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AGENDA

THE INDIANA PLUMBING COMMISSION

**Wednesday, January 23, 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 NOVEMBER 28, 2007 MEETING OF THE COMMISSION**

- V. PERSONAL APPEARANCES**
 - A. Jerry L. Rader 9:45 a.m.

- VI. ADMINISTRATIVE HEARINGS**
 - A. In the Matter of the License of Joseph Azad 10:00 a.m.
Cause No.: IPC 07-20
Re: Final Hearing

 - B. In the Matter of the License of Lewis Marcotte 10:30 a.m.
Cause No.: IPC 07-12
Re: Final Hearing

- VII. PETITIONS FOR REVIEW**
 - A. Shane Swinney
 - B. Jonathan Saner
 - C. Brandon Johnson
 - D. Jason Beverly
 - E. Edward E. Burris
 - F. Lance Smith
 - G. Steven A. Soto

VIII. CONSIDERATION OF ADMINISTRATIVE LAW JUDGE ORDERS

- A. In the Matter of Paul J. Duncan
Cause No.: IPC 07-16
Re: Denial of Admission to the Exam (Journeyman Plumber)
- B. In the Matter of Richard French
Cause No.: IPC 07-17
Re: Denial of Admission to the Exam (Journeyman Plumber)
- C. In the Matter of Eddy Lewis
Cause No.: IPC 07-18
Re: Denial of Admission to the Exam (Journeyman Plumber)
- D. In the Matter of Joseph R. Abeyta
Cause No.: IPC 07-07
Re: Denial of Admission to the Exam (Journeyman Plumber)
- E. In the Matter of Michael Berryman
Cause No.: IPC 07-07
Re: Denial of Licensure due to Exam Failure (Journeyman Plumber)

IX. EXAMINATION LICENSURE/UNLICENSED PRACTICE

- A. Stanley Plumbing (Mark Blair)

X. APPLICATIONS FOR APPROVAL – PLUMBING APPRENTICE SCHOOL

- A. PACON – Rais Code # 432
Cincinnati, OH

XI. APPLICATIONS FOR LICENSURE

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

XII. REVIEW OF PROBATIONARY REPORTS

Jonathan Thomas Boehm License numbers PC10300220 & JP29700810 IPC 07-15 (Probation as of 11/20/07)

XIII. DISCUSSION

- A. Request for Reinstatement of Plumbing Contractor License
Re: Gary L. Link
- B. Request for Reinstatement of Plumbing Contractor License
Re: Kenneth V. Jarboe, Jr.
- C. Request for Reinstatement of Plumbing Contractor License
Re: John Kozon
- D. Brian Syra
Re: Request for Continuance and Rescheduling of Hearing
- E. Jeffrey P. Jones
Re: Withdrawal of Petition for Review

- F. Steven L. Turpen
Re: Withdrawal of Petition for Review

XIV. BOARD DIRECTOR'S REPORT

XV. OLD/NEW BUSINESS

- A. Proposed Rules/Statute Changes
Re: Changes for Exam and Fees Rule Draft
- B. RFP for Outsourcing Exam
Re: Submissions from IAPMO and NITC

XVI. ADJOURNMENT

Next Scheduled Meeting:

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

MINUTES

**THE INDIANA PLUMBING COMMISSION
Meeting held
Wednesday, November 28, 2007**

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

I. REVIEW OF APPLICATIONS

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

II. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Mr. Stephens called the meeting to order at 9:32 a.m. in Conference Center Room W064, 402 West Washington Street, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-28.5-1.

Members Present:

Owen D. Stephens, Chairman
Eric Ott
Matt Buczolic
William Ciriello
Robert Synko
John Van Cleve

Members Not Present:

State Officials Present:

Angela Smith Jones, Board Director, Indiana Professional Licensing Agency
Mary Kate Adams, Assistant Director, Indiana Professional Licensing Agency
Kevin Moore, 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.

