

**Indiana Plumbing Commission
Indiana Government Center South
402 West Washington Street, Room W064
Minutes of the November 13, 2012 Commission Minutes**

Review of Applications

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

Call to order & Establishment of Quorum

William Cirello called the meeting to order at 8:40 a.m., local time, in Indiana Government Center South, Room W064, 402 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
Matthew Buczolich
Eric Ott
Robety Synko

State Officials Present:

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

Adoption of the agenda

Commission Action: Owen Stephens made a motion to adopt the amended agenda. Matthew Buczolich seconded the motion. Motion carried with a vote of 4-0-0.

Adoption of the minutes from the March 28, 2012 Commission Meeting

Commission Action: Owen Stephens made a motion to adopt the minutes from the September 26, 2012 meeting. Robert Synko seconded the motion. Motion carried with a vote of 4-0-0.

Report from Office of Attorney General

Joseph Basile reported there is no report as he was out of the office last week..

PERSONAL APPEARANCES

Lance Cundiff, reinstatement of license JP088802200 appeared before the Commission to reinstate his license that has been expired since 2003. States he has an active license in Kentucky. He currently works for Gaymanord Plumbing.

Commission Action: Owen Stephens made motion to have licensee obtain 4 hours of continuing education with an approved provider. Licensee will have one year to obtain continuing education. Eric Ott seconded motion. Motion carried 5/0/0

Justin Ford, application review PA20802669 Owen Stephens made motion to deny application. Matthew Buczolich seconded motion. Motion carried 5/0/0

ADMINISTRATIVE HEARINGS

In the Matter of the Reinstatement of Andrew Inskeep Plumbing Apprentice License

Cause Number: IPC 12-28

Case Summary: Andrew Inskeep submitted a reinstatement application of his plumbing apprentice license on July 26, 2012. Mr. Inskeep was asked to appear at the July 2012 Commission meeting; however, that meeting was canceled due to quorum issues. Mr. Inskeep was then asked to appear at the September 2012 meeting and did not appear due to probation. At the September meeting the Commission had to make a decision on the license due to the 90 day rule. Andrew is currently employed as a plumbing pipefitter apprentice. He is currently on probation until January 22, 2014.

Commission Action: Willima Cirellio made motion to grant probation license it will run concurrently with civil court probation. He will need to have his probation officer submit a report every 90 days to the Commission showing he is meeting terms of probation. Owen Stephens seconded motion. Motion carried 5/0/0

In the Matter of the Reinstatement of Jeff Athey Journey Plumber License

Cause Number: IPC 12-29

Case Summary: Jeff Athey submitted a reinstatement of Journeyman plumber license on June 5, 2012. Mr. Athey was asked to appear at the July 2012 Commission meeting; however, that meeting was canceled due to quorum issues. Mr. Athey was then asked to appear at the September 2012 meeting and did not appear due to schedule conflict. At the September meeting the Commission had to make a decision on the license due to the 90 day rule. Mr. Athey's license has been expired since 2005. States he is currently working with a company as a pipefitter an

Commission Action: Owen Stephens made motion to place license on probation and to have him complete 6 hours of continuing education. He will have one year to complete terms of probation. Eric Ott seconded motion. Motion carried 5/0/0

In the Matter of the Unlicensed Practice of Ed Gregg Plumbing INC

Cause Number: IPC 12-22

Case Summary: A cease and desist was filed by the Attorney General's Office on October 3, 2012. The State requested a continuance.

Commission Action: Owen Stephens made motion to grant continuance. Robert Synko seconded motion. Motion carried 5/0/0

ADMINISTRATIVE HEARINGS - NOTICE OF PROPOSED DEFAULT/DISMISSAL

In the Matter of Unlicensed Practice of Michael Shepherd

Case Summary: Owen Stephens made motion to find Michael Shepherd is in default.

Eric Ott seconded motion. Motion carried 5/0/0

Joseph Basile- Deputy Attorney General proceeded with case.

