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AMENDED AGENDA

THE INDIANA PLUMBING COMMISSION

**Wednesday, September 24, 2008
at 8:00 a.m.**

**Indiana Government Center-South
402 West Washington Street, Room W072
Indianapolis, Indiana**

- I. REVIEW OF APPLICATIONS** **8:00 a.m.**

- II. CALL TO ORDER & ESTABLISHMENT OF QUORUM** **9:30 a.m.**

- III. ADOPTION OF THE AGENDA**

- IV. ADOPTION OF THE MINUTES FROM JULY 23, 2008 MEETING OF THE COMMISSION**

- V. PERSONAL APPEARANCES** **9:45 a.m.**
 - A. Richard McPhee (*Request for Comity License*)**
 - B. Billy Cashion (*Reinstatement of License*)**
 - D. Loyd Pugh (*Reinstatement of License*)**
 - E. *Ralph B. Senninger (Reinstatement of Licensee)***

- VI. ADMINISTRATIVE RULES HEARING** **10:00 a.m.**

TITLE 860 INDIANA PLUMBING COMMISSION

LSA Document #08-538

Re: Proposed Rules to Amend Fees and Outsource the Plumbing Exam

- VII. ADMINISTRATIVE HEARINGS**
 - A. In the Matter of the Application of Eddy Dean Neal** **10:00 a.m.**
Cause No.: IPC 08-11
Re: Final Hearing

 - B. In the Matter of the Application of Jeff Skirvin** **10:30 a.m.**
Cause No.: IPC 08-12
Re: Final Hearing

- VIII. PETITIONS FOR REVIEW**
 - A. Andrew Caudill**
 - B. Roger Lakes**
 - C. Kenneth Hartley**

- IX. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER**

None.

IX. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE ORDERS

- A. In the Matter of Shane Swinney
Cause No.: IPC 08-03
Re: Appeal of Denial of Licensure as a Journeyman Plumber
- B. In the Matter of Brandon Johnson
Cause No.: IPC 08-04
Re: Appeal of Denial of Admission to the Journeyman Plumber Exam
- C. In the Matter of Mack Blair
Cause No.: IPC 08-05
Re: Appeal of Denial of Admission to the Journeyman Plumber Exam

X. EXAMINATION LICENSURE/UNLICENSED PRACTICE

- A. Charles D. Todd (Timothy J. Jones) – Jones Contracting, Inc.

X. APPLICATIONS FOR APPROVAL – PLUMBING APPRENTICE SCHOOL

None.

XI. APPLICATIONS FOR LICENSURE

- A. Plumbing Contractor
- B. Journey Plumber
- C. Apprentice Plumber

XII. REVIEW OF PROBATIONARY REPORTS

None.

XIII. DISCUSSION

- A. Statutes and Rules
Re: Possible Modifications
 - 1. Fees

XIV. BOARD DIRECTOR'S REPORT

XV. OLD/NEW BUSINESS

XVI. ADJOURNMENT

Next Scheduled Meeting:

Wednesday, November 26, 2008
Indiana Government Center-South
Room W072

MINUTES

THE INDIANA PLUMBING COMMISSION

**Meeting Held
Wednesday, May 28, 2008**

**Indiana Government Center-South
402 West Washington Street, Room W072
Indianapolis, Indiana**

I. REVIEW OF APPLICATIONS 8:00 a.m.

The Commission members reviewed applications until 9:30 a.m.

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM 9:30 a.m.

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
Owen Stephens
John Van Cleve
Eric Ott

Members Not Present:

State Officials Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency
Mary Kate Adams, Assistant Board Director, Indiana Professional Licensing Agency
Camia Footman, Case Manager, 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 amended agenda.

Buczolich /Stephens
Motion carried 6/0/0

IV. ADOPTION OF THE MINUTES FROM MAY 28, 2008 MEETING OF THE COMMISSION

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

Stephens/Buczolich
Motion carried 6/0/0

V. PERSONAL APPEARANCES

A. Phillip Wenger (*Reinstatement of License*)

Mr. Wenger appeared before the commission to discuss the reinstatement of his license. He works for Crystal Valley heating and is a service man for them. He has not received the renewal form for

several years. He admitted that he has been practicing without a license. He has been keeping apprised of the current codes and standards.

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

Stephens/Van Cleve
Motion carried 6/0/0

B. Gilbert A. Ruehl (*Reinstatement of License*)

He appeared before the commission to discuss the reinstatement of his license. He presented documentation for the commission's review. He has taken C.E. He brought check stubs from the past few years and showed proof that he is licensed in the State of Ohio and Kentucky. He has not been practicing without a license.

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

Van Cleve/Ott
Motion carried 6/0/0

C. Howard P. Cahill (*Reinstatement of License*)

Mr. Cahill appeared before the commission to discuss the reinstatement of his license. He has a license in Kentucky and has actively practiced there. He did not practice in Indiana without being licensed. He did attempt to re-take the exam.

Board Action: A motion was made to reinstate the license on probation for one year or to reinstate the license upon passing the exam or upon completing 20 hours of CE which shall be code based for technical and trade training provided by all currently approved schools, the MCA, ABC the PHCC or any other continuing education provider that would be recognized or authorized by the State of Indiana CE provision. He must appear before the commission and submit proof of completion.

Owen/Van Cleve
Motion carried 6/0/0

D. Robert Coulter (*Reinstatement of License*)

Mr. Coulter did not appear.

E. Cathie D. Knear (*Reinstatement of License*)

Ms. Knear did not appear.

VI. PRESENTATION

By Vendors regarding RFP 07-72 –Outsourcing of Plumbing Exam

Mr. Bax and Mr. Clemmens for ICC presented on their bid.

The Board asked several questions of ICC with regard to the specific services they can provide for the commission in administering the exam.

VII. ADMINISTRATIVE HEARINGS

- A. In the Matter of the Application of Nathan Bousman**
Cause No.: IPC 08-10
Re: Appeal of Denial of Licensure as a Journeyman Plumber

Parties Present:

Mr. Bousman was present without counsel

The State of Indiana was not present as this is an examination petition.

Board Members Present:

Bill Ciriello (Hearing Officer)
Owen Stephens
Eric Ott
Robert Synko
Matthew Buczolich
John Van Cleve

Witnesses:

Nathan Bousman

Board Action: A motion was made to grant him one point, thus passing him on the written exam and thus he is ready for licensure.

Stephens/Ott
Motion carried 6/0/0

VIII. PETITIONS FOR REVIEW

A. Brent Smith (withdrawn)

Board Action: A motion was made to accept the withdrawal.

Stephens/Synko
Motion carried 6/0/0

IX. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER

None.

IX. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE ORDERS

A. Daniel J. Hrasch
Cause No.: IPC 08-09
Re: Appeal of Denial to Sit for the Journeyman Plumber Exam

Board Action: A motion was made to modify the order and grant or deny accordingly. The bodies were switched in the ALJ orders between Hrasch and Dykuizen. They each had the other's findings and facts. Therefore, Mr. Hrasch's final order will be to grant him permission to sit for the exam.

Buczolich/Stephens
Motion carried 6/0/0

B. Jeremy Dykuizen
Cause No.: IPC 08-08
Re: Appeal of Denial of Licensure as a Journeyman Plumber

Board Action: A motion was made to modify the order and grant or deny accordingly. The bodies were switched in the ALJ orders between Hrasch and Dykuizen. They each had the other's findings and facts. Therefore, Mr. Dykuizen's final order will be to deny him licensure as a journeyman plumber.

Buczolich/Stephens
Motion carried 6/0/0

X. EXAMINATION LICENSURE/UNLICENSED PRACTICE

A. Dan Rueille (Jeffrey Troutman) – Alert Plumbing

Board Action: A motion was made to accept the letter from Alert Plumbing and to deny Troutman admission to the exam.

Stephens/ Buczulich
Motion carried 6/0/0

B. Justin Dorsey (Jason Sullivan) – Mr. Rooter Plumbing

Board Action: A motion was made to have Bill Nave send someone out there to check this out and investigate the matter per the letter.

Ciriello/Stephens
Motion carried 6/0/0

C. Robert T. Tippmann (David Tippman) – Tippmann heatin and Air LLC

Board Action: A motion was made to accept the letter from Robert T. Tippman and deny David Tippmann admission to the exam.

Ciriello/Ott
Motion carried 6/0/0

D. Phil Schroering (Adam Wahl) – Schroering Plumbing, Heating & A/C, LLC

Board Action: A motion was made to accept the letter and deny Adam Wahl admission to the test.

Stephens/Ott
Motion carried 6/0/0

X. APPLICATIONS FOR APPROVAL – PLUMBING APPRENTICE SCHOOL

- A. South Central Indiana Association of Plumbing, Heating and Cooling Contractors
- B. Fort Wayne Area Plumbing, Heating and Cooling Contractors, Inc.
- C. ARS of Indiana

Board Action: A motion was made to accept and approve the above listed schools.

Stephens/Ott
Motion carried 6/0/0

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.

Buczulich/Stephens
Motion carried 6/0/0

XII. REVIEW OF PROBATIONARY REPORTS

Lewis Marcotte, IPC 07-12 (received 7/27/2008)

XIII. DISCUSSION

- A. Request for Reinstatement of a Journeyman Plumber License
Re: Dale Funk

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

Stephens/Van Cleve
Motion carried 6/0/0

- B. Request for Renewal of Temporary Plumbing Contractor's License (3rd Request)
Re: Two Guys Plumbing

Board Action: A motion was made to issue the Temporary license.

Stephens/Synko
Motion carried 6/0/0

- C. James Russell Berry
Re: Reciprocity Credit (he is currently registered to take the exam on the 30th)

The staff is to write letter to him according to the code.

XIV. BOARD DIRECTOR'S REPORT

- A. New Security Entry into Building

Staff explained the new entry procedures.

- B. Legislative Proposals

There were no legislative proposals.

XV. OLD/NEW BUSINESS

- A. Proposed Rules/Statute Changes
Re: Changes for Exam and Fees Rule Draft (LSA # 08-538)

The commission committee members will meet with staff to finalize a selection of the vendor by the next meeting.

- B. Petitions for Reinstatement
Re: Guidelines for Submittals

The guidelines for submittals were reviewed by the members.

XVI. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Indiana Plumbing Commission adjourned at 1:22 p.m.

William Ciriello – Chairman
Indiana Plumbing Commission

Date

Jones, Angela

From: Jones, Angela
Sent: Tuesday, September 09, 2008 12:07 PM
To: 'rmcphoe12@comcast.net'
Cc: Footman, Camia
Subject: Plumbing Contractor's License

Dear Mr. McPhee,

Thank you for your recent communication to our staff. Ms. Camia Footman forwarded your email to me for follow-up. Upon review of your email and your request, it appears as if you are requesting the opportunity to obtain licensure in Indiana via reciprocity, per IC 25-28.5-1-19. Please understand that IC 25-28.5-1-12 and 860 IAC 1-1-11 are also applicable in applying for licensure by reciprocity. As stated in the code IC 25-28.5-1-12 (d) (1), there must be an agreement between the state of origin and Indiana for an applicant to be eligible for licensure by reciprocity. There is no such agreement between Indiana and any other state in the Union at this time; thus any applicant by reciprocity will be required to take the exam in order to obtain licensure in Indiana.

As the code reflects every applicant for licensure must take an exam. The commission was in receipt of your complete file and did review the contents, including your letter requesting the issuance of your license based upon your licensure in New Jersey. The commission members are very thorough and I am confident that they reviewed your letter, however based upon the above cited code, the commission is unable to honor your request. I do understand that no one wants to take another licensing exam; however per the current laws, there is no other option at this time. Thank you for being proactive, patient and diligent in this process. We look forward to seeing you at the next exam.

Sincerely,

Angela Smith Jones, Esq.

Director
State Board of Registration for Professional Engineers
Board of Registration for Architects and Landscape Architects
State Board of Registration for Land Surveyors
Indiana Plumbing Commission
Indiana Hypnotist Committee
402 W. Washington St., Rm. W072
Indianapolis, IN 46204
ph: (317) 234-3022
fax: (317) 233-4236

Tracking:	Recipient	Read
	'rmcphoe12@comcast.net'	
	Footman, Camia	Read: 9/9/2008 12:46 PM

Footman, Camia

From: Adams, Mary Kate on behalf of Group 10
Sent: Monday, September 08, 2008 7:32 AM
To: Footman, Camia
Subject: FW: Plumbing Contractors License

From: richdaplumber@gmail.com [mailto:richdaplumber@gmail.com] **On Behalf Of** Richard McPhee
Sent: Sunday, September 07, 2008 8:27 PM
To: Group 10
Subject: Fwd: Plumbing Contractors License

Hello,

My name is Richard McPhee. I currently hold a Master Plumber License in the State of New Jersey. I am in the process of trying to get my Indiana state plumbing contractors license through Reciprocity IC 25-28.5-1-19. Sylvia Grenstead was the first person I spoke with. She told me I needed to fill out an Application for Plumbing Contractor for Exam. Also she said I needed to have my application in the office by May 23rd in order to have my application reviewed by the Plumbing Commission at the May 28th meeting. Along with my application I enclosed a typed a letter to the Plumbing Commission, A copy of my New Jersey Master Plumber License, A Certificate in support of plumbing experience qualifications, and a copy of a the New Jersey licensing requirements.

After the May 28th Plumbing Commission meeting I never received notification that my application was reviewed by the Plumbing Commission. I was told only over the phone by Camia Footman (my new case manager) that I was scheduled for the Plumbing Contractors Exam on July 30th. My wife and I made several more phone calls to the Indiana Professional Licensing Agency trying to get something in writing or speak with a Director. All attempts failed. We were often put on hold for long periods of time and told that they were unable to discuss my case. We left voice mail for Angela Smith Jones three times and never received any return calls.

On July 18th Camia Footman said my case would be reviewed again by the Plumbing Commission on July 23rd. On July 25th Camia Footman said she could no longer discuss my case with my wife. On July 30th Camia Footman told me that the board again approved me for the Contractors Exam on August 23rd. On August 2nd I received a Letter for admission into The Plumbing Contractors Exam. That letter was dated July 30th and was postmarked July 31st. Again, I am not applying for an exam.

In my original letter with my application I stated that I was applying for Reciprocity as stated in Indiana Statues IC 25-28.5-1-19.

Two Plumbing Commission meetings have come and gone and I have not yet received a written determination for my case. In fact I do not believe that my case has ever gone in front of the plumbing commission.

Please help me, if I do not receive a prompt response from this e-mail I will be seeking legal council and filing a complaint with the States Attorney Generals Office.