Buczolic/Ott
Motion carried 6/0/0

IV. ADOPTION OF THE MINUTES FROM SEPTEMBER 26, 2007 MEETING OF THE COMMISSION

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

Synko/Van Cleve
Motion carried 6/0/0

V. PERSONAL APPEARANCES

None

VI. ADMINISTRATIVE HEARINGS

None

VII. PETITIONS FOR REVIEW

A. Samuel L. Montgomery, III

Board Action: A motion was made to grant the petition for review and appoint Ciriello as the ALJ.

Van Cleve/Synko
Motion carried 6/0/0

B. Jeffrey P. Jones

Board Action: A motion was made to grant the petition for review and appoint Ciriello as the ALJ.

Van Cleve/Synko
Motion carried 6/0/0

C. Brian Syra

Board Action: A motion was made to write him a letter clarifying his request/petition because the letter he sent to the board was very vague and confusing.

Buczolich/Ciriello
Motion carried 6/0/0

D. Mack Blair

Board Action: A motion was made to send a letter stating that his past job experience does not qualify him for licensure unless it was gained in the military, etc. Staff is to also send him a copy of the statute and rules citing the appropriate sections. However, he is still able to proceed with the petition for review should he so desire and this is not a denial of the petition for review.

Van Cleve/Buczolich
Motion carried 6/0/0

VIII. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

A. In the Matter of Gregory Piercy

Cause No.: IPC 07-09

Re: Denial of Licensure (Journeyman Plumber exam failure)

Board Action: A motion was made to affirm the ALJ proposed order.

Synko/Van Cleve
Motion carried 6/0/0

B. In the Matter of the license of Ruben Phillip Adkins

Cause No.: IPC 07-14

Re: Proposed Findings of Fact, Conclusions of Law and Order

Board Action: A motion was made to affirm the ALJ proposed order.

Van Cleve/Buczolich
Motion carried 6/0/0

IX. EXAMINATION LICENSURE/UNLICENSED PRACTICE

A. Stanley Plumbing (Mark Blair)

Board Action: A motion was made to send a second letter to Stanley Plumbing.

Van Cleve/Synko
Motion carried 6/0/0

B. Buchanan Mechanical (Jason Chapman)

Board Action: A motion was made to send a letter thanking him for his response. Service plumbers are required to be licensed the same as other plumbers. Include the applicable code sections [IC 25-28.5-1-2 and 860 IAC 2-1-1 through -4.]

Ciriello/Buczolich
Motion carried 6/0/0

X. APPLICATIONS FOR APPROVAL – PLUMBING APPRENTICE SCHOOL

A. PACON – Rais Code # 432
Cincinnati, OH

Board Action: A motion was made to table the application and to send them a letter requesting proof of BAT approval and proof of enrollment (see letter sent to Local 392), the number of apprentices, number of locations, region they cover.

Ott/Van Cleve
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 Board members on applications for licensure that were reviewed throughout the Board meeting.

Buczolich/Van Cleve
Motion carried 6/0/0

XII. REVIEW OF PROBATIONARY REPORTS

Jonathan Thomas Boehm License numbers PC10300220 & JP29700810 IPC 07-15 (Probation as of 11/20/07)

XIII. DISCUSSION

A. Instructions for Plumbing Test
Re: Drawing Parameter

Board Action: This issue was brought up in an appeal hearing. In response, staff should amend the instruction sheet and add a line that says the answers to the questions, as far as sizing, is generally the minimum size if there is no parameter in length then the test taker will assume the length does not exceed the minimum requirement.

B. Rule Changes
Re: Test Sites

The contract with the armory was renewed for 6 months.

- C. ARS School Letter
Re: Eddy Lewis

He wants to take the journeyman exam, however his matter is pending before an ALJ.

- D. ARS Letter
Re: Apprenticeship Program

Board Action: A motion was made to grant their request for a personal appearance before the full board.

Van Cleve/Ott
Motion carried 6/0/0

- E. Election of Officers for 2008
Re: Chairman – Secretary - Liaison

Board Action: A motion was made to nominate the following slate:

Chairman: Bill Ciriello
Secretary: Robert Synko
Liaison: Eric Ott

Stephens/Van Cleve
Motion carried 6/0/0

XIV. BOARD DIRECTOR'S REPORT

A. Expiration date for Renewal of Licenses

Ms. Smith Jones explained that the agency is drafting legislation which will change the language addressing expiration of licensure requiring reapplication. Currently, the Commission rules indicate that after being expired for one renewal cycle or two years, that licensee must submit a new application. The new language will allow the licensee three years to be able to renew a license with no penalties and after such time it will be the discretion of the Commission as to what is required to renew, but not necessarily a brand new application. This will also allow licensees opportunity to have their licenses reinstated and keep the original license number.

