rick Graham referred to on the print out is not he. He has never been licensed as any sort of plumber under the Indiana Code.

State's Exhibit B: A copy of an advertisement the company placed in the Seymour Daily Tribune. (Admitted)

State's Exhibit C: A fax sent to Beth Cox from Mr. Graham admitting that he has advertised that he provides Plumbing services.

Board Action: A motion was made to issue a Cease and Desist Order against Rick Graham Home Services and Richard Graham.

Synko/Ciriello
Motion carried. 4/0/0

- C. In the Matter of the Unlicensed Practice of Richard D. Graham**
Cause No.: IPC 10-09
Re: Motion for Order to Cease and Desist

10:30 a.m.

This matter was addressed in a consolidated hearing with IPC 10-08, above.

VII. PETITIONS FOR REVIEW

None

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

None

IX. NOTICE OF PROPOSED DEFAULT/DISMISSAL

None

X. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE ORDERS

XI. EXAMINATION LICENSURE/UNLICENSED PRACTICE

X. APPLICATIONS FOR APPROVAL – PLUMBING APPRENTICE SCHOOL

- A.** South Central Indiana Association of Plumbing and Heating
(Beth Gudorf, Manager)

Board Action: A motion was made to approve.

VanCleve/Synko
Motion carried 4/0/0

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/Van Cleve
Motion carried 4/0/0

XII. REVIEW OF PROBATIONARY REPORTS

XIII. DISCUSSION

- A.** Statutes and Rules
Re: Possible Modifications

There was no discussion.

XIV. CORRESPONDENCE

PLM Minutes
July 28, 2010

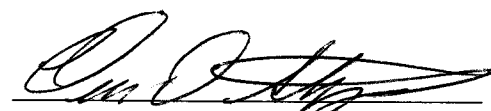
XV. BOARD DIRECTOR'S REPORT

XVI. OLD/NEW BUSINESS

- A. Bill Ciriello gave a report on the pass rates of the examinees to the Commission members.
- B. Bill Ciriello gave some updates on the code modifications for the new plumbing code provisions being modified by Homeland Security.

XVII. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Indiana Plumbing Commission adjourned at 1:12 p.m.



Owen Stephens – Chairman
Indiana Plumbing Commission

11-24-10

Date