Sincerely
Richard McPhee
56528 Ash Rd.
Osceola, IN 46561
rmcphee12@comcast.net
PH# 574-849-7361

9/8/2008

IC 25-28.5-1-13 Application for license; corporations, partnerships, or associations; requisites

Sec. 13. (a) A person wishing to be licensed as a plumbing contractor or journeyman plumber must file with the commission a written application, on a form provided by the commission, that contains information the commission considers necessary to determine the qualifications of the applicant

(b) All members of a firm, a copartnership, or an association who engage in the activities defined in this chapter as those of a plumbing contractor must be individually licensed as a plumbing contractor. In the case of a limited partnership, only the general partner must be licensed under this chapter.

(c) In the case of a corporation engaged in the business of a plumbing contractor, the corporation must be licensed as a plumbing contractor and must file with the commission an application as provided for in this chapter. A corporation may not be licensed as a plumbing contractor unless one (1) of the officers or employees of the corporation holds a valid license as a plumbing contractor issued by the commission. Where a license is issued to a corporation, at least one (1) officer or employee of the corporation must be:

- (1) licensed as a plumbing contractor;
- (2) designated in the application; and
- (3) named in the license.

(d) An officer or employee of a corporation desiring to act as a plumbing contractor in connection with the business of the corporation must take out a separate plumbing contractor's license in the officer's or employee's own name.

(e) An application must be signed by the applicant, or the applicant's duly authorized officer or officers. The applicant must make a statement that the applicant has not been convicted of:

- (1) an act that would constitute a ground for disciplinary sanction under IC 25-1-11; or
- (2) a felony that has a direct bearing on the applicant's ability to practice competently

(f) A business that provides plumbing services and is required to file a certificate of assumed business name under IC 23-15-1 must register the name, address, and telephone number of the business with the commission.

(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by Acts 1981, P.L. 222, SEC. 211; Acts 1982, P.L. 113, SEC. 69; P.L. 241-1989, SEC. 1, P.L. 143-1990, SEC. 4; P.L. 214-1993, SEC. 60.

IC 25-28.5-1-14 Refusal to examine or license

Sec. 14. Upon the filing of an application, the commission may investigate the statements contained therein and, if it finds the statements to be untrue, may refuse to examine or license the applicant

(Formerly: Acts 1972, P.L. 188, SEC. 1.)

IC 25-28.5-1-15 Examinations

Sec. 15. (a) Except as otherwise provided, individual applicants for a license as a plumbing contractor or journeyman plumber must pass an examination. The contents of the examination must, for each license category, test the current level of skills required of persons to be licensed in that category.

(b) Examinations may be conducted at times and locations the commission may prescribe

(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by P.L. 241-1989, SEC. 2

IC 25-28.5-1-16 Preparation and administration of examination

Sec. 16. The commission or the commission's designee shall prepare and administer examinations for each license category. The subject matter to be covered and the passing grade for licensing shall be established and made known to the applicants prior to the date of the examination

(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by P.L. 241-1989, SEC. 3

IC 25-28.5-1-17 Reexamination

Sec. 17. (a) An applicant who fails the applicant's first examination for a license as a plumbing contractor or journeyman plumber may be reexamined.

(b) Reexamination of an applicant who fails the examination after two (2) attempts may be conditioned on the satisfactory completion of additional study or training as prescribed by the commission.

(Formerly: Acts 1972, P.L. 188, SEC. 1.) As amended by P.L. 241-1989, SEC. 4

IC 25-28.5-1-18 Repealed

(Repealed by Acts 1981, P.L. 222, SEC. 296.)

IC 25-28.5-1-18.1 Apprentice plumber; application for registration; certificate of registration

Sec. 18.1. (a) An individual age seventeen (17) years or older wanting to be registered by the commission as an apprentice plumber shall, on a form provided by the commission, make application for registration. The applicant shall also provide to the commission a statement signed by a licensed plumbing contractor or journeyman plumber who is the employer of the applicant that the prospective apprentice is the employer's employee and will work under the direct and immediate personal supervision of a licensed contractor or journeyman plumber.

(b) If the commission approves the application for registration, it shall issue a certificate of registration as an apprentice plumber to the applicant

As added by P.L. 248-1985, SEC. 3.

IC 25-28.5-1-18.3 Expiration of license

Sec. 18.3. A plumbing contractor's license expires upon the death of the individual to whom it was issued.

As added by P.L. 248-1985, SEC. 4.

IC 25-28.5-1-18.5 Temporary plumbing contractor's license; issuance

Sec. 18.5. Notwithstanding section 12 of this chapter, the commission may issue a temporary plumbing contractor's license to an applicant who has an ownership interest in or is an officer of a contracting business if the plumbing contractor licensee operating the business has died or is physically or mentally unable to operate the business. The commission may issue the license for the period needed to dispose of the contracting business or to otherwise meet the emergency giving rise to the need for the license. However, a temporary contractor's license may not be issued for a period, including all renewals, exceeding two (2) years.

As added by P.L. 248-1985, SEC. 5.

IC 25-28.5-1-19 Reciprocity

Sec. 19. Upon the payment of the required fee, an applicant who is a plumbing contractor or journeyman plumber licensed or registered in another state, territory, country, or province, shall without examination, be granted a license as a plumbing contractor or journeyman plumber by the Indiana Plumbing Commission:

Provided, That

(a) No such applicant shall be granted a license in a category he is not licensed in another state.

(b) The individual applicant for a license as a plumbing contractor or a journeyman plumber shall be at least eighteen (18) years of age

(c) The requirements for the licensing or registration of plumbing contractors or journeyman plumbers in such other state, territory, country, or province, were, at the date of the applicant's last registration or licensing, substantially equal to the requirements in force in this state; and: Provided, That the same privilege of registration or licensing is accorded by said state, territory, country or province to licensees of the State of Indiana.

(Formerly: Acts 1972, P.L. 188, SEC. 1; Acts 1973, P.L. 252, SEC. 14.) As amended by Acts 1981, P.L. 222, SEC. 212



Indiana Plumbing Commission
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 234-3022
Fax: (317) 233-4236
Website: www.pla.IN.gov

Governor Mitchell E. Daniels, Jr

Richard P. McPhee
56528 Ash Rd.
Osceola IN 46561

July 30, 2008

Dear Richard P. McPhee:

Please be advised that you have been scheduled for the following Plumbing Contractor examination:

EXAMINATION DATE: AUGUST 27, 2008
EXAMINATION SECTIONS: WRITTEN, COPPER, SOIL, DRAWING
TIME: EXAM BEGINS AT 8:00 A.M. Indianapolis Local Time
TEST SITE: NATIONAL GUARD ARMORY
STOUT FIELD
3912 WEST MINNESOTA STREET
INDIANAPOLIS, INDIANA 46241

NO ELECTRONIC OR BATTERY POWERED DEVICES such as: Calculators, palms, cell phones, etc. are to be brought to the examination site.

Enclosed for your information and review are examination instructions, guidelines, directions to the examination site and statute and rules of the commission, are the recommended study material. The UPC National Plumbing Code Book with Indiana revisions may be obtained from the Architects Book Store, 47 S Pennsylvania Street, Indianapolis, IN 46204, (317) 634-3871 or the International Conference Of Building Officials 335 Ridge Point Drive Carmel, In 46032 (800) 243-5736 or (317) 706-1667.

Reference materials will not be permitted during the examination. Examination material and equipment must remain in your vehicle until you are ready to begin the practical examination. Photo identification (Driver's License or Employment I.D) shall be presented at the examination site.

If you have any questions, please contact me at (317) 234-3022, or pla10@pla.state.in.us.

Sincerely,

Camia Fodman
Case Manager
Enclosures

CONTRACTOR

APPLICATION CHECKLIST

APPLICANT NAME:

McPhee, Richard

IC 25-28.5-1-13

\$50 FEE

AT LEAST 18 YEARS OF AGE

APPRENTICE LICENSE # _____

EXPIRATION DATE _____

JOURNEYMAN LICENSE # _____

EXPIRATION DATE _____

APPLYING WITH TRAINING OR EXPERIENCE, CHOOSE ONE:

4 YEARS OF TRAINING IN AN APPROVED APPRENTICESHIP PROGRAM (SECTIONS 1 AND 4)

* IS PROGRAM APPROVED?

YES

NO

* SIGNATURE OF MANAGER/SPONSOR?

YES

NO

* NUMBER OF YEARS COMPLETED: _____

* SECTION ONE AND APPLICATION NOTARIZED

YES

NO

4 YEARS EXPERIENCE IN PLUMBING TRADE (SECTIONS 2 AND 4)

* ALL EXPERIENCE UNDER LICENSED PLUMBING CONTRACTOR(S)?

YES

NO

* CORPORATE PLUMBING CONTRACTOR LICENSE #: _____

EXPIRES: _____

* PLUMBING CONTRACTOR LICENSE #: _____

EXPIRES: _____

* SECTION TWO AND APPLICATION NOTARIZED

YES

NO

4 YEARS WORKING IN PLUMBING BUSINESS UNDER LICENSED PLUMBING CONTRACTOR (SECTIONS 3 AND 4)

* ALL EXPERIENCE UNDER LICENSED PLUMBING CONTRACTOR(S)?

YES

NO

* CORPORATE PLUMBING CONTRACTOR LICENSE #: _____

EXPIRES: _____

* PLUMBING CONTRACTOR LICENSE #: out-of-state

EXPIRES: _____

* APPLICATION NOTARIZED

YES

NO

LENGTH OF EMPLOYMENT: 6 years

* EXPERIENCE TOTALS AT LEAST 4 YEARS?

YES

NO

EMPLOYER AFFIDAVITS: YES

NO

APPLICATION AFFIDAVITS: YES

NO

HAS A CONVICTION RECORD?

DOCUMENTATION ATTACHED

APPLICATION COMPLETE

DOCUMENTATION REQUESTED

APPLICATION NOTARIZED

ADDITIONAL SUPPORTING DOCUMENTATION

See enclosed out-of-state license, letter & exp. verification

COMMISSION ACTION SECTION

APPROVED

TABLED, PENDING RECEIPT OF THE FOLLOWING: _____

DENIED

REASON FOR DENIAL: _____

STATUTE IC _____

RULE 860 IAC _____

COMMENTS: _____

COMMISSION SIGNATURE

[Signature]

DATE

7-23-04

COMMISSION SIGNATURE

DATE



APPLICATION FOR PLUMBING CONTRACTOR EXAMINATION FOR LICENSING

State Form 22806 (R10 / 11-02)
Approved by State Board of Accounts, 2002

823152
MAY 21 2008
#5902

Indiana Professional Licensing Agency
302 W. Washington St., Rm. E034
Indianapolis, IN 46204-2700
(317)-232-2980
www.in.gov/pla

FEE: \$50.00

ALL FEES ARE NON-REFUNDABLE AND NON-TRANSFERABLE.

Social Security number *	* Your Social Security number is requested by this agency in accordance with IC 4-1-9-1; it is mandatory that it be given. Social Security numbers are made available to the Department of Revenue.		
Name of applicant	RICHARD P. MOPHEE		Date of birth (month, day, year)
Address (number and street, city, state, ZIP code)			
56528 ASH RD		OSHEOLA, IN 46561	
County	ELKHART	Telephone number	(609) 412-6952 (574) 679-4583
Have you ever been convicted of a crime? (if "Yes", provide a copy of the court order and any pertinent documents)			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

INSTRUCTIONS:

1. If you are applying on the basis of having completed four (4) years of training in an approved apprenticeship program, please complete Sections one (1) and four (4).
2. If you are applying on the basis of having completed four (4) years of experience in the plumbing trade, please complete Sections two (2) and (4).
3. If you are applying on the basis of having worked in the plumbing business under the direction of a licensed plumbing contractor for at least four (4) years, please complete Sections three (3) and four (4).

SECTION ONE	
I have successfully completed the following four (4) years of training in an approved apprenticeship program, satisfying the requirements as defined in commission rule, 860 IAC 1-1-9, as verified by the sponsor of the approved apprenticeship program, herein:	
Name of apprenticeship program sponsor	Telephone number
Address (number and street, city, state, ZIP code, county)	
Date of enrollment (month, year)	Date of completion (month, year)

APPROVED APPRENTICESHIP PROGRAM SPONSOR CERTIFICATION OF COMPLETION	
I hereby certify that _____ successfully	
Name of apprentice	
completed four (4) years of training in an approved apprenticeship program.	
Date of enrollment	Signature of manager of approved apprenticeship program sponsor
Date of completion	Date signed

NOTARY CERTIFICATE (completed by program sponsor)	
STATE OF _____	} SS:
COUNTY OF _____	
I, _____, having been duly sworn on oath, say that I am the above-named, that I have personally prepared the foregoing affidavit, and that the same is true to the best of my knowledge and belief.	
Signature of manager of approved apprenticeship program sponsor	Signature of Notary Public
Printed or typed name of manager of approved apprenticeship program sponsor	Printed or typed name of Notary Public
Date subscribed and sworn to Notary Public	County of residence

RECEIVED

MAY 21 2008

NOTARY CERTIFICATE (completed by plumbing contractor)

STATE OF _____ }
 COUNTY OF _____ } SS:

I, _____, having been duly sworn on oath, say that I am the above-named, that I have personally prepared the foregoing affidavit, and that the same is true to the best of my knowledge and belief.

Signature of employer or licensed plumbing contractor	Signature of Notary Public	
Printed or typed name of employer or licensed plumbing contractor	Printed or typed name of Notary Public	
Date subscribed and sworn to Notary Public	County of residence	Date commission expires

SECTION THREE

I have worked in the following plumbing business(es) under the direction of licensed plumbing contractor(s) for at least four (4) years, satisfying the requirements as defined in commission rule, 860 IAC 1-1-9 and 860 IAC 1-1-10; as verified by licensed contractor(s).