XV. OLD/NEW BUSINESS

A. Proposed Rules/Statute Changes Re: Changes for Exam and Fees Rule Draft

Staff is working on getting the Notice of Intent and Fiscal Impact completed in order to schedule the final rules hearing before the Commission.

B. RFP for Outsourcing Exam Re: Update and comment

Questions were asked regarding: The timing of the rules adoption, how does this affect the current graduates of May 2008? What about previous grads from years earlier? The best way to communicate this change to schools is via letter and webpage. Staff will also put a box on the renewal form that they have added this to their curriculum as a requirement to renew.

XVI. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Indiana Plumbing Commission adjourned at 12:05 p.m.

**William Ciriello – Chairman
Indiana Plumbing Commission**

Date

W

PAYROLL BY WALTER CRIBB

Indiana Plumbing Commission
November 28, 2007

JOURNEYMAN BY APPRENTICESHIP

	Approved	Tabled	Denied
Allen, Daniel			WJC
Brown, Jerry	WJC		
Edmonston, Curtis			WJC
Scott, Tony	WJC		

JOURNEYMAN BY TRADE

	Approved	Tabled	Denied
Batalis, Peter (prev-tabled)	ERIC		
Best, Michael		ERIC	
Bolinger, Brian	ERIC		
Hrasch, Daniel		ERIC	
Humes, Vincent	ERIC		
Kluesener, Eric	MATT		
Mooney, Kevin	MATT		
Perry, Jeremy	MATT		
Saner, Jonathan			MATT
Scheller, Nathan			MATT
Soto, Steven			MATT

CONTRACTOR BY APPRENTICESHIP

	Approved	Tabled	Denied
Adams, Jacob (Prev-tabled)	MATT		
Cole, Charles	WJC		
Delaney, Nicholas	MATT		

CONTRACTOR BY TRADE

	Approved	Tabled	Denied
Hale, Richard	OWJV		
Hartford, Gary <i>duplicate entry by Gary</i>			
Hughes, Derek	OWJV		
Kirby, Jeff	OWJV		

Schaefer, Michael	OWSU	/	/
		/	/
		/	/
		/	/

PLUMBING CONTRACTOR BY BUSINESS

	Approved	Tabled	Denied
McGrath, Roman (Prev. Tbl'd)	WJC /		/
Cavinder II, William	WJC		
Hartlerode, Gary	WJC	holding goes back for	State Commission
Rhodes, R. Dennis	OWSU /		/
Roderick, Scott	OWSU /		/

*State Commission
MKT*

PLUMBING TEMPORARY CONTRACTOR

	Approved	Tabled	Denied
Repairs Inc.	OWSU /		/
Two Guys Plumbing, Inc. (renewal) Smith, Brent (Dec. 19, 2007 Exam date)	OWSU /		/

PREVIOUSLY PENDING INVESTIGATED JOURNEYMAN OR CONTRACTOR BY TRADE

	Approved	Tabled	Denied

PLUMBING APPRENTICE

	Approved	Tabled	Denied



State Board of Registration for 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

ARS
25 Woodrow Ave
Indianapolis, IN 46241

December 18, 2007

Dear **Jerry L. Rader**:

The Indiana Plumbing Commission of Indiana reviewed your application for licensure and supporting documentation at their recent board meeting.

The Board has scheduled a personal appearance regarding the application you are referring to in the letter sent in. Please bring any pertinent documentation concerning your application.

The meeting will be held on **January 23, 2008**, at **9:45 a.m.** in the Professional Licensing Agency's Conference Room W064, Indiana Government Center South, 402 W. Washington Street, Indianapolis, Indiana 46204. 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 application. To do so, please submit a letter in writing to our office requesting that your application be withdrawn. If you do not make a personal appearance as requested or submit a request to withdrawal your application to be received by our office one week before the board meeting, your application may be denied. Please understand that a denial becomes a part of your permanent record.

