

BEFORE THE INDIANA
PLUMBING COMMISSION
CAUSE NO: 2024 IPC 0002

IN THE MATTER OF THE LICENSES OF:

PIPE INC.
LICENSE NO: CO81062831 (Expired)

AND

MARK A. HELM
LICENSE NO: PC89000029 (Expired)

FILED

JAN 2 2024

Indiana Professional
Licensing Agency

ADMINISTRATIVE COMPLAINT

Petitioner, the State of Indiana, by counsel, Deputy Attorney General Ian Mathew, pursuant to Ind. Code § 25-1-7-7 and Ind. Code ch. 4-21.5-3, brings this Administrative Complaint before the Indiana Plumbing Commission (“the Commission”) against the licenses of Pipe Inc. (“Respondent Corporation”) and Mark A. Helm (“Respondent Helm”)(collectively, “Respondents”) for violations of Ind. Code § 25-1-11-5. In support, Petitioner alleges and states the following:

FACTS

Background

1. The Office of the Attorney General (“OAG”) is empowered under Ind. Code § 25-1-7-7 to prosecute this action on behalf of Petitioner against Respondents’ licenses.
2. Respondent Corporation holds plumbing corporation license CO81062831, which expired on December 31, 2023.

3. Respondent Corporation's address on file with the Indiana Professional Licensing Agency ("IPLA") is 1901 North Sherman Drive, Indianapolis, Indiana, 46218.

4. At all times relevant, Respondent Helm was the manager of record for Respondent Corporation.

5. Respondent Helm holds plumbing contractor license PC89000029, which was issued by the Commission on January 30, 1990, and expired on December 31, 2023.

6. Respondent Helm's address on file with IPLA is 8465 North Lasalle Road, Morgantown, Indiana, 46160.

Jurisdiction

7. On November 29, 2022, the OAG received a consumer complaint filed against Respondent Corporation, and an investigation was then conducted as authorized by Ind. Code § 25-1-7-5(b)(4).

8. After investigation, the OAG determined that the complaint had merit, and, accordingly, a copy of the consumer complaint is being submitted to the Commission herewith as **Exhibit A**.

9. The OAG having tendered a meritorious complaint, the Commission has jurisdiction to hear this matter under Ind. Code § 25-1-7-5(b)(1).

10. Further, at all times relevant, Respondents were "practitioners" as that term is defined by Ind. Code § 25-1-11-2.

11. As such, the Commission has authority to hear this case and to impose any of the sanctions enumerated under Ind. Code § 25-1-11-12.

Respondents' Misconduct

Unlicensed Practice

12. Respondent Corporation employed at least three individuals to perform plumbing services who continued to practice after their licenses had expired.

13. Michael J. Kirby ("Kirby") previously held plumbing apprentice license PA21700167 (Expired), which expired on October 1, 2022.

14. Despite this, Kirby continued to work in the same capacity for Respondent Corporation after his license had expired.

15. Ben McDonald ("McDonald") previously held plumbing apprentice license PA20200587 (Expired), which expired on October 1, 2018.

16. However, McDonald continued to work in the same capacity for Respondent Corporation after his license had expired.

17. Doug Belton ("Belton") previously held plumbing apprentice license PA20200440 (Expired), which expired on October 1, 2014.

18. Belton also continued to work in the same capacity for Respondent Corporation after his license had expired.

Failure to Supervise

19. Respondent Corporation failed to ensure adequate supervision of its apprentices at each job site.

20. More specifically, Respondent Corporation failed to have a licensed plumbing contractor or licensed journeyman plumber physically present to supervise its apprentice plumbers on job sites.

21. Respondent Corporation also failed to ensure adequate supervision of at least one journeyman, Matthew T. Badger ("Badger").

22. Badger holds journeyman plumber license JP21700030 (Active).

23. As a journeyman plumber, Badger could only practice under the supervision, direction, and responsibility of a licensed plumbing contractor.

24. Respondents failed to provide such supervision for Badger during his tenure with Respondent Corporation.

CHARGES

25. Paragraphs one (1) through twenty-four (24) are incorporated by reference.

Counts 1 – 3 Connection with Unlicensed Practice

26. **Count 1:** Respondent Corporation's conduct constitutes a violation of Ind. Code § 25-1-11-5(a)(6) in that Respondent Corporation allowed its name or license to be used in connection with an individual who rendered services beyond the scope of that individual's training, experience, or competence, as evidenced by Respondent Corporation allowing Michael J. Kirby to work under an expired apprentice license.