Name of licensed plumbing contractor <u>STUART T. McCULLEN JR.</u>	License number: PC <u>53410</u>
Address (number and street, city, state, ZIP code) <u>58 TARPON RD. TUCKERTON, NJ 08087</u>	
County <u>OCEAN</u>	Telephone number <u>609-412-950</u>
Dates of employment (month, day, year): From <u>04-2002</u> To <u>CURRENT</u>	
Name of licensed plumbing contractor	License number: PC
Address (number and street, city, state, ZIP code)	
County	Telephone number
Dates of employment (month, day, year): From To	

APPLICANT AFFIDAVIT OF EXPERIENCE IN PLUMBING BUSINESS

I hereby certify that I, RICHARD P. MCPHEE have worked in the STUART McCULLEN PLUMBING; HEATING
Name of applicant Name of plumbing business
58 TARPON RD. TUCKERTON, NJ 08087 under the direction of STUART T. McCULLEN JR., from
Address Name of licensed plumbing contractor
04-2002 to CURRENT
Day, month, year Day, month, year

I further certify that I am unable to obtain an employer affidavit verifying the aforementioned work in a plumbing business under the direction of a licensed plumbing contractor due to the following reason(s):

Signature of applicant <u>R.P. McPhee</u>	Date signed <u>5-14-08</u>
----------------------------------------------	-------------------------------

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MAY 21 2008

State Of New Jersey
New Jersey Office of the Attorney General
Division of Consumer Affairs

THIS IS TO CERTIFY THAT THE
Board of Exam. of Master Plumbers

HAS LICENSED

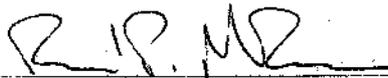
Richard P. McPhee
T/A McPhee Plbg & Htg
1 Putters Lane
Mays Landing NJ 08330

FOR PRACTICE IN NEW JERSEY AS A(N): Master Plumber

04/15/2008 TO 06/30/2009
VALID

36BI01249100

LICENSE/REGISTRATION/CERTIFICATION #



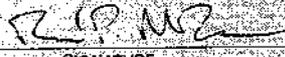
Signature of Licensee/Registrant/Certificate Holder



ACTING DIRECTOR

New Jersey Office of the Attorney General
Division of Consumer Affairs
THIS IS TO CERTIFY THAT THE
Board of Exam. of Master Plumbers
HAS LICENSED
Richard P. McPhee
Master Plumber

04/15/2008 TO 06/30/2009
VALID



SIGNATURE

36BI01249100



ACTING DIRECTOR

License/Registration/Certificate #

RECEIVED

MAY 21 2008

Indiana Professional
Licensing Agency



CERTIFICATE IN SUPPORT OF PLUMBING EXPERIENCE QUALIFICATIONS

State Form 50663 (11-01)

I, STUART T. MCCOLLEN JR, certify that I have personally known
Name of certifier - print
RICHARD P. MCPHEE and that I have direct knowledge
Name of applicant - print
of his experience which I have listed below.

Name of employer <u>STUART T. MCCOLLEN JR PLUMBING & HEATING</u>		Describe in detail the type of work performed by the applicant (<i>trades and duties</i>): <u>- ALL ASPECTS OF RESIDENTIAL AND COMMERCIAL NEW CONSTRUCTION AND RETRO-MODIFICATION PLUMBING. - RICH HAS WORKED AS A FOREMAN AND PROJECT SUPERVISOR FOR THE PAST 3 YEARS.</u>
From (month, day, year) <u>04-2002</u>	To (month, day, year) <u>PRESENT</u>	
<input checked="" type="checkbox"/> Full-time <input type="checkbox"/> Part-time (if part-time do not total as full-time)		
Total (month(s), year(s)) <u>6 YEARS</u>		
Level applicant worked: <input checked="" type="checkbox"/> Journeyman <input checked="" type="checkbox"/> Foreman <input checked="" type="checkbox"/> Supervisor <input type="checkbox"/> Contractor <input type="checkbox"/> Owner / Builder <input type="checkbox"/> Other (specify) _____		

Did the applicant demonstrate a level of knowledge and skill expected of a journeyman or better in the craft(s) or trade(s) listed above?
 Yes No

Check those that identifies your business relationship to the applicant:

<input checked="" type="checkbox"/> Employer	<input type="checkbox"/> Fellow Employee	<input type="checkbox"/> Journeyman Plumber
<input type="checkbox"/> Union Representative	<input type="checkbox"/> Architect	<input type="checkbox"/> Plumbing Contractor
<input type="checkbox"/> Building Inspector	<input type="checkbox"/> Other, specify relationship _____	

On 4-28-08 at TUCKERTON, OCEAN, NJ, I certify
Date City / County State
under the penalty of perjury under the laws of the State of Indiana that the foregoing is true and correct.

Signature of the Certifier 	Number: (If you are a licensed / plumbing contractor, enter your license / registration number and state) <u>5346 NJ</u>
Address of Certifier (number and street, city, state, ZIP code) <u>58 FARPON RD TUCKERTON, NJ 08087</u>	
Residence telephone number <u>(609) 412-8950</u>	Business telephone number <u>(609) 812-1000</u>

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MAY 21 2008
Indiana Professional
Licensing Agency

RICHARD McPHEE
56528 Ash Road
Osceola, IN 46561
(609) 412-6952

May 14, 2008

Indiana Professional Licensing Agency
Attn: Indiana Plumbing Commission
402 West Washington Street
Room W072
Indianapolis, IN 46204

Re: Plumbing Contractors License
Current License: New Jersey 36B101249100

Dear Board Members:

My family and I are currently in the process of moving from Southern New Jersey back to my home town of Elkhart, Indiana. I am writing to seek clarification of certain licensure requirements in the State of Indiana for me as a plumbing contractor and, if necessary, a waiver of the state written examination requirement based on the following facts and circumstances.

Currently I am a licensed master plumber in the State of New Jersey, and have been in active practice as an apprentice, journeyman plumber, and master plumber in southern New Jersey since April 2002.

Recently, I was informed by two different individuals in the licensing office that I would need to fill out the Application for Plumbing Contractor Examination for Licensing when applying for my Plumbing Contractors License.

Accordingly, I am submitting an Application for Plumbing Contractor Examination for Licensing and believe that I have satisfied all requirements for my Indiana license to be issued. Furthermore, I believe that I am exempt from the written examination requirement, pursuant to IC 25-28.5-1-19, since I am currently licensed and an active plumbing contractor in the State of New Jersey.

I have done all things in the state of New Jersey since 2002 to obtain my master plumber license, rather than in the State of Indiana. Clearly, as contemplated by IC 25-28.5-1-19, the State of Indiana has reciprocity with states such as New Jersey for that very reason. Attached is a copy of Statutes and Regulations pertaining to experience requirements for the New Jersey State Board of Examiners of Master Plumbers.

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Indiana Professional
Licensing Agency

Based on the foregoing, I request:

- (a) a written determination by the Committee that IC 25-28.5-1-19 applies to me. Upon payment of the required fee I should be granted a license as a plumbing contractor.

Thank you for your consideration of my application. Should you require any additional information, please let me know.

Respectfully submitted,



Richard McPhee

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MAY 21 2008

Indiana Professional
Licensing Agency

[REDACTED]

2. [REDACTED] graduated a bachelor's degree in mechanical, plumbing or sanitary engineering from a college or university accredited by a regional accreditation agency recognized by the Council on Post-Secondary Accreditation of the United States Department of Education, and has completed one year of practical hands-on experience as a journeyman plumber.

New Rule, R.1997 d.456, effective November 3, 1997.
 See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).
 Repeal and New Rule, R.2002 d.122, effective April 15, 2002.
 See: 33 N.J.R. 4059(a), 34 N.J.R. 1551(a).
 Section was "Experience requirements".
 Amended by R.2003 d.165, effective April 21, 2003.
 See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).
 Deleted (c) through (g).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1. Which examination based on the National Standard Plumbing Code as adopted by the State of New Jersey pursuant to the Uniform Construction Code Act, N.J.S.A. 59:27D-110, et seq;

2. Practical examination; and

3. Written examination of [REDACTED] to determine the applicant's knowledge of plumbing and business fundamentals.

[REDACTED]

[REDACTED]

[REDACTED]

Recodified from N.J.A.C. 13:32-1.3(a) through (d) and amended by R.1997 d.456, effective November 3, 1997.
 See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).
 N.J.A.C. 13:32-1.3(a) through (d), recodified as (a), (b), (d) and (e) respectively; and inserted new (c).
 Amended by R.2003 d.165, effective April 21, 2003.
 See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).
 Rewrote the section.

13:32-2.4 Failure of examination; when retaking permitted

(a) An applicant who has failed the plumbing licensing examination may review his or her examination upon written request to Experior Assessments, LLC., or its successors, and payment to the testing service of its review fee.

(b) No person who has failed the examination shall be eligible to be reexamined for a period of six months from the date of the examination filed by such person.

Recodified from N.J.A.C. 13:32-1.3(e) and amended by R.1997 d.456, effective November 3, 1997.

See: 29 N.J.R. 3592(a), 29 N.J.R. 4704(b).
 N.J.A.C. 13:32-1.3(e) recodified as (a); and inserted new (b).
 Amended by R.2003 d.165, effective April 21, 2003.
 See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

In (a), inserted "plumbing licensing" preceding "examination" and substituted "Experior Assessments, LLC., or its successors," for "the Board-approved testing service".

13:32-2.5 Licensure

(a) After an applicant has successfully passed the licensing examination, he or she shall submit to the Board:

1. A surety bond in the sum of \$3,000 as required pursuant to N.J.S.A. 45:14C-26;
2. A completed application for a pressure seal; and
3. The licensing fee as set forth in N.J.A.C. 13:32-5.1.

New Rule, R.2003 d.165, effective April 21, 2003.
 See: 34 N.J.R. 3675(a), 35 N.J.R. 1671(a).

13:32-2.6 Renewal of license

(a) Licenses shall be renewed biennially on a form provided by the Board. Each applicant for renewal shall attest that the continuing education requirements of N.J.A.C. 13:32-6.1 have been completed during the prior biennial period.

(b) The Board shall send a notice of renewal to each licensed master plumber, at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) The licensed master plumber shall submit the renewal application and pay the renewal fee pursuant to N.J.A.C. 13:32-5.1 prior to the date of expiration of the license. If the licensed master plumber does not renew the license prior to its expiration date, the licensed master plumber may renew the license no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:32-5.1. A licensed master plumber who fails to renew the license within 30 days after the expiration date of the license shall be suspended without a hearing.

(d) A person who continues to practice or hold him or herself out as a licensed master plumber after being suspended shall be deemed to have committed unlicensed practice pursuant to N.J.S.A. 45:14C-12.3, even if no notice of suspension has been provided to the person.

(e) A person seeking reinstatement within five years following the suspension of a license shall submit the following to the Board:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;



Indiana Plumbing Commission

402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 234-3022
Fax: (317) 233-4236
Website: www.pla.IN.gov

Governor Mitchell E. Daniels, Jr

Billy Cashion
11160 Forest Grove Rd.
Mooresville IN 46158

July 18, 2008

Dear **Billy Cashion**:

The Indiana Plumbing Commission reviewed your request for reinstatement of licensure and supporting documentation at their recent commission meeting.

The commission has scheduled you for a personal appearance on **Wednesday, September 24, 2008 at 9:45 a.m.** at the Indiana Government Center South, Room W072, Indianapolis, Indiana.

Please bring any pertinent documentation concerning your request for reinstatement such as:

1. Place of employment since expiration of your license.
2. Type of work done since the expiration of your license.
3. Proof of an active plumbing license in another state.
4. Any other information which will show the commission your readiness to practice plumbing safely.

If at any time during this review process you feel that you do not meet the requirements and are not able to provide the necessary documentation, you may withdraw your request for reinstatement. To do so, please submit a letter in writing to our office requesting that your request for reinstatement be withdrawn. If you do not make a personal appearance as requested or submit a request to withdrawal to be received by our office one week before the commission meeting, your request for reinstatement may be denied.

If further information is needed, please feel free to contact our office at (317) 234-3022 or via email at pla10@pla.IN.gov.

Sincerely,

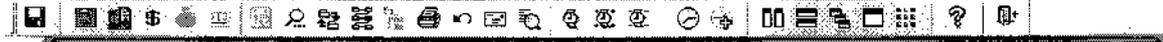
Lorrie Ruble
Case Manager
Indiana Plumbing Commission

Expired Journeyman Plumber

#110.00

Expired Plumbing Renewal Application	DATE EXPIRED	RENEWAL FEE	Please Circle your answer to ALL the following questions: SINCE YOU LAST RENEWED YOUR LICENSE: (if yes to questions 1-3, please attach details of action taken)
	12/31/2003	**See Below	
	LICENSE NUMBER	CURRENT STATUS	1. Has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending?
	JP08900318	Expired	YES <input type="radio"/> NO <input checked="" type="radio"/>
Billy Cashion 11160 Forest Grove Rd. Mooresville IN 46158	CONTROL # 824920 324771 MAY 27 2008	2. Have you been denied a license, certificate, registration, or permit in any state?	YES <input type="radio"/> NO <input checked="" type="radio"/>
ENTER HOME ADDRESS CORRECTIONS BELOW	AMOUNT PAID 480.00 + \$30.00 issuance	3. Have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?	YES <input type="radio"/> NO <input checked="" type="radio"/>
BILLY CASHION 11160 FOREST GROVE RD MOORESVILLE IN 46158	You must sign and date below. By signing this form, you are attesting that the information on this renewal is true and correct and that you have met all required continuing education hours if applicable. This form will be returned if it is not correctly completed which will delay the renewal.		
	Signature <i>Billy J Cashion</i>		Date <i>5/22/08</i>

General	Licenses	Education	Employment	Public Info	Supp. Info.
Name: First: <input type="text"/> Last: <input type="text"/>					
SSN: 415-52-5147 Alt SSN? <input type="checkbox"/> Gender: Male Age: 78 Date Of Birth: 06/09/1932					
Hold/Alert: <input type="checkbox"/> Place of Birth: <input type="text"/> Date of Death: 00/00/0000					
Address					
Additional: 5385 East State Road 144					
Mooreville IN 46158					
United States Morgan					
Phone: (317)831-4716 Unlisted? <input type="checkbox"/>					
Other: () - Unlisted? <input type="checkbox"/>					
Email: <input type="text"/>					
					Aliases
					Addresses
					Remarks
					Other Phones



Licensee - Bill Cashion (Plumbing Commission)

License #	Type	Status	Prohibition?	Limited?
PC88701878	Plumber Contractor	Active	<input type="checkbox"/>	<input type="checkbox"/>

Address Issue Date: 11/04/1987 Applicant Number: 260245
Detail Obtained By: Examination
Supp. Info. From State/Prov: From Country:
Additional Expiration Date: 12/31/2009 Last Renewal Date: 12/17/2007 Renewal ID:

Date Archived:
Effective Date: 11/04/1987
Last Reprint Date:
Reprint Count: 0

Remarks

License #	Type	Status	Probation?	Limited?
JP08900318	Journeyman Plumber	Expired	<input type="checkbox"/>	<input type="checkbox"/>

Address Issue Date: 08/17/1989 Applicant Number: 265889

Detail Obtained By: Examination

Supp. Info. From State/Prov.: From Country:

Additional Expiration Date: 12/31/2003 Last Renewal Date: 04/28/2003 Renewal ID:

 Date This Status: 10/21/2005

 Reason Changed: Terminated

 Date Archived:

 Effective Date: 08/17/1989

 Last Reprint Date:

 Reprint Count: 0

Remarks



Licensee - Billy Cashion (Plumbing Commission)

General | Licenses | Education | Employment | Publ

Name:		First	Last			
		Billy	Cashion			
SSN:	316-78-0039	Alt SSN?	<input type="checkbox"/>	Gender: Male	Age:	Date Of Birth:
Hold/Alert:	<input type="checkbox"/>	Place of Birth:				Date of Death:

Address

Additional: 11160 Forest Grove Rd.