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,

Rebecca Tinsley
Case Manager
State Board of Registration for Professional Engineers



American Residential Services, L.L.C.
25 Woodrow Avenue
Indianapolis, IN 46241
TEL: (317) 390-5555
(317) 390-5530
www.serviceexpress.com

Indiana Plumbing Commission
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Office - 317-234-3022
Fax - 317-233-5559

Thursday, October 25, 2007

Dear Angela Smith Jones:

One of our apprentice students, who is not employed with us anymore, applied for the Journeyman's examination test. We helped him with his application but he was turned down for the examination. He attended a hearing on his appeal of application and was told there were some issues with his apprenticeship.

We want to comply fully with the Plumbing Commission and request a meeting with Mr. William Ciriello Jr. who is on the Plumbing Board. We are asking for an informal meeting with him to help us resolve any misunderstandings we may have occurred in our program.

We appreciate any help from the State of Indiana, and the Indiana Plumbing Commission, and Mr. Ciriello Jr.

Thank you, for your assistance.

A handwritten signature in cursive script that reads 'Jerry Rader'.

Jerry Rader
Administrator of the ARS Apprenticeship Program

RECEIVED

OCT 26 2007

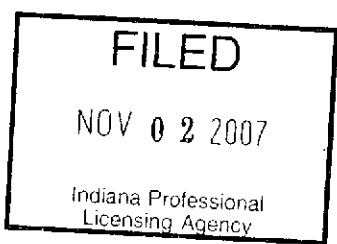
Indiana Professional
Licensing Agency

ServiceMASTER
BRAND

BEFORE THE INDIANA
PLUMBING COMMISSION
CAUSE NO. IPC 07-20

IN THE MATTER OF THE
LICENSE OF
JOSEPH AZAD,
LICENSE NO. JP29400586

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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, Joseph Azad, 412 Lincoln Way, Chesterton, IN 46304.
2. This notice is being provided to counsel for the State of Indiana. Amanda Bailor, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 302 W. Washington Street, 5th Floor, Indianapolis, IN 46204 telephone no. (317) 232-4834.
3. The official cause number of this action is IPC 07-20.
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 23rd day of January, 2008, at 10:00 o'clock a.m., local time, in Room W072 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, 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 02 day of

November 2007.

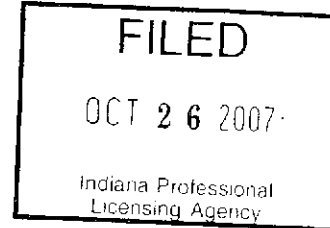

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

cc:

Joseph Azad
412 Lincoln Way
Chesterton, IN 46304
CERTIFIED MAIL NO.: 7003 3110 0004 5111 7466

Amanda Bailor
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)
LICENSE OF)
JOSEPH AZAD)
LICENSE NO: JP29400586)



COMPLAINT

This complaint is brought against the plumbing license of Joseph Azad, ("Respondent"), by the State of Indiana, by counsel, Deputy Attorney General, Amanda Bailor 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:

FACTS

1. Respondent's address on file with the Indiana Plumbing Commission ("Commission") is 412 Lincoln Way, Chesterton, Indiana 46304. Respondent is a Journeyman Plumber holding license number JP29400586.
2. Respondent's plumbing company, Z Plumbing, LLC, is not licensed in the State of Indiana.
3. Respondent's business card reads as follows:

Z Plumbing, LLC
Reliable & Fast
219.689.4147
405 Courtney St.
Valparaiso, IN 46383
Licensed-Bonded-Insured

Exhibit
B

4. Pursuant to the Secretary of State's website, Respondent is listed as the registered Agent of Z Plumbing, LLC.

5. As of October 26, 2007, neither Respondent nor Z Plumbing, LLC held a plumbing contractor license.

COUNT I

6. Paragraphs 1-5 are repeated and incorporated herein.

7. Respondent's conduct as described above constitutes a violation of Indiana Code 25-1-11-5(a)(1)(C) in that Respondent advertised services or goods in a false or misleading manner by holding Z Plumbing, LLC out to the public as a licensed plumbing contractor when Respondent distributed business cards on which the name of a plumbing corporation appeared along with the assertion that the corporation was licensed. Respondent is the registered Agent for Z Plumbing Corporation. Neither the plumbing corporation nor Respondent, a journeyman plumber unqualified to perform plumbing services without the supervision of a plumbing contractor, hold a plumbing contractor license.

