

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Examiners of Master Plumbers

FILED 4/26/01
BOARD OF EXAMINERS OF
MASTER PLUMBERS
Barbara A. Cook
Barbara A. Cook
Executive Director

By: Darlene Lapola
Deputy Attorney General
Tel. (973) 648-4447

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF THE SUSPENSION :
OF THE LICENSE OF :
: Administrative Action
: RICHARD ESBIN :
License No. 7328 :
: FINAL ORDER
: OF DISCIPLINE
: TO PRACTICE AS A MASTER PLUMBER :
IN THE STATE OF NEW JERSEY :
:

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers upon receipt of information which the Board has reviewed, and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is a licensed master plumber in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On March 8, 2000, respondent was convicted of the crime of Conspiracy to File Fraudulent Certified Payroll Reports in the United States District Court in the Eastern District of New York. Specifically, respondent pled guilty to a violation of 18 U.S.C.A. § 371 for falsifying payroll documents under the Davis Bacon Act in that he omitted certain laborers from payroll reports.

3. Respondent was sentenced to one year and one day imprisonment effective May 1, 2000, an assessment of a \$100 fine, supervised release for a term of three (3) years upon release of imprisonment and a restitution payment of \$500,000.00 at the rate of 15% of respondent's monthly net income to commence six (6) months after release of imprisonment

CONCLUSIONS OF LAW

1. The above conviction provides grounds for the suspension of his license to practice plumbing in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that the crime of which respondent was convicted is one of moral turpitude and/or relates adversely to the practice of plumbing.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice plumbing in the State of New Jersey was entered on October 31, 2000 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor. The respondent submitted only a letter dated January 31, 2001 for Board consideration.

Respondent's submission stated that he would have completed his incarceration term on March 14, 2001 and wished to be reinstated at that time. He explained that the crime, for which he was convicted had nothing to do with defrauding a customer out of money, supplying less than specified materials or performing less than perfect quality (plumbing) work. He asserts that he no longer has any business or personal association with any of the people (including relatives) involved in the incident which resulted in his incarceration. Respondent states that he does not intend to do any prevailing wage projects in the future. Additionally, respondent admits that he performed

plumbing work for the bureau of prisons and welcomed the Board to contact named individuals to attest to his services.

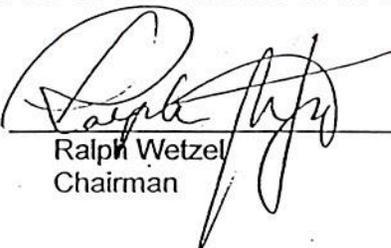
Respondent's submission was reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. Respondent failed to furnish the Board with any further documents concerning his rehabilitation or other written evidence supporting respondent's request for consideration and reasons for or in mitigation of the penalty pursuant to the Provisional Order of Discipline. The Board was not persuaded that the letter submitted by respondent merited further consideration, as respondent did not dispute the Findings of Fact or Conclusions of Law.

ACCORDINGLY, IT IS on this 26th day of April, 2001,

ORDERED that:

1. Respondent's license to practice master plumbing in the State of New Jersey be and hereby is suspended.
2. Prior to resuming active practice in New Jersey respondent shall be required to appear before the Board (or a committee thereof) to demonstrate his fitness to do so. Any practice in this State prior to formal reinstatement of his license by the Board shall constitute grounds for a charge of unlicensed practice.
3. The Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

NEW JERSEY STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

By: 
Ralph Wetzel
Chairman



FILE COPY

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
124 HALSEY STREET
PO BOX 45029
NEWARK, NJ 07101
E-Mail: lapoldar@law.dol.lps.state.nj.us

(973) 648-4447

May 9, 2001

DONALD T. DiFRANCESCO
Acting Governor

JOHN J. FARMER, JR.
Attorney General

JEFFREY J. MILLER
*Assistant Attorney General
Director*

CERTIFIED & REGULAR MAIL

Mr. Richard Esbin
92-13 180th Street
Jamaica, NY 11433

RE: Final Order of Discipline
Board of Examiners of Master Plumbers

Dear Mr. Esbin:

Enclosed is a conformed copy of the Final Order of Discipline entered and filed with the Board of Examiners of Master Plumbers (the Board). Please be advised that your license has been suspended pursuant to page 3 of the Order. At this time, you may not perform plumbing services. You may request to have your license be reinstated by submitting to the Board a completed application as well as any supporting documents once you have completed your term of incarceration. There is no guarantee that the Board will reinstate your license, but if it chooses to do so, the Board reserves the right to place restrictions on your license. Should you have any questions, please feel free to contact me.

Very truly yours,

JOHN J. FARMER, JR.
ATTORNEY GENERAL OF NEW JERSEY

By: 
Darlene Lapola
Deputy Attorney General

Enclosure

cc: Barbara A. Cook, Executive Director
Board of Examiners of Master Plumbers