Mooresville IN 46158-
United States Morgan

Phone: () - Unlisted?
Other: () - Unlisted?
Email:



Indiana Plumbing Commission

402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 234-3022
Fax: (317) 233-4236
Website: www.pla.IN.gov

Governor Mitchell E. Daniels, Jr

Loyd Pugh
14605 Austin Mcomb Road
Montgomery TX 77316

September 17, 2008

Dear **Loyd Pugh**:

The Indiana Plumbing Commission reviewed your request for reinstatement of licensure and supporting documentation at their recent commission meeting.

The commission has scheduled you for a personal appearance on **Wednesday, September 24, 2008 at 9:45 a.m.** at the Indiana Government Center South, Room W072, Indianapolis, Indiana.

Please bring any pertinent documentation concerning your request for reinstatement such as:

1. Place of employment since expiration of your license.
2. Type of work done since the expiration of your license.
3. Proof of an active plumbing license in another state.
4. Any other information which will show the commission your readiness to practice plumbing safely.

If at any time during this review process you feel that you do not meet the requirements and are not able to provide the necessary documentation, you may withdraw your request for reinstatement. To do so, please submit a letter in writing to our office requesting that your request for reinstatement be withdrawn. If you do not make a personal appearance as requested or submit a request to withdrawal to be received by our office one week before the commission meeting, your request for reinstatement may be denied.

If further information is needed, please feel free to contact our office at (317) 234-3022 or via email at pla10@pla.IN.gov.

Sincerely,

Lorrie Ruble
Case Manager
Indiana Plumbing Commission

General	Licenses	Education	Employment	Public Info	Supp. Info.
Name: First: Loyd Last: Pugh					
SSN: 413-70-6359 All SSN? <input type="checkbox"/> Gender: Male Age: Date Of Birth: 00/00/0000					
Hold/Alert: Place of Birth: Date of Death: 00/00/0000					
Address					
Additional: 14605 Austin Mcomb Road					
Documents: Montgomery TX 77316- United States Montgomery					
Phone: (409)588-3752 Unlisted? <input type="checkbox"/>					
Other: () - Unlisted? <input type="checkbox"/>					
Email:					
					Aliases
					Addresses
					Remarks
					Other Phones



Licensee - Loyd Pugh (Plumbing Commission)

License #	Type	Status	Probation?	Limited?
PC88701535	Plumber Contractor	Expired Non-Renewal	<input type="checkbox"/>	<input type="checkbox"/>

Address	Issue Date: 10/28/1987	Applicant Number: 260237
Detail	Obtained By: Examination	
Supp. Info.	From State/Prov:	From Country:
Additional	Expiration Date: 12/31/1997	
Documents	Date This Status: 10/14/2000	Last Renewal Date: 01/22/1996
	Reason Changed: Terminated	Renewal ID:
	Date Archived:	
	Effective Date: 10/28/1987	
	Last Reprint Date:	
	Reprint Count: 0	

Remarks

Ready



Indiana Plumbing Commission

402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 234-3022
Fax: (317) 233-4236
Website: www.pla.IN.gov

Governor Mitchell E. Daniels, Jr

Ralph B. Senninger
304 Lake Bend Court
Lexington KY 40515

September 17, 2008

Dear **Ralph B. Senninger**:

The Indiana Plumbing Commission reviewed your request for reinstatement of licensure and supporting documentation at their recent commission meeting.

The commission has scheduled you for a personal appearance on **Wednesday, September 24, 2008 at 9:45 a.m.** at the Indiana Government Center South, Room W072, Indianapolis, Indiana.

Please bring any pertinent documentation concerning your request for reinstatement such as:

1. Place of employment since expiration of your license.
2. Type of work done since the expiration of your license.
3. Proof of an active plumbing license in another state.
4. Any other information which will show the commission your readiness to practice plumbing safely.

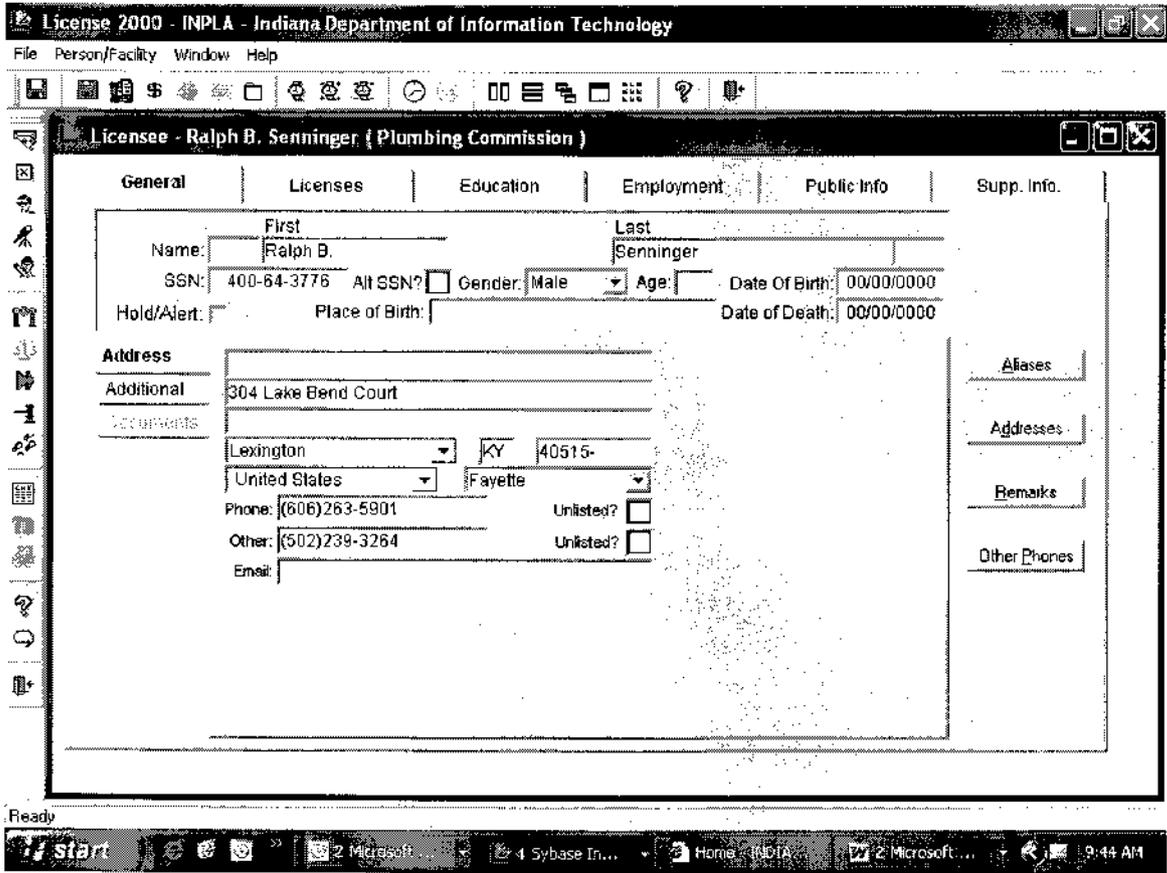
If at any time during this review process you feel that you do not meet the requirements and are not able to provide the necessary documentation, you may withdraw your request for reinstatement. To do so, please submit a letter in writing to our office requesting that your request for reinstatement be **withdrawn**. If you do not make a personal appearance as requested or submit a request to withdrawal to be received by our office one week before the commission meeting, your request for reinstatement may be denied.

If further information is needed, please feel free to contact our office at (317) 234-3022 or via email at pla10@pla.IN.gov.

Sincerely,

Lorrie Ruble
Case Manager
Indiana Plumbing Commission

Personal Appearance



He is bringing all materials to the meeting
Owes \$ 150 + Reinstatement \$ 50.00

License #	Type	Status	Probation?	Limited?
PC89100007	Plumber Contractor	Expired Non-Renewal	<input type="checkbox"/>	<input type="checkbox"/>

Address	Issue Date: 01/07/1991	Applicant Number: 266737
Detail	Obtained By: Examination	
Supp. Info.	From State/Prov:	From Country:
Additional	Expiration Date: 12/31/1999	
Documents	Date This Status: 08/08/2002	Last Renewal Date: 01/08/1998 Renewal ID:
	Reason Changed: Terminated	
	Date Archived:	
	Effective Date: 01/07/1991	
	Last Reprint Date:	
	Reprint Count: 0	

TITLE 860 INDIANA PLUMBING COMMISSION

Notice of Public Hearing
LSA Document #08-538

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 24, 2008, at 10:00 a.m., at the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Room W072, Indianapolis, Indiana, the Indiana Plumbing Commission will hold a public hearing concerning revising the fee schedule for examination or reexamination to facilitate the outsourcing of the administration of examinations for journeyman plumbers and plumbing contractors, establishing that the fees for administration and scoring of the examinations be paid directly to the examination services, establishing the requirements for reinstatement of a delinquent or lapsed license, revising the requirements for admission to the journeyman plumber and plumbing contractor examination, and revising the journeyman plumber, plumbing contractor examination requirements and the apprentice plumber requirements to facilitate the outsourcing of the administration of the examinations for journeyman plumbers and plumbing contractors.

The Indiana Plumbing Commission has the authority to promulgate rules in accordance with IC 25-28.5-1-8 and IC 25-28.5-1-38 that the Commission considers necessary in the performance of its duty to have an outside entity administer the journeyman plumber and plumbing contractor licensing examinations. The proposed rule amends the Commission's rules to facilitate the outsourcing the plumbing licensing examinations. In the proposed rule, the Commission will no longer administer the practical examination; instead the practical examination will be administered and graded by the apprenticeship schools and be a requirement of graduating from the apprenticeship program. In addition, the agency is currently seeking a professional examination service provider to develop, maintain, and administer computer-based licensing examinations for the journeyman plumbers and plumbing contractors. To enter into a contract, the Commission must revise its fee schedule to reflect procedures for applicants to purchase the examinations directly from the provider. While the Commission is not imposing a fee, any increase in fees for the cost of administering the examination will be imposed by the examination vendor and be paid to the examination service directly or as an increase in tuition to the schools because the schools will be administering the practical examination. Based on the current number of examinees, the possible revenue that would be generated by businesses, namely the apprenticeship schools or the professional examination service provider, would be as follows:

- 2,808 examinees × \$100 per examinee for the cost of administration = \$280,800

The proposed rule allows for a more streamlined and fair process for applicants. Having a uniform examination that is multiple-choice should alleviate appeals for failing the examinations. Furthermore, having an outside vendor administer the exam will be fairer to the examinees, save the agency resources, and pave the way for reciprocal registration in the future. The proposed rule also revises the delinquent or lapsed license requirements to bring it into conformity with IC 25-1-8-6. In addition, the Commission is amending its examination admission requirements to give applicants more credit for previous experience, education, and training in meeting the examination requirements. This proposed rule will impose costs on the regulated entities.

Copies of these rules are now on file at the Indiana Government Center South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

Posted: 08/13/2008 by Legislative Services Agency
An [html](#) version of this document.

TITLE 860 INDIANA PLUMBING COMMISSION

Proposed Rule
LSA Document #08-538

DIGEST

Amends 860 IAC 1-1-2.1 to revise the fee schedule for examination or reexamination to facilitate the outsourcing of the administration of examinations for journeyman plumbers and plumbing contractors, to establish that the fees for administration and scoring of the examinations be paid directly to the examination services, and to establish the requirements for reinstatement of a delinquent or lapsed license. Amends 860 IAC 1-1-9 to revise the requirements for admission to the journeyman plumber and plumbing contractor examination. Amends 860 IAC 1-3-1, 860 IAC 1-3-1.1, 860 IAC 1-3-2, and 860 IAC 2-1-7 and adds 860 IAC 2-1-7.1 to facilitate the outsourcing of the administration of the examinations for journeyman plumbers and plumbing contractors. Repeals 860 IAC 1-3-3. Effective January 1, 2009.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

860 IAC 1-1-2.1; 860 IAC 1-1-9; 860 IAC 1-3-1; 860 IAC 1-3-1.1; 860 IAC 1-3-2; 860 IAC 1-3-3; 860 IAC 2-1-7; 860 IAC 2-1-7.1

SECTION 1. 860 IAC 1-1-2.1 IS AMENDED TO READ AS FOLLOWS:

860 IAC 1-1-2.1 Fee schedule

Authority: IC 25-28.5-1-8

Affected: IC 25-1-8-5; IC 25-1-8-6; IC 25-28.5-1-22

Sec. 2.1. The Indiana plumbing commission shall charge and collect the following fees:

- (1) ~~For an application for examination as an~~ **If the commission administers the individual plumbing contractor a nonrefundable examination, the examination or repeat examination fee of is fifty dollars (\$50).** ~~and a fee of fifty dollars (\$50) for each reexamination on one (1) of the two (2) exam parts not previously passed upon notice by the commission.~~
- (2) For the issuance of the initial plumbing contractor license, the following:
 - (A) When the license is issued in an odd-numbered year, fifty dollars (\$50).
 - (B) When the license is issued in an even-numbered year, one hundred dollars (\$100).
- (3) For the issuance of an initial license for a corporation, the following:
 - (A) When the license is issued in an odd-numbered year, fifty dollars (\$50).
 - (B) When the license is issued in an even-numbered year, one hundred dollars (\$100).
- (4) ~~For an application for examination as an~~ **If the commission administers the individual journeyman plumber a nonrefundable examination, the examination or repeat examination fee of is thirty dollars (\$30).** ~~and a fee of thirty dollars (\$30) for each reexamination on one (1) of the two (2) exam parts not previously passed upon notice by the commission.~~
- (5) For issuance of the initial license for a journeyman plumber, the following:
 - (A) When the license is issued in an odd-numbered year, fifteen dollars (\$15).
 - (B) When the license is issued in an even-numbered year, thirty dollars (\$30).
- (6) If the commission elects to use a professional examination service under IC 25-1-8-5, an applicant for licensure by examination as either an individual plumbing contractor or journeyman plumber shall pay the examination or repeat examination fee assessed by the professional examination service that administers the examination directly to the professional examination service.**
- ~~(6)~~ **(7) For biennial renewal of a plumbing contractor's license, one hundred dollars (\$100) payable prior to December 1 of each odd-numbered year.**
- ~~(7)~~ **(8) For biennial renewal of a license for a corporation, one hundred dollars (\$100) payable prior to December 1 of each odd-numbered year.**
- ~~(8)~~ **(9) For biennial renewal of a journeyman plumber's license, thirty dollars (\$30) payable prior to December 1 of each odd-numbered year.**
- ~~(9)~~ **(10) Application for a renewal received:**
 - (A) after the expiration date of December 31 of each odd-numbered year; and
 - (B) prior to March 1 of the next even-numbered year;
 shall be charged a reinstatement fee of fifteen dollars (\$15) in addition to the license renewal fee.