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

Imposes the appropriate disciplinary sanction;

1. Directs Respondent to immediately pay all of the cost incurred in the prosecution of this case; and

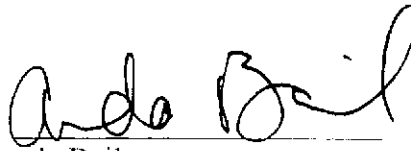
2. Provides any other relief the Board deems just and proper under Ind.

Code 25-1-11-12.

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana

Atty. No.: 4150-64

By: 
Amanda Bailor
Atty. No.: 26771-29
Deputy Attorney General

Office of the Attorney General
Indiana Government Center South, Fifth Floor
302 W. Washington Street
Indianapolis, Indiana 46204-2770
(317) 232-4834

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been served upon the Respondent listed below, by United States mail, first class postage prepaid, on this 29th day of October, 2007:

Joseph Azad
412 Lincoln Way
Chesterton, Indiana 46304


Amanda Bailor

BEFORE THE INDIANA
PLUMBING COMMISSION
CAUSE NO. IPC 07-12

FILED

IN THE MATTER OF THE)
)
LICENSE OF LEWIS MARCOTTE)
)
LICENSE NO.: PC89100309)

DEC 26 2007

INDIANA PROFESSIONAL
LICENSING AGENCY

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, Lewis Marcotte, 56978 Cedar Road, Osceola, IN 46561.

2. This notice is being provided to counsel for the State of Indiana, Amanda Bailor, Deputy Attorney General, Office of the Attorney General, Indiana Government Center South, 302 W. Washington Street, 5th Floor, Indianapolis, IN 46204 telephone no. (317) 232-4834.

3. The official cause number of this action is IPC 07-12.

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 23rd day of January, 2008, at 10:30 o'clock a.m., local time, in Room W072 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, 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 26th day of

December, 2007.



Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

cc:

Lewis Marcotte
56978 Cedar Road
Osceola, IN 46561
CERTIFIED MAIL NO.: 7003 3110 0004 5110 0161

Amanda Bailor
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
LICENSE OF LEWIS MARCOTTE
LICENSE NO: PC89100309

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COMPLAINT

FILED
AUG 15 2007
INDIANA PROFESSIONAL
LICENSING AGENCY

This complaint is brought against the plumbing license of Lewis Marcotte (“Respondent”), by the State of Indiana, by counsel, Deputy Attorney General, Amanda Bailor 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:

FACTS

1. Respondent’s address on file with the Indiana Plumbing Commission (“Commission”) is 56978 Cedar Road, Osceola, Indiana 46561.
2. Respondent is a Plumbing Contractor holding license number PC89100309. Respondent is the owner of L.G. Plumbing, Inc., an unlicensed plumbing company.
3. On or about May 26, 2005, the City of Mishawaka Plumbing and HVAC Inspector, Robert Michaelis (“Michaelis”), observed two (2) men take measurements and cut and install PVC drain lines at a restaurant project in Mishawaka, Indiana.
4. It is believed and averred that both workers stated to Michaelis that they did not have either a plumbing license or an apprentice registration.

392845-1

Exhibit
A

5. It is believed and averred that the workers stated that they were working under L.G. Plumbing's license.

6. Michaelis issued L.G. Plumbing, Inc. and Respondent a \$25 citation ordinance for violation of IC 25-28.5-1-18.1 apprentice plumber; application for registration; and certificate of registration, which was paid by Respondent on June 30, 2005. (A copy of the citation is attached hereto as "Exhibit A.")