Witness: Sharon Elfenbaum

State's Exhibit A- Invoice from A-1 Plumbing

State's Exhibit B- check of payment from client to A-1 Plumbing

State's Exhibit C- Invoice from A-1 Plumbing

State's Exhibit D- check of payment from client to A-1 Plumbing

Michael Shepherd is performing unlicensed plumbing in the state of Indiana. No evidence has been supplied to show Mr. Shepherd has ever held a license.

Commission Action: Owen Stephens made motion to issue a cease and desist to A-1 Plumbing and Michael Shepherd. Motion carried 5/0/0

In the Matter of Unlicensed Practice of White River Mechanical, Inc

Case Summary: Owen Stephens made motion to find White River Mechanical in Default. Robert Synko seconded motion. Motion carried 5/0/0

White River Mechanical has offered plumbing services without proper licensing. A cease and desist motion was issued

Commission Action: Owen Stephens made motion to issue cease and desist order to White River Mechanical, Inc. Eric Ott seconded motion. Motion carried 5/0/0

In the Matter of the License of Robert Walls

Case Summary: State requested the Commission find Robert Walls in default. Owen Stephens made motion to find Robert Walls in default. Motion carried 5/0/0

The state is seeking restitution of cost as Mr. Walls did not complete work he was hired to complete.

State's Exhibit A- Invoice of Walls Water Works

State's Exhibit B- check of payment to Walls Water Works

Commission Action: The work completed was done in Illinois. The state has requested a dismissal of case. Owen Stephens made motion to dismiss case. Robert Synko seconded motion. Motion carried 5/0/0.

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

In the Matter of the Unlicensed Practice of Master House & Lawn Care

Commission Action: Matthew Buczolich made motion to accept as written. Robert Synko seconded motion. Motion carried 4/0/0

In the Matter of the Unlicensed Practice of Kokomo Mechanical Contracting

Board Action: Robert Synko made motion to accept as written. Matthe Buczolich seconded motion. Motion carried 4/0/0

In the Matter of the Unlicensed Practice of Rick Navarre

Board Action: Owen Stepes made motion to accept as written. Robert Synko seconded motion. Motion carried 4/0/0

APPLICATIONS FOR LICENSURE

Owen Stephens made motion to accept applications as accepted. Matthew Buczolic seconded motion. Motion carried 5/0/0

Plumbing Contractor

Richard Brown - approved
Michael Carter - tabled
Kent Houser- denied
Phillip Ostrowski - approved
Daniel Weihart - tabled

Journeyman Plumber

Keith Drake - tabled
Ryan Niemer - approved
Ostoja Tomich - tabled
Matthew Zimmer- approved
Travis Rieckers - approved

Apprentice Plumber

Ryan Potter – approved
Nicholas Murphy – approved
Carl Schnaus – approved
Jamell Stewart- approved

DISCUSSION

Question from Building Commissioner Bruce Oesterling appeared before the Commission as to how he can handle inspections

Update on Vendor- Commission Director informed Commission the vendor for testing services is waiting on approval from Department of Administration. Brenda Dant informed the Commission there is a possibility the 2006 ICC code book may no longer be available for print.

2013 Meeting Dates- Staff will check to see if meeting dates can be moved back to the 4th Wednesday of the month.

Appointment of Officers

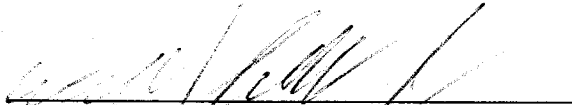
Chairman- Eric Ott made motion for William Cirello to remain as Commission Chairman. Matthew Buczolic seconded motion. Motion carried 5/0/0

Secretary- Eric Ott made motion for Matthew Buczolich as Secretary. Robert Synko seconded motion. Motion carried 5/0/0

Liasion- Matthew Buczolich made motion for Eric Ott to remain as Liasion. Robert Synko seconded motion. Motion carried 5/0/0

Adjournment

There being no further business, and having completed its duties, the meeting of the Indiana Plumbing Commission adjourned at 12:08 p.m.