~~(40)~~ **(11)** Applications for renewal received after March 1 of the next even-numbered year following expiration and ~~no~~ **not** later than December 31 of the next odd-numbered year following expiration shall be charged the following reinstatement fees in addition to the applicable license renewal fees:

- (A) Journeyman plumber, one hundred dollars (\$100).
- (B) Plumbing contractor, two hundred dollars (\$200).
- (C) Corporate plumbing contractor, two hundred dollars (\$200).

~~(14)~~ **(12)** Applications for renewal received after December 31 of the next odd-numbered year following expiration shall be deemed invalid for renewal. **comply with the requirements of IC 25-1-8-6.**

(Indiana Plumbing Commission; 860 IAC 1-1-2.1; filed Oct 31, 1983, 1:21 p.m.: 7 IR 69; errata, 7 IR 71; filed Oct 29, 1984, 3:07 p.m.: 8 IR 214; filed Jul 30, 1985, 3:13 p.m.: 8 IR 2038; filed Feb 19, 1987, 8:30 a.m.: 10 IR 1390; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1181; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3108; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:34 p.m.: 25 IR 4109, eff Jan 1, 2003; errata filed Nov 15, 2002, 3:40 p.m.: 26 IR 1109; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-860070061RFA)

SECTION 2. 860 IAC 1-1-9 IS AMENDED TO READ AS FOLLOWS:

860 IAC 1-1-9 Admission to examination

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1

Sec. 9. (a) This section and section 10 of this rule implement the requirements for admission to the journeyman plumber and plumbing contractor examination found in IC 25-28.5-1-12(c).

(b) "Plumbing trade" means being engaged in the work of plumbing (as that term is defined in IC 25-28.5-1-2(1)). ~~The term includes doing plumbing work~~ under the circumstances described in:

- (1) IC 25-28.5-1-32(2); ~~IC 25-28.5-1-32(4)~~;
- (2) IC 25-28.5-1-32(6); or
- (3) IC 25-28.5-1-32(7). ~~and IC 25-28.5-1-32(8)~~.

(c) "Apprenticeship program approved by the commission" means a program that meets the requirements of 860 IAC 2-1-1.

(d) "Four (4) year apprenticeship program" means satisfactory completion of a minimum of five hundred seventy-six (576) hours of classroom instruction and satisfactory completion of six thousand four hundred (6,400) hours of related on-job-training, over at least four (4) years. **Credit for previous education, training, or experience may be counted toward the total required hours for the apprenticeship program if granted by the Bureau of Apprenticeship and Training, a division of the United States Department of Labor, and approved by the commission. Credit must not exceed seventy-five percent (75%) of the total hours of the apprenticeship program requirement. Approved credit must be documented and presented with the original apprenticeship registration application.**

(e) "Four (4) years of experience" means a minimum of six thousand four hundred (6,400) hours in the plumbing trade over at least four (4) years.

(f) ~~No~~ **Not** more than forty (40) hours shall be counted in any given calendar week toward meeting the requirements of either subsection (d) or (e).

(Indiana Plumbing Commission; 860 IAC 1-1-9; filed Jan 16, 1992, 5:00 p.m.: 15 IR 1022; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-860070061RFA)

SECTION 3. 860 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

860 IAC 1-3-1 Examination; journeyman plumber

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1

Sec. 1. (a) An applicant for the journeyman plumber license must pass the examination required under this section.

~~(a) (b) The journeyman plumber examination shall consist of a practical section and of a written section. be multiple choice.~~

~~(b) The practical section of the examination shall include two (2) parts known as the following:~~

~~(1) The copper pipe project.~~

~~(2) The soil pipe project.~~

~~(c) The written section of the examination shall be a multiple choice test.~~

~~(d) In order to pass the practical section of the examination, an individual must obtain scores of at least seventy percent (70%) on both of the following:~~

~~(1) The copper pipe project.~~

~~(2) The soil pipe project.~~

(e) (c) An individual must obtain a **passing** score of at least seventy percent (70%) on the multiple-choice test in order to pass the ~~written section of the~~ examination.

(Indiana Plumbing Commission; 860 IAC 1-3-1; filed Oct 29, 1984, 3:11 p.m.: 8 IR 215; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1556; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1182; filed Sep 8, 1992, 5:00 p.m.: 16 IR 62, eff Oct 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-860070061RFA)

SECTION 4. 860 IAC 1-3-1.1 IS AMENDED TO READ AS FOLLOWS:

860 IAC 1-3-1.1 Examination; plumbing contractor

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1

Sec. 1.1. (a) An applicant for the plumbing contractor license must pass the examination required under this section.

~~(a) (b) The plumbing contractor examination shall consist of a practical section, a written section, and a drawing section. be multiple choice.~~

~~(b) The practical section of the examination shall include two (2) parts known as the following:~~

~~(1) The copper pipe project.~~

~~(2) The soil pipe project.~~

~~(c) The written section of the examination shall be a multiple choice test.~~

~~(d) The drawing section of the examination shall test the applicant's ability and knowledge concerning sanitary drainage systems and water distribution systems.~~

~~(e) In order to pass the practical section of the examination, an individual must obtain scores of at least seventy percent (70%) on both of the following:~~

~~(1) The copper pipe project.~~

~~(2) The soil pipe project.~~

~~(f) (c) An individual must obtain a passing score of at least seventy percent (70%) on the multiple-choice written section in order to pass the written section of the examination.~~

~~(g) An individual must obtain a score of at least seventy percent (70%) on the drawing section in order to pass the drawing section of the examination.~~

(Indiana Plumbing Commission; 860 IAC 1-3-1.1; filed Sep 8, 1992, 5:00 p.m.: 16 IR 62, eff Oct 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-860070061RFA)

SECTION 5. 860 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

860 IAC 1-3-2 Retaking of journeyman plumber and plumbing contractor examination upon failure

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1

~~Sec. 2. (a) References in this section to the examination apply to both the journeyman plumber examination and the contractor examination unless a particular examination is specifically specified.~~

~~(b) (a) An individual who does not pass the entire examination in the first attempt shall be entitled to take it as many as six (6) additional times. under the exemptions from portions of the examination allowed in subsection (e). However, the last examination attempt may be ~~no~~ not later than two (2) years after the date the individual was first scheduled to take the examination.~~

~~(c) An individual who passes:~~
~~(1) the practical section;~~
~~(2) the written section;~~
~~(3) one (1) part of the practical section; or~~
~~(4) for the plumbing contractor examination, the drawing section;~~
~~in any prior taking of the examination allowed under subsection (b), shall not be required to retake that portion in the remaining examination attempts allowed by subsection (b).~~

~~(d) An individual who does not qualify for any of the exemptions provided for in subsection (c) must retake the entire examination.~~

~~(e) (b) Upon the exhaustion of all of the examination attempts allowed by subsection (b); (a), an individual must:~~

- ~~(1) file a new application; and~~
- ~~(2) retake the entire examination.~~

~~(f) None of the exemptions contained in this section from retaking a section or part of a section of the journeyman plumber examination or the plumbing contractor examination shall apply to an individual taking the other examination. For example, an applicant for a journeyman plumber license who passes the practical section of the journeyman plumber examination who subsequently applies for a plumbing contractor license shall be required to pass the practical section of the plumbing contractor examination.~~

~~(g) Notwithstanding subsection (b), any individual who took the examination one (1) or more times prior to October 1, 1992, and did not pass it in its entirety:~~

- ~~(1) shall be entitled to six (6) additional examination attempts with the last being no later than September 30, 1994;~~
- ~~(2) for the first examination attempt after September 30, 1992, shall be entitled to the examination exemptions the individual would have had under this section as it read on September 30, 1992; and~~
- ~~(3) for the second and subsequent examination attempts after September 30, 1992, shall be entitled to the examination exemptions allowed by subdivision (2) plus those obtained after September 30, 1992, under~~

(c) An applicant who has not passed the written section or drawing section of the journey plumber or plumbing contractor examination before January 1, 2009, shall:

- (1) lose credit for the section passed; and
- (2) be required to retake the multiple-choice examination.

(d) An applicant that has passed the written section and drawing section of the journey plumber or plumbing contractor examination but has failed to pass the practical examination before January 1, 2009, shall qualify for licensure without having to pass the practical examination.

(Indiana Plumbing Commission; 860 IAC 1-3-2; filed Feb 15, 1989, 2:36 p.m.: 12 IR 1556; filed Feb 19, 1990, 11:06 a.m.: 13 IR 1182; filed Sep 8, 1992, 5:00 p.m.: 16 IR 63, eff Oct 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-91 was filed Sep 8, 1992.]; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-860070061RFA)

SECTION 6. 860 IAC 2-1-7 IS AMENDED TO READ AS FOLLOWS:

860 IAC 2-1-7 Apprenticeship program; approval

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1-18.1

Sec. 7. (a) To be approved, an apprenticeship program must do the following:

- (1) Submit a written request for approval to the commission.
- (2) Submit in writing the apprenticeship program's curriculum, which must include the:
 - (A) subjects taught; and
 - (B) hours spent teaching each subject.
- (3) Provide:
 - (A) the address of the apprenticeship program facility;
 - (B) its phone number; and
 - (C) the name of a contact person.
- (4) Submit proof of the accreditation required by section 1(2) of this rule.
- (5) **Require the taking and passing of a practical examination as required by section 7.1 of this rule.**

(b) Approved apprenticeship programs must notify the commission of any change in the items listed in subsection (a)(2) through (a)(4) within thirty (30) days.

(Indiana Plumbing Commission; 860 IAC 2-1-7; filed Dec 18, 2000, 9:31 a.m.: 24 IR 1352; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3237; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-860070061RFA)

SECTION 7. 860 IAC 2-1-7.1 IS ADDED TO READ AS FOLLOWS:

860 IAC 2-1-7.1 Apprenticeship school examination

Authority: IC 25-28.5-1-8; IC 25-28.5-1-38

Affected: IC 25-28.5-1

Sec. 7.1. (a) Apprenticeship schools shall give each student within the first four (4) years of apprenticeship program an examination that shall test the student's practical knowledge of the curriculum studied. A student shall not be considered to have completed a four (4) year apprenticeship program without having passed this examination.

- (b) The practical section of the examination shall include three (3) parts known as the following:
- (1) The copper pipe assembly project.
 - (2) The cast iron assembly project.

(3) The plastic pipe assembly project.

(c) In order to pass the practical section of the examination, an individual must obtain scores of at least seventy percent (70%) on all of the following:

- (1) The copper pipe assembly project.
- (2) The cast iron assembly project.
- (3) The plastic pipe assembly project.

(d) The apprenticeship school shall allow each student at least seven (7) attempts to pass the practical examination.

(e) The commission may monitor the administration of the final practical examination:

- (1) as a result of a complaint received;
- (2) for random sampling; or
- (3) to collect data.

(Indiana Plumbing Commission; 860 IAC 2-1-7.1)

SECTION 8. 860 IAC 1-3-3 IS REPEALED.

SECTION 9. SECTIONS 1 through 8 of this document take effect January 1, 2009.

Notice of Public Hearing

Posted: 08/13/2008 by Legislative Services Agency
An [html](#) version of this document.

TITLE 860 INDIANA PLUMBING COMMISSION

Notice of Intent to Adopt a Rule
LSA Document #08-538

Under IC 4-22-2-23, the Indiana Plumbing Commission intends to adopt a rule concerning the following:

OVERVIEW: Amends 860 IAC 1-1-2.1 to revise the fee schedule for examination or reexamination to facilitate the outsourcing of the administration of examinations for journeyman plumbers and plumbing contractors, to establish that the fees for administration and scoring of the examinations be paid directly to the examination services, and to establish the requirements for reinstatement of a delinquent or lapsed license. Amends 860 IAC 1-1-9 to revise the requirements for admission to the journeyman plumber and plumbing contractor examination. Amends 860 IAC 1-3 and 860 IAC 2-1 to facilitate the outsourcing of the administration of the examinations for journeyman plumbers and plumbing contractors. Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Commission Director, Indiana Government Center South, 402 West Washington Street, Room W072, Indianapolis, Indiana 46204 or by electronic mail at ajones@pla.in.gov. Statutory authority: IC 25-1-8-2; IC 25-28.5-1-8; IC 25-28.5-1-38.

For purposes of IC 4-22-2-28.1, the Small Business Regulatory Coordinator for this rule is:

Angela Smith Jones
Indiana Professional Licensing Agency
Indiana Government Center South
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
(317) 234-3048
ajones@pla.in.gov

Posted: 07/02/2008 by Legislative Services Agency
An [html](#) version of this document.



Indiana Economic Development Corporation

One North Capitol, Suite 700
Indianapolis, Indiana 46204
Tel 317.232.8800
Fax 317.232.4146
www.iedc.in.gov

September 3, 2008

Barbara McNutt
Chief Counsel
Indiana Professional Licensing Agency

Dear Ms. McNutt:

Pursuant to IC 4-22-2-28, The Indiana Economic Development Corporation ("IEDC") has reviewed the economic impact analysis for small businesses associated with rule changes proposed by the Indiana Professional Licensing Agency ("IPLA") on behalf of the Indiana Plumbing Commission ("Commission") and contained in LSA Document 08-538. The proposed rule amends 860 IAC 1 and 860 IAC 2 to make changes to the administrative code that regulates the examination and reexamination for journeyman plumbers and plumbing contractors. The changes include revising the fee schedule to facilitate the outsourcing of the administration and scoring of the examinations for journeyman plumbers and plumbing contractors and establishing that fees be paid directly to the examination services rather than to the commission and to establish requirements for the reinstatement of a delinquent or lapsed license. The change also revises the requirements for admission to the journeyman plumber and plumbing contractor examination. Commission records indicate that there are 20 plumbing apprentice schools that meet the definition of small business under IC 4-22-2-28 that will be impacted by this rule.

The costs incurred by affected plumbing apprentice schools as result of this proposed rule come from the cost for the administration of the practical exam, which is estimated to be \$100.00 per examinee. The estimated number of examinees, based upon the number of examinees in calendar year 2007 is 2,808. The estimated total cost for all fees is \$280,800. Any increase in fees for the cost of administering the exam will be paid to the examination service or as an increase in tuition to schools. There is no new reporting or record keeping requirements for small businesses as a result of this proposed rule.

The IEDC does not object to the economic impact to small businesses associated with the proposed rule. The cost to small business can be offset by an increase in tuition. Additionally, the IPLA is required to set fees at a level necessary to cover the costs of its boards and commissions. The proposed rule was determined to be the fairest and most cost effective means of carrying out the IPLA's duties.