COUNT I

7. Paragraphs 1-8 are repeated and incorporated herein.

8. Respondent's conduct as described above constitutes a violation of Ind. Code 25-1-11-5(a)(6) in that Respondent allowed his name and/or license to be used in connection with an individual who was rendering services beyond the scope of that person's training, experience, and/or competence by allowing two employees without appropriate licensure to take measurements as well as cutting and installing PVC drain lines at a restaurant project in Mishawaka, Indiana.

COUNT II

9. Paragraphs 9-10 are repeated and incorporated herein.

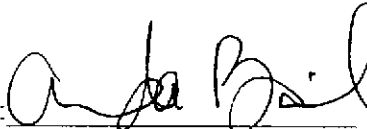
10. Respondent's conduct as described above constitutes a violation of Ind. Code 25-1-11-5(a)(4)(A) in that Respondent has continued to practice although he has become unfit to practice due to professional incompetence by violating 860 IAC 1-5-5 in that Respondent allowed two employees to act in the capacity of a plumbing contractor or journeyman when they did not have the proper licensure.

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

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

Respectfully submitted,

STEVE CARTER
Attorney General of Indiana

By: 

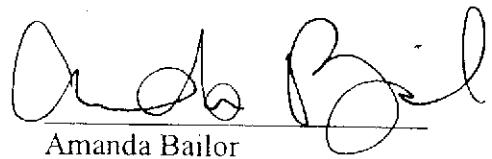
Amanda Bailor
Deputy Attorney General
Attorney No.: 26771-29

Office of the Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
(317) 232-4834

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Complaint" has been served upon the Respondent listed below, by United States mail, first class postage prepaid, on this 15th day of August, 2007:

Lewis Marcotte
56978 Cedar Road
Osceola, Indiana


Amanda Bailor

CITATION
ORDINANCE VIOLATION 2073

600 EAST THIRD STREET
CITY HALL, ROOM 105
MISHAWAKA, INDIANA

COPY

The undersigned, being duly sworn upon his Oath, says that he has probable cause to believe that:

Name: LEWIS MARCOTTE; LG PLUMBING INC.

Address: 56978 CEDAR RD., OSCEOLA; IN 46561

Did violate the following ordinance of the City of Mishawaka:

Chapter 150 Section 150.06 by _____

SECTION (C) Article 15; violation of State

Rules and Regulations 25-28.5-1-18-1

Said violation took place at 5520 N. MAIN ST.,
MISHAWAKA, IN 46545

Date 05/26/05

at approximately _____ a.m./p.m.

Issued by: *Robert L. Murchak*

Mishawaka Department of BUILDING

For said violation, you are ordered to pay a fine of:

- \$25 (First Violation) \$50 (Second Violation)
- \$100 (Each Subsequent Violation in a Calendar Year)

If you deny this violation and would like to schedule a trial, you must either appear before the Violations Clerk and deny the violation or enter a written denial with the Clerk within one week of this citation.

Otherwise, you must pay the assessed fine within one week at the City Clerk/ Ordinance Violations Bureau, Room 105, Mishawaka City Hall, 600 E Third Street, Mishawaka, Indiana 46544, 574-258-1616. You may pay by certified check, money order or cash. If you fail to pay the assessed fine the City of Mishawaka Legal Department will commence legal proceedings against you to collect the fine and court costs.

APPEARANCE, ADMISSION OF VIOLATION WAIVER

I, the undersigned, do hereby enter my appearance and admit the ordinance violation alleged on this Citation. I am aware of my right to a trial before a court, but I hereby voluntarily waive said right and agree to pay the prescribed fine.

Respondent's Signature _____ Date _____

MAY 31 2005

Blumberg No. 5138
STATE'S EXHIBIT
"A"

A

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

IPC 07-12
 Lewis Marcotte
 56978 Cedar Road
 Osceola, IN 46561

2. Article Number
 (Transfer from service label)

7003 3110 0004 5110 0161
 PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 12-28

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: Yes No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

**U.S. Postal Service™
 CERTIFIED MAIL™ RECEIPT**
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

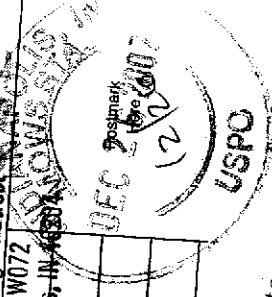
OFFICIAL BUSINESS

Postage	\$	Room W072
Certified Fee		Indianapolis, IN 46204
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total P		