**William Cireillo – Chairman
Indiana Plumbing Commission**

1-23-13

Date

INDIANA PLUMBING COMMISSION ELECTRONIC MEANS PARTICIPATION POLICY

Posted on the public IPC webpage and copies available from main office

The following policy (the "Policy") regarding electronic participation in the Indiana Plumbing Commission ("Board") meetings was approved as set forth herein at the public meeting of January 23, 2013 by due consideration and 5-0-0 vote of the Board.¹

I. Recitals: Policy and Legal Considerations

This Policy is adopted, and shall be interpreted to:

- A. Balance ease of Board member's access and participation with orderly proceedings, including best practices for meetings including administrative hearings conducted in meeting.;
- B. Follow Ind. Code § 5-14-1.5-3.6 and any other applicable provisions of the Open Door Law and other applicable law, and be interpreted in a manner consistent with such laws;
- C. Require Board members to physically attend meetings, except in the case of emergency or unforeseeable extenuating circumstances when the quorum may not be otherwise be achievable.²
- D. Ind. Code § 5-14-1.5-6 applies to electronic participation in Board meetings and establishes various requirements, including Board members may participate electronically only if a means of communication is used that permits the Board member, all other Board members, and members of the public physically present at the place where the meeting is conducted to simultaneously communicate with each other during the meeting; at least three Board members must be physically present as the place where the meeting is conducted; all votes in electronic meetings shall be roll call votes; each Board member must be physically present at least one meeting of the Board annually; absent adopted policy to the contrary, a Board member who participates by electronic communication is considered present, may be counted in establishing a quorum, and vote at the meeting; and the Board must comply with the Open Door Law and adopt a policy under Ind. Code § 5-14-1.5-6(g)


¹ Statutory Background. P.L. 134-2012 (HEA No. 1003-2012) affected the Open Door Law (ODL) and the Access to Public Records Act (APRA). A notable change would allow a State agency such as the Indiana Plumbing Commission to allow its Board Members to attend meetings via electronic means on or after January 1, 2013. In order to permit participation in such a fashion, the Board has adopted this Policy. The Board is authorized and required to develop such a policy through Ind. Code § 5-14-1.5-3.6.

² Physical attendance is also important to maintain the minimum three members at the designated meeting site.

II. Policy Provisions

Based on the foregoing Recitals, the following Policy is hereby adopted by the Board under Ind. Code § 5-14-1.5-6(g):

1. At least three (3) Board members must be physically present at the designated meeting site. In case of difficulty of scheduling or multiple Board Members requesting electronic participation, the Chairman of the Board in conjunction with the Board's director, shall determine who may attend electronically.
2. Consistent with Ind. Code § 5-14-1.5-3.6(b), a Board member participating via electronic means can do so by telephone, computer, video conferencing, or any other method of communication that allows for simultaneous communication and is capable of being recorded by members of the public present at the designated meeting site.
3. A Board member appropriately participating via electronic means is considered present, is counted for quorum purposes, and may vote at the meeting on all matters. A Board member participating via electronic means may cast the deciding vote on any matter properly before the Board and may fully participate in the meeting.
4. A Board member participating in a meeting via electronic means is not required to do so in a setting that is open to the public.
5. A Board member attending via electronic means shall notify the Chairman and Board Director reasonably in advance of the meeting, but in no case less than three (3) days. The Chairman may waive the three day notice requirement in case of an unforeseeable emergency. The Chairman may object to electronic participation if members' physical participation is required in order to have 3 Board members physically present at the place where the meeting is conducted.
6. The Chairman is delegated to supervise and coordinate electronic participation with the assistance of the Board Director and in consultation, as necessary, with the Deputy Attorney General assigned to the Board.
7. Board members are encouraged to attend in person all meetings especially where administrative hearings are scheduled. This Policy endeavors to balance convenience and greater membership participation with operational efficiency and quality.


William Ciriello, Chair