If you have any questions about the comments contained herein please contact me at 233-8962 or rasberry@iedc.in.gov.

Regards,

A handwritten signature in black ink, appearing to read "Ryan Asberry".

Ryan Asberry

Assistant Vice President

BEFORE THE INDIANA
PLUMBING COMMISSION
CAUSE NO. IPC 08-11

IN THE MATTER OF THE)
)
LICENSE OF EDDY DEAN NEAL)
)
LICENSE NO. : JP29701210 (Active))



HEARING NOTICE

Comes now the Indiana Plumbing Commission (hereinafter "Commission") pursuant to IC 4-21.5-3-20 and issues the following hearing notice:

1. This notice is being provided to Respondent, Eddy Dean Neal, 1025 West North Street, Greenfield, IN 46140.
2. This notice is being provided to counsel for the State of Indiana, Myron A. Rahn III, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 302 W. Washington Street, 5th Floor, Indianapolis, IN 46204 telephone no. (317) 232-6296.
3. The official cause number of this action is IPC 08-11.
4. This action is a disciplinary hearing to determine whether or not sanctions should be imposed upon the Respondent's license pursuant to IC 25-1-11-12.
5. A hearing regarding this matter will be held on the 24th day of September, 2008, at 10:00 a.m., local time, in the Gerald H. Quigley Conference Room of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Room W072, Indianapolis, IN 46204, or at such other hearing room designated by the Commission.
6. The Commission is empowered to hold this disciplinary hearing pursuant to the authority of IC 25-1-11 and IC 4-21.5-3.

7. The Commission will be presiding as administrative law judge in this matter. Angela Smith Jones, Commission Director, may be contacted to obtain information concerning hearing schedules and procedures by mail in care of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 W. Washington St., Room W072, Indianapolis, Indiana 46204, by email at pla10@pla.IN.gov, by facsimile at (317) 233-4236 or by telephone at (317) 234-3022.

8. The hearing will address the issues contained in the Petitioner's Complaint, which is attached hereto and incorporated herein by reference as Exhibit "A".

9. A party who fails to attend or participate in a prehearing conference, hearing, or other later stage of this proceeding may be held in default or have the proceeding dismissed under section 24 of 4-21.5-3.

10. Pursuant to IC 4-21.5-3-34, this Commission may afford the parties the opportunity to informally settle matters and present such settlements for adoption by the Commission. However, this section does not require any person to settle a matter under this agency's informal procedures.

All of which is ORDERED, ADJUDGED AND DECREED this 09 day of

September, 2008.



Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

cc:

Eddy Dean Neal
1025 West North Street
Greenfield, IN 46140
CERTIFIED MAIL NO.: 7006 2760 0003 4664 1563

Myron A. Rahn, III
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 W. Washington Street, 5th Floor
Indianapolis, IN 46204

Speedair Compressor ("Compressor") from Stegemiller to complete the installation, but Respondent failed to ever return the Sewer Machine and Compressor to Stegemiller.

6. Respondent left two voice mails on Stegemiller's cellular phone admitting that Respondent made "bad decisions," did not do the work for which he charged, and took the Sewer Machine and Compressor from Stegemiller without returning it.

COUNT I

7. Paragraphs 1 through 6 are repeated and incorporated herein.

8. Respondent's conduct as described above constitutes a violation of Ind. Code 25-1-11-5(a)(1)(B) in that Respondent engaged in material deception in the course of professional services or activities when Respondent admittedly collected Eighteen Hundred Dollars (\$1,800.00) in fees without performing any work contracted to perform.

COUNT II

9. Paragraphs 1 through 8 are repeated and incorporated herein.

10. Respondent's conduct as described above constitutes a violation of Ind. Code 25-1-11-5(a)(1)(B) in that Respondent engaged in material deception in the course of professional services or activities when Respondent admittedly took equipment from Stegemiller in order to perform professional services and failed to return the equipment

COUNT III

11. Paragraphs 1 through 10 are repeated and incorporated herein.

12. Respondent's conduct as described above constitutes a violation of Ind. Code 25-1-11-4(a)(4)(A) in that Respondent continued to practice although he had become unfit to practice due to professional incompetence, in that Respondent agreed to install a four inch (4") check valve in a sewer main, but Respondent admittedly failed to

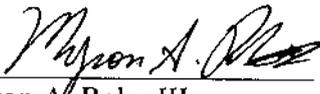
do so.

WHEREFORE, Petitioner requests an order against the Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all of the cost incurred in the prosecution of this case; and
3. Provides any other relief the Commission deems just and proper under Ind. Code 25-1- 11-12.

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana
Atty. No.: 4150-64

By: 
Myron A. Rahn III
Deputy Attorney General
Atty. No.: 27295- 49

Indiana Government Center South
302 W. Washington Street, 5th floor
Indianapolis, Indiana 46204
(317) 232-6296

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of July, 2008, a true and correct copy of this Complaint was served upon the below listed party via First Class U.S. Mail, postage prepaid.

Eddy Dean Neal
1025 West North Street
Greenfield, Indiana 46140


Myron A. Rahn III

BEFORE THE INDIANA
PLUMBING COMMISSION
CAUSE NO. IPC 08-12

IN THE MATTER OF THE)
)
LICENSES OF JEFF SKIRVIN,)
)
LICENSE NO. : PC19900135 (Expired))
)
)
JP29700666 (Expired))



HEARING NOTICE

Comes now the Indiana Plumbing Commission (hereinafter "Commission") pursuant to IC 4-21.5-3-20 and issues the following hearing notice:

1. This notice is being provided to Respondent, Jeff Skirvin, 315 Eagle Hollow Road, Madison, IN 47250 and Jeff Skirvin, 266 California Street, Berne, IN 46711.
2. This notice is being provided to counsel for the State of Indiana, Myron A. Rahn III, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 302 W. Washington Street, 5th Floor, Indianapolis, IN 46204 telephone no. (317) 232-6296.
3. The official cause number of this action is IPC 08-12.
4. This action is a disciplinary hearing to determine whether or not sanctions should be imposed upon the Respondent's licenses pursuant to IC 25-1-11-12.
5. A hearing regarding this matter will be held on the 24th day of September, 2008, at 10:30 a.m., local time, in the Gerald H. Quigley Conference Room of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Room W072, Indianapolis, IN 46204, or at such other hearing room designated by the Commission.
6. The Commission is empowered to hold this disciplinary hearing pursuant to the authority of IC 25-1-11 and IC 4-21.5-3.

7. The Commission will be presiding as administrative law judge in this matter. Angela Smith Jones, Commission Director, may be contacted to obtain information concerning hearing schedules and procedures by mail in care of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 W. Washington St., Room W072, Indianapolis, Indiana 46204, by email at pla10@pla.IN.gov, by facsimile at (317) 233-4236 or by telephone at (317) 234-3022.

8. The hearing will address the issues contained in the Petitioner's Complaint, which is attached hereto and incorporated herein by reference as Exhibit "A".

9. A party who fails to attend or participate in a prehearing conference, hearing, or other later stage of this proceeding may be held in default or have the proceeding dismissed under section 24 of 4-21.5-3.

10. Pursuant to IC 4-21.5-3-34, this Commission may afford the parties the opportunity to informally settle matters and present such settlements for adoption by the Commission. However, this section does not require any person to settle a matter under this agency's informal procedures.

All of which is ORDERED, ADJUDGED AND DECREED this 12 day of

August, 2008.


Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

cc:

Jeff Skirvin
315 Eagle Hollow Road
Madison, IN 47250
CERTIFIED MAIL NO.: 7003 3110 0004 5110 0604

Jeff Skirvin
266 California Street
Berne, IN 46711
CERTIFIED MAIL NO.: 7003 3110 0004 5110 0611

Myron A. Rahn, III
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South
302 W. Washington Street, 5th Floor
Indianapolis, IN 46204

IN THE MATTER OF THE)
)
LICENSES OF JEFF SKIRVIN)
)
LICENSE NO.: PC19900135 (Expired))
JP29700666 (Expired))
)
)



COMPLAINT

This complaint is brought against the Plumbing Contractor and Journeyman Plumber licenses of Jeff Skirvin (“Respondent”) by the State of Indiana, by counsel, Deputy Attorney General Myron A. Rahn III, on behalf of the Office of the Attorney General (“Petitioner”) and pursuant to Indiana Code 25-1-7-7, Indiana Code 25-1-6-3, Indiana Code 25-28.5 *et seq.*, the Administrative Orders and Procedures Act, Indiana Code 4-21.5-3 *et seq.*, and Indiana Code 25-1-11-1 *et seq.* In support, Petitioner alleges and states the following:

FACTS

1. Respondent’s address on file with the Indiana Plumbing Commission (“Commission”) is 315 Eagle Hollow Road, Madison, Indiana 47250. Respondent is a Licensed Plumbing Contractor holding license number PC19900135 (Expired). Respondent was previously a Journeyman Plumber holding license number JP29700666. (Expired).
2. On or about February 1, 2007, Respondent agreed in writing to install a tankless water heater for Bourke A. Ettling (“Ettling”) no later than October 1, 2007, for

the price of \$1,650.00 (\$1,325.00 paid as an initial deposit, with a \$325.00 balance to be paid upon completion).

3. Respondent provided Ettling with a signed receipt showing Ettling's payment of \$1,325 to Respondent.

4. In a phone call on May 30, 2008, Respondent admitted to Petitioner that he did in fact accept \$1,325 from Ettling, did not perform the services that he contracted to do for Ettling, and still has not yet returned Ettling's money.

COUNT I

5. Paragraphs 1 through 4 are repeated and incorporated herein.

6. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(1)(B) in that Respondent engaged in material deception in the course of professional services by collecting an upfront payment from Ettling, failing to perform the contracted services, and then failing to return Ettling's money.

COUNT II

7. Paragraphs 1 through 6 are repeated and incorporated herein.

8. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(4)(A) in that Respondent has continued to practice although he has become unfit to practice due to professional incompetence by violating 860 IAC 1-5-8 in that he failed to complete all plumbing work which he had contracted to perform.

WHEREFORE, Petitioner requests an order against the Respondent, that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all of the cost incurred in the prosecution of this case; and
3. Provides any other relief the Commission deems just and proper under Ind. Code 25-1- 11-12.

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana
Atty. No.: 4150-64

By: 
Myron A. Rahn III
Deputy Attorney General
Atty. No.: 27295-49

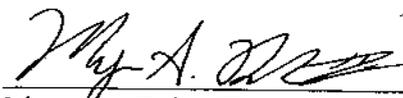
Indiana Government Center South
302 W. Washington Street, 5th floor
Indianapolis, Indiana 46204
(317) 232-6296

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of July, 2008, a true and correct copy of this Complaint was served upon the below listed party via First Class U.S. Mail, postage prepaid.

Jeff Skirvin
315 Eagle Hollow Road
Madison, IN 47250

Jeff Skirvin
266 California Street
Berne, Indiana 46711

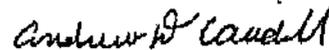

Myron A. Rahn III

August 26, 2008

To Whom It May Concern:

I am writing this in regards to the plumbing test that I took on July 30, 2008. The only portion that I was scheduled to take was the drawing portion. Unfortunately I failed this section by 1%. I would like to file a petition for review on my test. I personally feel as though I achieved a higher score then a 69% and would appreciate the opportunity to look at my test and possibly take any discrepancies that I see in front of the board. Thank you very much for considering my request.

Sincerely,



Andrew D. Caudill

Home number (812) 654-2678
Cell number (812) 525-1170



Indiana Plumbing Commission
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 234-3022
Fax: (317) 233-5559
Website: www.pla.IN.gov

Governor Mitchell E. Daniels, Jr

Andrew Dexter Caudill
5404 East County Road 700 North
Milan IN 47031

Dear Andrew Dexter Caudill

August 13, 2008

The Indiana Plumbing Commission regrets to inform you that your application for licensure as a plumbing contractor has been denied pursuant to IC 25-28.5-1-15, because you have failed to achieve a passing score on the plumbing contractor examination. Your examination results are as follows:

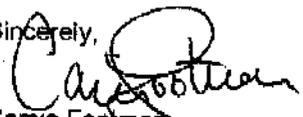
Date	Type	Candidate#	Score	Results
July 30, 2008	Drawing	102	69	Fail

Please be advised that if you desire administrative review of this application denial, you must file a written petition for review at the above address with the Indiana Plumbing Commission stating the reason for the review. As the petitioner, you would have the burden of proving in an administrative hearing that the decision to deny application was incorrect. If you do not file a petition for review, this action will be final.

If you file a petition for review, it must be filed no later than eighteen (18) days from the above stated date unless such date is a Saturday, Sunday, legal holiday under state statute or day that the Professional Licensing Agency's offices are closed during regular business hours in which case, the deadline would be the first day thereafter that is not a Saturday, Sunday, or legal holiday under state statute or day the Professional Licensing Agency's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative law judge of the Indiana Plumbing Commission will conduct an administrative proceeding.

Should you choose to petition for review, you may review your examination following board action granting your petition, upon making an appointment with the board office at (317) 234-3022.

Sincerely,


Camia Footman
Case Manager

Grinstead, Sylvia

From: Sheri Lakes [Sheri_Lakes@colpat.com]
Sent: Tuesday, August 19, 2008 3:36 PM
To: Grinstead, Sylvia
Subject: Roger Lakes petition to review

Importance: High

Per our telephone conversation last week, I am requesting a petition to review the drawing portion of my Plumbing Contractor's Test.

Please contact me at 765-914-4641 to schedule my review.

Thank you,

Roger Lakes
P.O. Box 64
Greens Fork, IN 47345



Indiana Plumbing Commission
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 234-3022
Fax: (317) 233-5559
Website: www.pla.IN.gov

Governor Mitchell E. Daniels, Jr

Roger Lakes
P.O. Box 64
Greens Fork IN 47345

Dear Roger Lakes

August 6, 2008

The Indiana Plumbing Commission regrets to inform you that your application for licensure as a plumbing contractor has been denied pursuant to IC 25-28.5-1-15, because you have failed to achieve a passing score on the plumbing contractor examination. Your examination results are as follows:

Date	Type	Candidate#	Score	Results
July 30, 2008	Drawing	110	66	Fail

Please be advised that if you desire administrative review of this application denial, you must file a written petition for review at the above address with the Indiana Plumbing Commission stating the reason for the review. As the petitioner, you would have the burden of proving in an administrative hearing that the decision to deny application was incorrect. If you do not file a petition for review, this action will be final.