27. **Count 2:** Respondent Corporation's conduct constitutes a violation of Ind. Code § 25-1-11-5(a)(6) in that Respondent Corporation allowed its name or license to be used in connection with an individual who rendered services beyond the scope of that individual's training, experience, or competence, as evidenced by Respondent Corporation allowing Ben McDonald to work under an expired apprentice license.

28. **Count 3:** Respondent Corporation's conduct constitutes a violation of Ind. Code § 25-1-11-5(a)(6) in that Respondent Corporation allowed its name or license to be used in connection with an individual who rendered services beyond the scope of that individual's training, experience, or competence, as evidenced by Respondent Corporation allowing Doug Belton to work under expired apprentice license.

Count 4 Failure to Supervise

29. Respondent Corporation's conduct constitutes a violation of Ind. Code § 25-1-11-5(a)(3) in that Respondent Corporation knowingly violated a state regulation regulating the profession. Specifically, Respondent Corporation violated 860 Ind. Admin. Code 2-1-2 by failing to have a licensed plumbing contractor or licensed journeyman plumber physically present to supervise its apprentice plumbers on job sites.

Count 5
Failure to Keep Abreast

30. Respondent Corporation's conduct constitutes a violation of Ind. Code § 25-1-11-5(a)(4)(B) in that it continued to practice despite becoming unfit to practice due to failure to keep abreast of current professional theory or practice. More specifically, Respondent Corporation failed to keep abreast of the current professional theory surrounding supervision of journeyman plumbers by plumbing contractors.

Counts 6 – 10
Assisting in Violations

31. Respondent Helm's conduct constitutes FIVE (5) violations of Ind. Code § 25-1-11-5(a)(8) in that he assisted another person in committing acts that constitute grounds for disciplinary sanction. Specifically, Respondent Helm, as the managing licensee of Respondent Corporation, assisted Respondent Corporation in committing the violations set out in Counts 1 through 5.

RELIEF REQUESTED

ACCORDINGLY, Petitioner respectfully requests that the Commission issue an order against Respondents that:

- I. Imposes one or more of the disciplinary sanctions authorized by Ind. Code § 25-1-11-12;
- II. Directs Respondents to pay all of the costs incurred in the prosecution of this case, as authorized by Ind. Code § 25-1-11-18;

- III. Directs Respondents to pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund pursuant to Ind. Code § 4-6-14-10(b); and,
- IV. Provides any other relief the Commission deems just and proper.

Respectfully submitted,

THEODORE E. ROKITA
Indiana Attorney General
Attorney No. 18857-49

By:



Ian Mathew
Deputy Attorney General
Attorney No.: 36392-49

OFFICE OF ATTORNEY GENERAL TODD ROKITA

302 West Washington Street
Indiana Government Center South, 5th Floor
Indianapolis, IN 46204
Phone: (317) 234-4755
Email: ian.mathew@atg.in.gov

CERTIFICATE OF SERVICE

I certify that, on the 2nd day of January, 2024, copy of this Administrative

Complaint was duly served upon the below-listed party or parties:

Barelay Wong
Drewry Simmons Vornehm, LLP
736 Hanover Place, Suite 200
Carmel, IN 46032
bwong@dsvlaw.com
Counsel for Respondent Corporation
By U.S. Mail and Email

Mark A. Helm
8465 North Lasalle Road
Morgantown IN, 46160
By U.S. Mail



Ian Mathew
Deputy Attorney General
Attorney No.: 36392-49



CONSUMER COMPLAINT
Office of the Indiana Attorney General
(R5 / 12-17)

INSTRUCTIONS: To prevent delay, please be sure to complete **both sides** of this form in full. Please print clearly or type. **Do not include your Social Security Number** on this form or in any accompanying documents. **Please note:** If you have already obtained a judgment, or there is pending litigation, we may be limited or unable to take further action on your complaint.