IPC 07-12

Lewis Marcotte
 56978 Cedar Road
 Osceola, IN 46561

Sent To _____
 Street, A or PO Box _____
 City, State _____



PS Form 3800, June 2002

See Reverse for Instructions

7
Shane Swinney
2119 Whalen Avenue
Indianapolis, IN 46227

January 9, 2008

Indiana Plumbing Commission
402 West Washington Street, Room W072
Indianapolis, IN 46204
Attn: Lorrie Ruble

Dear Mrs. Ruble:

Due to knowing that at least one question listed within the written portion of the journeyman plumber examination did not list the correct answer within the multiple choice selection, I would like to petition my results and arrange for an administrative proceeding.

Sincerely,

Shane Swinney



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

Shane Swinney
 2119 Whalen Ave
 Indianapolis IN 46227

January 3, 2008

Dear Shane Swinney

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

Date	Type	Candidate#	Score	Results
December 19, 2007	Written	250	68	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,

 Lorrie Ruble
 Case Manager



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

Shane Swinney
2119 Whalen Ave
Indianapolis IN 46227

January 3, 2008

Dear Shane Swinney,

As a result of failing the journeyman plumber examination, you are eligible to retake the failed section(s) of the examination providing you submit this letter to the above address with the applicable examination fee of thirty dollars \$30.00.

Date	Type	Candidate#	Score	Results
December 19, 2007	Written	250	68	Fail

Pursuant to 860 IAC, effective October 1, 1992, an individual who does not pass the entire examination in the first attempt shall be entitled to take the examination six (6) additional times.

Upon receipt of the letter and fee you will be scheduled for the next available examination. After seven (7) attempts or two (2) years whichever comes first, your present application will be terminated.

Notices are mailed out at least fifteen (15) working days prior to the date of the examination.

If you have any questions, please contact me at (317) 234-3022. You may visit our website at www.in.gov/pla.

Sincerely,

Lorrie Ruble
Case Manager

INDIANA PLUMBING JOURNEYMAN EXAMINATION SCORE SHEET

EXAMINEE NO 250
DATE 12-19-07

EXAMINATION SCORE PER SECTION

WRITTEN	- 100 points	- 70 points to pass	<u>68</u>
COPPER	50 points	- 35 points to pass	<u> </u>
SOIL	50 points	- 35 points to pass	<u> </u>

M.C. WRITTEN - 100 POINTS

UPC	- 60 points	<u>38</u>
STATE	- 10 points	<u>7</u>
DRAWINGS	- 30 points	<u>23</u>
TOTAL		<u>68</u>

COPPER PROJECT - 50 POINTS

Measurements	- 10 points	_____
Alignment	- 10 points	_____
Preparation	- 10 points	_____
Pressure Test	- 20 points	_____
TOTAL		_____

Initials _____

SOIL PIPE PROJECT - 50 POINTS

Pressure Tests	- 20 points	_____
Number of Leaks	- _____	_____
Alignment	- 5 points	_____
Appearance	- 10 points	_____
Lead Ring	- 15 points	_____
TOTAL		_____

Initials _____

7

My name is Jonathan Saner, I received your letter stating that my application was denied. I would like to have my application reviewed again. Enclosed is a signed letter by the local 392 JATC training center stating that I have attended their schooling for 5yrs. I thought that my diploma would have sufficed. I am sorry if this has caused any inconvenience.

Respectfully submitted
Jonathan Saner

RECEIVED

DEC 18 2007

Indiana Professional
Licensing Agency



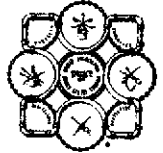
MECHANICAL
CONTRACTORS
ASSOCIATION
OF
CINCINNATI

PLUMBERS
PIPE FITTERS & MECHANICAL
EQUIPMENT SERVICES PROGRAMS

*Joint Apprenticeship Training Committee
Local 392 Training Center*

1300 Century Circle North, Springdale, Ohio 45246

MARK SANDERS
Training Coordinator



UNITED
ASSOCIATION
LOCAL UNION
392

Telephone: (513) 671-5282
Fax: (513) 671-5233
www.jatc392.com

To: Indiana Plumbing Commission

12-12-07

I hereby certify that **JONATHAN E. SANER** has completed the Plumbing Apprenticeship through Local #392 JATC. John started in the program on 6-98 and completed 6-03.