If you file a petition for review, it must be filed no later than eighteen (18) days from the above stated date unless such date is a Saturday, Sunday, legal holiday under state statute or day that the Professional Licensing Agency's offices are closed during regular business hours in which case, the deadline would be the first day thereafter that is not a Saturday, Sunday, or legal holiday under state statute or day the Professional Licensing Agency's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative law judge of the Indiana Plumbing Commission will conduct an administrative proceeding.

Should you choose to petition for review, you may review your examination following board action granting your petition, upon making an appointment with the board office at (317) 234-3022.

Sincerely,


Sylvia S. Grinstead
Case Manager

Kenneth A. Hartley
7032 Omaha Ct.
Fort Wayne, IN.

Indiana Plumbing Commission
402 West Washington Street, Room W072
Indianapolis, Indiana 46204

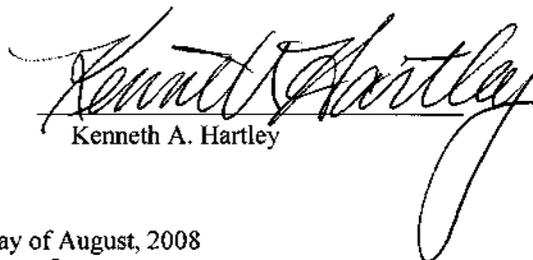
IN RE THE DENIAL OF
THE JOURNEYMAN PLUMBER
APPLICATION OF KENNETH A. HARTLEY

PETITION FOR ADMINISTRATIVE REVIEW OF APPLICATION

Comes now Kenneth A. Hartley, who first being duly sworn upon his oath, says and avers as follows:

1. That it is his understanding, that the denial of said application was pursuant to IC 25-28 5-1-12 (c.) and 860 IAC 1-1-9.
2. That under IC 25-28 5-1-12 (c.) and IAC 1-1-9 that to qualify for a journeyman plumber examination under sub section (b.), must complete at least four (4) years in an apprenticeship program approved by the commission OR present to the commission a notarized statement providing evidence that the applicant has at least four (4) years of experience in the plumbing trade or has worked in a plumbing business under the direction of a licensed plumbing contractor for at least four (4) YEARS.
3. The above said petitioner applied for the exam on the Basis of four (4) years of experience in the plumbing trade, and has provided the commission with aforesaid documents in the form of his notarized plumbing exam application.

WHEREFORE, petitioner prays that the administrative review be granted by the Indiana Plumbing Commission.


Kenneth A. Hartley

Subscribed and sworn to before me, this 14 day of August, 2008

My Commission Expires: 10/10/12


Notary Public

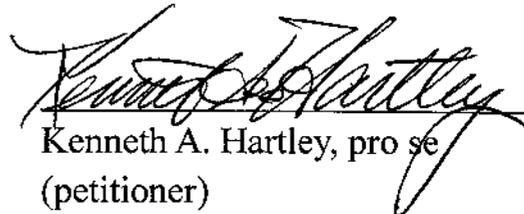
RECEIVED

AUG 15 2008

Indiana Professional
Licensing Agency

CERTIFICATE OF SERVICE

I, Kenneth A. Hartley, hereby certify that a true and correct copy of the foregoing Petition for administrative review of application was served upon the Indiana Plumbing Commission, whose address is 402 West Washington St. Room W072, Indianapolis IN. 46204 by depositing copy of same in the United States Postal System by Certified Mail No. : 7008 0150 0000 67273398 on this 14th day of August 2008


Kenneth A. Hartley, pro se
(petitioner)

RECEIVED

AUG 15 2008

Indiana Professional
Licensing Agency



Indiana Plumbing Commission
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 234-3022
Fax: (317) 233-5559
Website: www.pla.IN.gov

Governor Mitchell E. Daniels, Jr

Kenneth A. Hartley
7032 Omaha Ct.
Fort Wayne IN 46804

July 30, 2008

Dear **Kenneth A. Hartley**:

The Indiana Plumbing Commission considered your Journeyman Plumber application at their July 23, 2008 meeting. It was the decision of the Commission to **deny** your application pursuant IC 25-28.5-1-12(c) and 860 IAC 1-1-9.

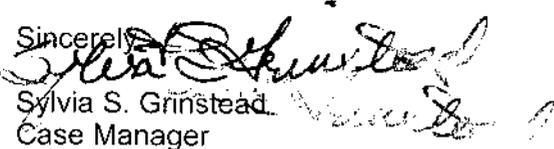
The Commission has determined that you failed to provide evidence of the following:

- (a) **Evidence of successfully completing at least four (4) years in an apprenticeship program approved by the Commission.**

Please be advised that if you desire administrative review of the denial of this application, you must file a written petition for review at the above address with the Indiana Plumbing Commission, stating the reason for review. As the petitioner, you would have the burden of proving, in an administrative hearing, that the decision to deny your application for licensure was incorrect. If you do not file a petition for review, this action will be final.

If you file a petition for review, it must be filed no later than eighteen (18) days from the above stated date unless such date is a Saturday, Sunday, legal holiday under state statute or day that the Professional Licensing Agency's offices are closed during regular business hours. In which case, the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute that the Professional Licensing Agency's offices are closed during regular business hours. If you do so, your petition for review will be granted, and an administrative proceeding will be conducted by an administrative law judge of the Indiana Plumbing Commission.

Sincerely,


Sylvia S. Grinstead
Case Manager

Indiana Plumbing Commission

Certified Mail No.: 7002 3150 0003 3036 4683

Kenneth A. Hartley
7032 Omaha Ct.
Fort Wayne, In.
46804

Indiana Plumbing Commission
402 West Washington St. Rm. W072
Indianapolis, Indiana 46204

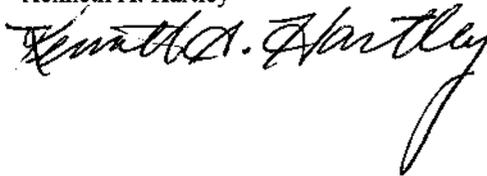
Dear commissioners,

On June 4, 2008, I received a letter from Sylvia Grinstead, saying that my application to take the plumbing license exam, had been tabled, pending, proof of completing an approved apprenticeship program.

I had applied on the basis of experience time spent in the plumbing trade. As my application shows, this consists of time working with licensed plumbers and plumbing contractor reaching almost 20,000 hours.

All I am asking for is the opportunity to be tested in these skills by taking the Indiana plumbing exams. Thank you.

Very truly yours,
Kenneth A. Hartley



RECEIVED

JUN 30 2008

Indiana Professional
Licensing Agency



Indiana Plumbing Commission
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 234-3022
Fax: (317) 233-5559
Website: www.pla.IN.gov

Governor Mitchell E. Daniels, Jr

Kenneth A. Hartley
7032 Omaha Ct.
Fort Wayne IN 46804

June 4, 2008

Dear Kenneth A. Hartley:

Your application was tabled by the Indiana Plumbing Commission pending the following:

Proof of completing an approved apprenticeship program

Please return the requested documentation with a copy of this letter within sixty (60) days. If you have any questions, please contact me at (317) 234-3022, or pla10@pla.state.in.us.

Sincerely,


Sylvia S. Grimshead
Case Manager

JOURNEYMAN

APPLICATION CHECKLIST

APPLICANT NAME:

Hartley, Kenneth

IC 25-28.5-1-13

\$30 FEE

AT LEAST 18 YEARS OF AGE

APPRENTICE LICENSE # _____

EXPIRATION DATE _____

JOURNEYMAN LICENSE # _____

EXPIRATION DATE _____

APPLYING WITH TRAINING OR EXPERIENCE, CHOOSE ONE:

4 YEARS OF TRAINING IN AN APPROVED APPRENTICESHIP PROGRAM (SECTIONS 1 AND 3)

* IS PROGRAM APPROVED?

YES

NO

* SIGNATURE OF MANAGER/SPONSOR?

YES

NO

* NUMBER OF YEARS COMPLETED: _____

* SECTION ONE AND APPLICATION NOTARIZED

YES

NO

4 YEARS EXPERIENCE IN PLUMBING TRADE (SECTIONS 2 AND 3)

* ALL EXPERIENCE UNDER LICENSED PLUMBING CONTRACTOR(S)?

YES

NO

* CORPORATE PLUMBING CONTRACTOR LICENSE #: _____

EXPIRES: _____

* PLUMBING CONTRACTOR LICENSE #: PC81055234

EXPIRES: _____

* SECTION TWO AND APPLICATION NOTARIZED

YES

NO

LENGTH OF EMPLOYMENT: 15+ yrs

* EXPERIENCE TOTALS AT LEAST 4 YEARS?

YES

NO

EMPLOYER AFFIDAVITS:

YES

NO

APPLICATION AFFIDAVITS:

YES

NO

HAS A CONVICTION ON RECORD

DOCUMENTATION ATTACHED

DOCUMENTATION REQUESTED

APPLICATION COMPLETE

APPLICATION NOTARIZED

ADDITIONAL SUPPORTING DOCUMENTATION

See enclosed court papers

COMMISSION ACTION SECTION

APPROVED

TABLED, PENDING RECEIPT OF THE FOLLOWING:

Completion of BAT approved apprenticeship program *Need to show proof of*

DENIED

REASON FOR DENIAL:

STATUTE IC _____

RULE 860 IAC _____

COMMENTS: *No longer can you take the exam with the only basis being years of experience. You also currently have to complete a BAT approved apprenticeship program. Also, please send his employer a warning letter about the need to use licensed*

COMMISSION SIGNATURE

Eiv / AH

DATE

5-28-08

COMMISSION SIGNATURE

Eiv / AH

DATE

5-28-08

plumbers or registered apprentices

BEFORE THE INDIANA
PLUMBING COMMISSION
CAUSE NO. IPC 08-03

IN THE MATTER OF)
THE APPLICATION OF)
SHANE SWINNEY,)
JOURNEYMAN PLUMBER)
APPLICANT)



ADMINISTRATIVE LAW JUDGE'S ORDER

Comes now, John Van Cleve, the Administrative Law Judge designated by the Indiana Plumbing Commission ("Commission") in this proceeding, and hearing having been held, now issues and files his order. Notice is hereby given that any objection to the Administrative Law Judge's Order must be filed with the Commission, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the date of issuance of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours in which case the deadline would be the first day thereafter that is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours. This Administrative Law Judge's Order is not the final order of the Commission in this proceeding. However, in the absence of any objection, the Commission either will affirm the Administrative Law Judge's Order as its final order or will serve notice of its intent to review any issue related to the Administrative Law Judge's Order.

FINDINGS OF FACT

1. This proceeding is pending on Shane Swinney's (hereinafter "Petitioner") petition for review of the Commission's denial of licensure as a Journeyman Plumber because of examination failure.
2. The Petitioner failed to pass the written portion of the journeyman plumbing examination.
3. The Petitioner appeared in person and without counsel at the March 26, 2008, hearing.
4. The Petitioner presented evidence that he believed that several of the questions had wrong answers.
5. The Administrative Law Judge reviewed the questions and now finds that the questions had appropriate answers.

CONCLUSIONS OF LAW

1. According to Indiana Code 25-28.5-1-15, one of the requirements for licensure as a journeyman plumber is the passing of an examination. In 860 IAC 1-3, the Commission has adopted various rule provisions applicable to examinations. 860 IAC 1-3-1 is particularly applicable and reads as follows:

- (a) The journeyman plumber examination shall consist of a practical section and of a written section.

(b) The practical section of the examination shall include two (2) parts known as the following:

- (1) The copper pipe project.
- (2) The soil pipe project.

(c) The written section of the examination shall be a multiple-choice test.

(d) In order to pass the practical section of the examination, an individual must obtain scores of at least seventy percent (70%) on both of the following:

- (1) The copper pipe project.
- (2) The soil pipe project.

(e) An individual must obtain a score of at least seventy percent (70%) on the multiple-choice test in order to pass the written section of the examination.

2. The Petitioner did not pass the written section of the examination as required by 860 IAC 1-3-1.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Petitioner's application for licensure as a journeyman plumber is DENIED.

ISSUED this 15th day of August, 2008.


Jon Van Cleve
Administrative Law Judge
Indiana Plumbing Commission

Copies to:

Shane Swinney
2119 Whalen Avenue
Indianapolis, Indiana 46227
Sent by Certified Mail No. 7006 2760 0003 4664 8227
RETURN RECEIPT REQUESTED

BEFORE THE INDIANA
PLUMBING COMMISSION
CAUSE NO. IPC 08-04

IN THE MATTER OF)
BRANDON JOHNSON,)
JOURNEYMAN PLUMBER)
EXAMINATION APPLICANT)



ADMINISTRATIVE LAW JUDGE'S ORDER

Comes now, John Van Cleve, the Administrative Law Judge designated by the Indiana Plumbing Commission ("Commission"), on this proceeding, and hearing having been held, now issues and files his order. Notice is hereby given that any objection to the Administrative Law Judge's Order must be filed with the Commission, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the date of issuance of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours in which case the deadline would be the first day thereafter that is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours. This Administrative Law Judge's Order is not the final order of the Commission in this proceeding. However, in the absence of any objection, the Commission either will affirm the Administrative Law Judge's Order as its final order or will serve notice of its intent to review any issue related to the Administrative Law Judge's Order.

FINDINGS OF FACT

1. This proceeding is pending on Brandon Johnson's (hereinafter "Petitioner") petition for review of the Commission's denial of Petitioner's application for admittance to the examination for a journeyman plumber because the Petitioner did not have the required four years of apprenticeship experience and education.
2. The Petitioner appeared in person and without counsel at the March 26, 2008, hearing.
3. The Petitioner asserted that his experience qualifies him by exemption. The Petitioner has the required four years of apprenticeship and his experience qualifies as an exemption to the requirement for four years of apprenticeship.

CONCLUSIONS OF LAW

1. Indiana Code 25-28.5-1-12 states that to qualify for a journeyman plumber examination an applicant who is an Indiana resident must provide evidence that the applicant has completed at least four (4) years in an apprenticeship program approved by the commission or present to the commission a notarized statement providing

evidence that the applicant has at least four (4) years of experience in the plumbing trade in employment as the following:

- (1) An authorized employee of the United States, the state, or a political subdivision of the state if the employee does not profess to be for hire and is acting within the scope of the employee's employment.
- (2) Construction, alteration, improvement, or repair of a plumbing system, located on a site, the title of which is in the name of the United States of America, or to construction, alteration, improvement, or repair on a project where federal law supersedes this article.
- (3) An individual who is employed or acts as a maintenance person at the individual's place of employment.

2. Because the Petitioner does meet the education and experience requirements, he does qualify for admittance to the journeyman plumber licensing examination.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Petitioner's application for admittance to the Journeyman Plumbing examination is GRANTED.

ISSUED this 15th day of August, 2008.