Case No: 11695851

Section 1: Your Information			
Salutation ☐ Det. ☐ Mr. ☐ Mrs. ☐ Ms. ☐ Dr. ☐ Miss. ☐ Rev.		Street Address po box 523	
Full Name/Organization/Agency matthew thomas badger		City daleville	State IN
If an Organization/Agency provide a Primary Contact Name		County Delaware	Zip Code 46012
Age Group ☐ 18-24 ☒ 25-34 ☐ 35-44 ☐ 45-54 ☐ 55-59 ☐ 60+		Daytime Phone 3179547504	
Email Address mbadger507@gmail.com			
May we contact you by email? If yes, we will not contact you by regular mail		☐ No ☒ Yes	
Are you or your spouse active military?		☒ No ☐ Yes	
Section 2: Who is the Complaint Against?			
Individual/Business pipe inc		Name of Individual/Representative you dealt with employees	
Street Address 1901 north sherman dr		City Indianapolis	State IN
County Marion	Daytime Phone (317) 887-8770	Zip Code 46218	
Email Address			
Section 3: Transaction/Incident Details			
3-A: Date of Transaction/Incident 8-24-2022		3-B: If a Transaction, what was the Transaction for? ☐ My business ☐ My family/household ☐ My farm ☐ Non-Profit/Church	
3-C: Where did the Transaction/Incident occur? (check box where applicable)			
☐ My home ☐ At the location of the business ☐ Away from the location of the business ☐ By mail		☐ By Internet/email ☐ By telephone ☐ By Social Media ☒ Other <u>jobsite</u>	
3-D: What was the very first contact between you and the Individual/Business?			
☐ I telephoned the individual/business ☐ I responded to a TV/radio ad ☐ A person came to my home ☐ I received information by email		☐ I received information in the mail ☐ I went to the location of the business ☐ I received a phone call from the business ☐ I responded to an offer on the Internet	
☐ I responded to a printed advertisement ☒ Other, describe below <u>8-24-2022</u>			
3-E: How did you Pay?			
☐ Cash ☐ Check		☐ Credit Card/Pre-pay ☐ Installment Loan	
☐ Medicaid ☐ Medicare		☐ Pay-Pal ☐ Private Insurance	
☐ Wire Transfer		☒ Other <u>i am a employee</u>	
3-F: What, if any, is the Dollar amount associated with your loss?		\$	

Exhibit A

Section 4 Actions Taken by Consumer

- ☐ Yes ☒ No 4-A: Did you sign a written agreement or contract? If yes, please attach a copy of the documentation.
- ☐ Yes ☒ No 4-B: Have you hired a private attorney?
- ☐ Yes ☒ No 4-C: Have you started a court action? If yes, please attach a copy of all court papers.
- ☐ Yes ☒ No 4-D: Have you sued, or have you been sued, over this incident/transaction? If yes, please attach a copy of all court papers.

Section 4 Actions Taken by Consumer - continued

- ☒ Yes ☐ No 4-E: Have you complained to the Individual/Business? as soon as i found out they had no license no i spoke to my foreman he did not seem to care. that non license employees was installing plumbing
- Yes ☐ No 4-F: Have you filed a complaint with any other agency? If yes, list other agency:

Section 5 Transaction/Incident Details – attach additional pages if necessary

Please remember to attach a copy of all documentation involved (order blank, warranty, credit card receipt and statement, invoice, contract or written agreement, advertisement, cancelled check, correspondence etc). Please print clearly or type. **Do Not Include your Social Security Number.**

If you answered "Yes" to 4-E or 4-F above please include in the transaction/incident details below when you complained and what action was taken.

I am a employee of pipe and i am a license plumber and pipe has their foreman and other workers installing drains waste vent and water lines with no license and i am worried because on the jobsite i am on they have failed inspections and are cheating air test and not installing plumbing correctly. i am worried that it will come back on me as i am one of a few that has a license and i have brought it to my foreman attention and he doesnt care.

Section 6 How would you like your Complaint resolved?

make them follow Indiana licensing law. and make them follow plumbing code.

Section 7 WHAT HAPPENS NEXT?

The Consumer Protection Division will send a copy of your complaint to the respondent individual/business or licensed professional. This office cannot disclose your complaint against a licensed professional to the public unless this office files a disciplinary action against the licensed professional. This office represents the State of Indiana and is limited in the remedies it can pursue. You may be entitled to compensation or other rights that we cannot pursue for you. In addition to filing this complaint, you may want to consider contacting a private attorney or your local small claims court.

Section 8 Mail Completed Forms to:

Office of Attorney General
Consumer Protection Division
Government Center South, 5th Floor
302 W. Washington Street
Indianapolis, IN 46204
317-232-6330 (phone) • 317-233-4393 (fax)
www.IndianaConsumer.com

Section 9 Consent and Verification

- Do you consent to disclosing the following information to the public? → ☐ Yes ☒ No The nature of the complaint and the individual/business name
- ☒ Yes ☐ No Your name
- ☒ Yes ☐ No Your phone number

I affirm, under penalties for perjury, that the foregoing representations are true. I consent to the Consumer Protection Division obtaining or releasing any information in furtherance of the disposition of this complaint. I consent to the release of information included in this complaint to other public agencies attempting to discover ongoing fraudulent patterns or practices and for the purpose of law enforcement. I understand that I should not include my Social Security Number in any information submitted to the Consumer Protection Division. If I do provide my Social Security Number, I expressly consent to the disclosure of my Social Security Number in accordance with Indiana Code § 4-1-10-5(2).

Matthew Badger

Your signature

November 29, 2022

Date