Any questions or comments please feel free to contact me at the above number.

Sincerely,

Mark Sanders
Training Coordinator
Local #392 JATC

12/12/07

E. Charlene Jent



E. CHARLENE JENT
Notary Public, State of Ohio
My Commission Expires
February 11, 2012

RECEIVED

DEC 18 2007

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

Jonathan E. Saner
6598 Four Mile Pike
Melbourne KY 41059

December 3, 2007

Dear **Jonathan E. Saner**:

The Indiana Plumbing Commission considered your Plumbing Contractor application at their November 28, 2007 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 one 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,

Lorrie Ruble
Case Manager
Indiana Plumbing Commission

Certified Mail No.: 7001 2510 0006 3838 7119



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

Jonathan E. Saner
6598 Four Mile Pike
Melbourne KY 41059

Dear Jonathan E. Saner:

October 3, 2007

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

Please provide 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,

Lorrie Ruble
Case Manager
Indiana Plumbing Commission

RECEIVED

DEC 18 2007

Indiana Professional
Licensing Agency



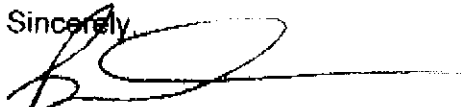
Thursday, November 08, 2007

Indiana Professional Licensing:
Attn: Mary Kate Adams

This letter is in response to the denial of my application for taking the Journeyman Plumbing test. I had been patiently waiting since June 2007 for a reply from Indiana Professional Licensing and never received a response, so I had been asking my employer for his advice which we decided to give it a little more time to be processed.

My employer recently did check into the status of my application and found it was denied and there was a letter sent to me to let me know but it was returned to you as a non-deliverable address. We verified that the address that you have on file is the correct address that I have lived at for the last 4 years. The address has not changed nor have I received any notice of your letter. I would like however to appeal the denial of my application that I sent to you in June 2007 based on having 4 years of experience in the plumbing trade. Thank you in advance for your consideration in this matter and please contact me with any questions you may have, or any additional information you may need from me.

Sincerely,



Brandon Johnson
7148 E. 52nd Street
Indianapolis, In 46226
Home: 317-547-2073
Cell: 317-557-2054
Work: 317-291-0380
License # PA20500240



Fax

To: Mary Kate Adams **From:** Brandon Johnson

Fax: 317-233-4236 **Pages:** 2

Phone: **Date:** 11/8/2007

Re: Application for Journeyman test **CC:**

Urgent For Review Please Comment Please Reply Please Recycle



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

Brandon Johnson
7148 E. 52nd St.
Indianapolis IN 46226

August 15, 2007

Dear **Brandon Johnson**:

The Indiana Plumbing Commission considered your Journeyman Plumber application at their July 25, 2007 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 one 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 3242

Jason E. Beverly
204 West River Street
Antwerp OH 45813

August 2, 2007

Dear Jason E. Beverly:

The Indiana Plumbing Commission considered your Journeyman Plumber application at their July 25, 2007 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.

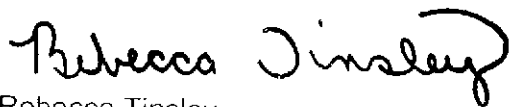
The Commission has determined that you failed to provide evidence one of the following:

- (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,



Rebecca Tinsley
Case Manager
Indiana Plumbing Commission

Certified Mail No.: 7001 2510 0006 3838 5719

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

August 7, 2007

Dear Sirs:

Enclosed you will find documentation to support my claim of successful completion of at least four years in a plumbing apprenticeship program. The omission of these documents was cited as reason for denial of my plumbing contractor application. I ask that you please review these enclosures and reconsider my application. I thank you for your time and consideration.

Sincerely,

Jason E. Beverly

RECEIVED

AUG 14 2007

Indiana Professional
Licensing Agency