John Van Cleve
Administrative Law Judge
Indiana Plumbing Commission

Copies to:

Brandon Johnson
7148 E. 52nd Street
Indianapolis, Indiana 46228
Sent by Certified Mail No. 7006 2760 0003 4664 8234
RETURN RECEIPT REQUESTED

BEFORE THE INDIANA
PLUMBING COMMISSION
CAUSE NO. IPC 08-05

IN THE MATTER OF)
MACK BLAIR,)
JOURNEYMAN PLUMBER)
EXAMINATION APPLICANT)

FILED
AUG 15 2008
Indiana Professional
Licensing Agency

ADMINISTRATIVE LAW JUDGE'S ORDER

Comes now, John Van Cleve, the Administrative Law Judge designated by the Indiana Plumbing Commission ("Commission") in this proceeding, and hearing having been held, now issues and files his order. Notice is hereby given that any objection to the Administrative Law Judge's Order must be filed with the Commission, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the date of issuance of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours in which case the deadline would be the first day thereafter that is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours. This Administrative Law Judge's Order is not the final order of the Commission in this proceeding. However, in the absence of any objection, the Commission either will affirm the Administrative Law Judge's Order as its final order or will serve notice of its intent to review any issue related to the Administrative Law Judge's Order.

FINDINGS OF FACT

1. This proceeding is pending on Mack Blair's (hereinafter "Petitioner") petition for review of the Commission's denial of Petitioner's application for admittance to the examination for a journeyman plumber.
2. The Petitioner does not have the required four years of apprenticeship and his experience did not qualify as an exemption to the requirement for four years of apprenticeship.
3. The Petitioner appeared in person and without counsel at the March 26, 2008 hearing.
4. The Petitioner did not present sufficient evidence to make a showing of having completed four years of a Commission approved apprenticeship program.

CONCLUSIONS OF LAW

1. Indiana Code 25-28.5-1-12 states that to qualify for a journeyman plumber examination an applicant who is an Indiana resident must provide evidence that the

applicant has completed at least four (4) years in an apprenticeship program approved by the commission or present to the commission a notarized statement providing evidence that the applicant has at least four (4) years of experience in the plumbing trade in employment as the following:

- (1) An authorized employee of the United States, the state, or a political subdivision of the state if the employee does not profess to be for hire and is acting within the scope of the employee's employment.
- (2) Construction, alteration, improvement, or repair of a plumbing system, located on a site, the title of which is in the name of the United States of America, or to construction, alteration, improvement, or repair on a project where federal law supersedes this article.
- (3) An individual who is employed or acts as a maintenance person at the individual's place of employment.

2. Because the Petitioner does not meet the education and experience requirements, he does not qualify for admittance to the journeyman plumber licensing examination.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Petitioner's application for admittance to the Journeyman Plumbing examination is DENIED.

ISSUED this 15th day of August, 2008.



John Van Cleve
Administrative Law Judge
Indiana Plumbing Commission

Copies to:

Mack Blair
3707 S. Ferguson Road
Indianapolis, Indiana 46239
Sent by Certified Mail No. 7006 2160 0003 4664 8210
RETURN RECEIPT REQUESTED



Compliance Division

402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 232-5887
Fax: (317)232-2312
Website: www.PLA.IN.gov

Governor Mitchell E. Daniels

August 4, 2008

Timothy J. Jones
Jones Contracting, Inc.
Post Office Box 117
Somerset IN 46984

RE: PC10200830, Active

Re: Examination Licensure and Unlicensed Practice

Dear Timothy J. Jones:

An application for the plumber contractor or journeyman plumber examination for licensing was submitted to the Indiana Plumbing Commission ("Commission"). In the application, you and the applicant both signed a notarized affidavit stating that the applicant has obtained at least four (4) years of experience in the plumbing trade under your employment and supervision. Upon review of the application, it appears that you, as the employer, allowed the applicant to work in the plumbing trade without the applicant being licensed as a journeyman plumber or plumbing contractor or registered as an apprentice; therefore, the applicant's application has been denied. **You must immediately stop allowing unlicensed employees to perform plumbing work.**

According to Indiana Code 25-28.5-1-11, it shall be unlawful for *any person* to act in the capacity of a plumbing contractor or journeyman plumber within this state without first *obtaining a license as a plumbing contractor or journeyman plumber from the commission*. In addition, 860 IAC 1-5-5(a) provides that plumbing contractors *shall not allow* any employee or subcontractor to act in the capacity of a plumbing contractor or journeyman plumber *unless that employee or subcontractor has a plumbing contractor's license or a journeyman plumber's license*. A licensing violation such as this could result in disciplinary action, which includes a range of action from a letter of reprimand to revocation of your plumbing contractor's license. You have twenty (20) days from the date of this letter to respond, in writing, to the Compliance Division. The letter must address the allegations and your proposed compliance offer, which must include the following:

- (a) Your intent and plan to become compliant with the Commission's licensing requirements.
- (b) A statement of understanding of the Indiana plumbing statutes and rules.
- (c) A list of all principals and employees who engage in the practice of plumbing and their job descriptions.
- (d) Filing applications for all employees who meet the requirements for admission to the journeyman plumber or plumbing contractor examination.
- (e) Filing applications for apprentice registration for all employees who do not meet the requirements for admission to the journeyman plumber or plumbing contractor examination.

- (f) As an alternative to subsections (d) and (e), you may file a statement indicating that you, as the employer, will permanently cease and desist from allowing unlicensed employees to engage in plumbing work.

A current copy of the Indiana Plumbing Commission statutes and rules are available at our website at www.in.gov/pla/bandc/plumbing. You can view the list of approved apprenticeship schools at the Commission's website, click on **license express**, then **license search** and **click here to search for a Corporation, Shop, Business or Tobacco Retailer instead of a person** and then chose from the list the Professions, and click **license type**, and then **search all** .

If you have any questions, please feel free to contact me at (317) 232-5887 or email me at wname@pla.in.gov.

Sincerely,



William Nave
Director of Compliance

Enclosure

Certified Mail: 7002 3150 0003 3036 4676



Indiana Plumbing Commission

402 West Washington Street, Room W072

Indianapolis, Indiana 46204

Telephone: (317) 234-3022

Fax: (317) 233-5559

Website: www.pla.IN.gov

Governor Mitchell E. Daniels, Jr

Charles Dennis Todd
500 Cement Ave.
Lagro IN 46941

July 30, 2008

Dear **Charles Dennis Todd**:

The Indiana Plumbing Commission considered your Journeyman Plumber application at their July 23, 2008 meeting. It was the decision of the Commission to **deny** your application pursuant IC 25-28.5-1-12(c) and 860 IAC 1-1-9.

The Commission has determined that you failed to provide evidence of the following:

- (a) **Evidence of successfully completing at least four (4) years in an apprenticeship program approved by the Commission.**

Please be advised that if you desire administrative review of the denial of this application, you must file a written petition for review at the above address with the Indiana Plumbing Commission, stating the reason for review. As the petitioner, you would have the burden of proving, in an administrative hearing, that the decision to deny your application for licensure was incorrect. If you do not file a petition for review, this action will be final.

If you file a petition for review, it must be filed no later than eighteen (18) days from the above stated date unless such date is a Saturday, Sunday, legal holiday under state statute or day that the Professional Licensing Agency's offices are closed during regular business hours. In which case, the deadline would be the first day thereafter that is not a Saturday, Sunday, legal holiday under state statute that the Professional Licensing Agency's offices are closed during regular business hours. If you do so, your petition for review will be granted, and an administrative proceeding will be conducted by an administrative law judge of the Indiana Plumbing Commission.

Sincerely,

Sylvia S. Grinstead
Case Manager
Indiana Plumbing Commission

Certified Mail No.:7002 3150 0003 3036 4669

JOURNEYMAN

APPLICATION CHECKLIST

APPLICANT NAME: Charles Todd

IC 25-28.5-1-13



\$30 FEE

AT LEAST 18 YEARS OF AGE

APPRENTICE LICENSE #

EXPIRATION DATE

JOURNEYMAN LICENSE #

EXPIRATION DATE

APPLYING WITH TRAINING OR EXPERIENCE, CHOOSE ONE:



4 YEARS OF TRAINING IN AN APPROVED APPRENTICESHIP PROGRAM (SECTIONS 1 AND 3)

* IS PROGRAM APPROVED?

YES

NO

* SIGNATURE OF MANAGER/SPONSOR?

YES

NO

* NUMBER OF YEARS COMPLETED:

* SECTION ONE AND APPLICATION NOTARIZED

YES

NO



4 YEARS EXPERIENCE IN PLUMBING TRADE (SECTIONS 2 AND 3)

* ALL EXPERIENCE UNDER LICENSED PLUMBING CONTRACTOR(S)?

YES

NO

* CORPORATE PLUMBING CONTRACTOR LICENSE #

EXPIRES:

* PLUMBING CONTRACTOR LICENSE #: PC10200000

EXPIRES:

* SECTION TWO AND APPLICATION NOTARIZED

YES

NO



LENGTH OF EMPLOYMENT: 11/02 - 6/08

* EXPERIENCE TOTALS AT LEAST 4 YEARS?

YES

NO



EMPLOYER AFFIDAVITS:

YES

NO



APPLICATION AFFIDAVITS:

YES

NO



HAS A CONVICTION RECORD



DOCUMENTATION ATTACHED



DOCUMENTATION REQUESTED



APPLICATION COMPLETE



APPLICATION NOTARIZED

ADDITIONAL SUPPORTING DOCUMENTATION

COMMISSION ACTION SECTION



APPROVED

TABLED, PENDING RECEIPT OF THE FOLLOWING:



DENIED

REASON FOR DENIAL:

STATUTE IC

25-28.5-1-12

RULE 860 IAC

COMMENTS:

7-23-08 SEND WARNING LETTER TO JONES CONTRACTOR

TIMOTHY JONES

COMMISSION SIGNATURE

[Handwritten Signature]

DATE

7-23-08

COMMISSION SIGNATURE

DATE



APPLICATION FOR JOURNEYMAN PLUMBER EXAMINATION FOR LICENSING

State Form 40602 (R10 / 11-02)
Approved by State Board of Accounts, 2002

JUN 2 2008

Indiana Professional Licensing Agency
302 W. Washington St., Rm. E304
Indianapolis, IN 46204-2700
(317)-232-2960
www.in.gov/pla

FEE: \$30.00

ALL FEES ARE NON-REFUNDABLE AND NON-TRANSFERABLE.

Social Security number	* Your Social Security number is requested by this agency in accordance with IC 4-1-8-1; it is mandatory that it be given. Social Security numbers are made available to the Department of Revenue.		
Name of applicant	CHARLES DENNIS TODD III		Date of birth (month, day, year)
Address (number and street, city, state, ZIP code)		500 CEMENT AVE. LAGRO, IN. 46941	
County	WABASH	Telephone number	260-782-2166
Have you ever been convicted of a crime? (if "Yes", provide a copy of the court order and any pertinent documents)			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

INSTRUCTIONS:

- If you are applying on the basis of having completed four (4) years of training in an approved apprenticeship program, please complete Sections one (1) and three (3).
- If you are applying on the basis of having completed four (4) years of experience in the plumbing trade, please complete Sections two (2) and three (3).

SECTION ONE	
APPROVED APPRENTICESHIP PROGRAM SPONSOR CERTIFICATION OF COMPLETION	
I have successfully completed the following four (4) years of training in an approved apprenticeship program, satisfying the requirements as defined in commission rule, 860 IAC 1-1-9, as verified by the sponsor of the approved apprenticeship program, herein:	
Name of apprenticeship program sponsor	Telephone number
Address (number and street, city, state, ZIP code, county)	
Date of enrollment (month, year)	Date of completion (month, year)
I hereby certify that _____ successfully completed four (4) years of training in an approved apprenticeship program. Name of apprentice	
Date of enrollment	Signature of manager of approved apprenticeship program sponsor
Date of completion	Date signed

NOTARY CERTIFICATE	
STATE OF _____	} SS:
COUNTY OF _____	
I, _____, having been duly sworn on oath, say that I am the above-named, that I have personally prepared the foregoing affidavit, and that the same is true to the best of my knowledge and belief.	
Signature of manager of approved apprenticeship program sponsor	Signature of Notary Public
Printed or typed name of manager of approved apprenticeship program sponsor	Printed or typed name of Notary Public
Date subscribed and sworn to Notary Public	County of residence
	Date commission expires
	JUN 26 2008

SECTION TWO

I have completed the following four (4) years of experience in the plumbing trade, satisfying the requirements as defined in commission rule 860 IAC 1-1-9 and 860 IAC 1-1-10, as verified by employer, attached herewith:

Name of employer JONES CONTRACTING, INC.	Plumbing contractor license number (if applicable): PC 10200830
Address (number and street, city, state, ZIP code) 5 SHOPPING CENTER RD. SOMERSET, IN. 46984	
County WABASH	Telephone number 765-981-2164
Dates of employment (month, day, year): From 11-10-02 To 23-6-08 to current	
Name of employer	Plumbing contractor license number (if applicable): PC
Address (number and street, city, state, ZIP code)	
County	Telephone number
Dates of employment (month, day, year): From To	

APPLICANT AFFIDAVIT OF EXPERIENCE IN PLUMBING TRADE

I hereby certify that I, **CHARLES DENNIS TODD III** have worked in the plumbing trade as defined in commission rule 860 IAC 1-1-9, for the period of **11-10-02** to **23-6-08 Current** for **JONES CONTRACTING, INC.**

Name of applicant
Day, month, year Day, month, year Name of company or plumbing business

JONES CONTRACTING, INC.
Name of employer or licensed contractor

5 SHOPPING CENTER RD. SOMERSET, INDIANA 46984
Address (number and street, city, state, ZIP code)

I further certify that I am unable to obtain an employer affidavit verifying the aforementioned experience in the plumbing trade due to the following reason(s):

.....

.....

Signature of applicant **Charles Dennis Todd III** Date signed **6-23-08**

NOTARY CERTIFICATE

STATE OF **Indiana**
COUNTY OF **Wabash** } SS:

I, **CHARLES DENNIS TODD III** having been duly sworn on oath, say that I am the above-named, that I have personally prepared the foregoing affidavit, and that the same is true to the best of my knowledge and belief.

Signature of applicant <u>Charles Dennis Todd III</u>	Signature of Notary Public <u>Tracy A. Peas</u>
Printed or typed name of applicant CHARLES DENNIS TODD III	Printed or typed name of Notary Public Tracy A. Peas
Date subscribed and sworn to Notary Public 6-24-08	County of residence Wabash
	Date commission expires 1-9-2015

RECEIVED

TRACY A. PEAS, Notary Public
My Commission Expires January 9, 2015, Wabash County

JUN 26 2008 Page 2 of 3

Indiana Professional
Licensing Agency

