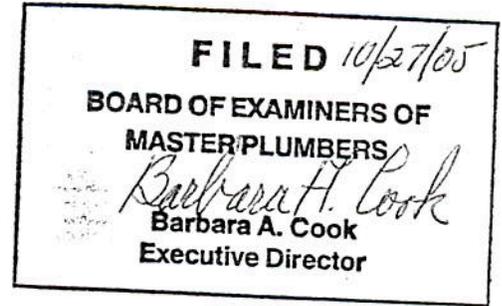


PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Examiners of Master Plumbers



By: Joseph Donofrio
Deputy Attorney General
Tel. (973) 648-2436

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
OR REVOCATION OF THE LICENSE OF

CHARLES SEEBERGER
License No. 36BI00408500

TO PRACTICE PLUMBING
IN THE STATE OF NEW JERSEY

Administrative Action

PROVISIONAL ORDER
OF DISCIPLINE

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

FINDINGS OF FACT

1. Charles Seeberger ("respondent") is a licensed master plumber licensed in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On November 17, 2003, the Board conducted a continuing education audit involving 460 randomly selected licensees. All of the randomly selected licensees had indicated on their biennial renewals that they will have completed their continuing education requirement for the 2003-2005 biennial renewal period by June 30, 2003. Respondent was randomly selected and was instructed to provide the Board with a copy of his continuing education certificate required for the 2003-2005 biennial renewal period.
3. The Board sent a letter to respondent by regular mail, dated November 17, 2003, to his address of record with the Board. In the letter, the Board required respondent to furnish a copy of his continuing education certificate to the Board office. A response was to be submitted to the Board office within twenty (20) days. Respondent failed to provide a copy of his continuing education certificate, nor did he provide any response within that time period.

4. The Board sent a second copy of the November 17, 2003 letter to respondent by regular and certified mail. The letter was stamped "Second Notice" and was hand dated January 14, 2004 and sent to his address of record with the Board. Once again, the letter requested that respondent furnish a copy of his continuing education certificate to the Board office. A response was to be submitted within twenty (20) days. The green certified postcard was returned to the Board office bearing respondent's signature and indicating delivery at respondent's address of record with the Board. The regular mailing was not returned. However, respondent failed to provide a copy of his continuing education certificate, nor did he provide any response within the required time period. (Exhibit A, Board letter sent to respondent on November 17, 2003 and January 14, 2004, with copy of certified postcard, attached and made a part of hereto).

5. The Board sent a third letter to respondent by regular and certified mail, dated April 2, 2004, to his address of record with the Board. The letter requested that respondent appear before the Board for an investigative inquiry on May 4, 2004 as a result of his failure to furnish any response whatsoever to the Board's letters dated November 17, 2003 and January 14, 2004. On May 4, 2004, respondent appeared at an investigative inquiry into the matter. During the inquiry respondent admitted that he had not taken the required five hours of continuing education for the 2003-2005 biennial period during the required time period. Additionally, respondent admitted that he failed to submit a response to the Board to either the November 17, 2003 or the January 14, 2004 letters, both of which he received. Finally, respondent admitted that he had answered affirmatively when asked on his biennial renewal whether he would complete the continuing education requirement for the 2003-2005 biennial period by June 30, 2003, however respondent admitted that he failed to complete the requirement by that date. Respondent did present a valid continuing education certificate indicating that he completed the continuing education requirement for the 2003-2005 biennial period on April 22, 2004. (Exhibit B, certified copy of transcript from the May 4, 2004 investigative inquiry, attached and made a part of hereto) (Exhibit C, copy of certificate of continuing education for the 2003-2005 biennial renewal period, dated April 22, 2004, attached and made a part of hereto.).

CONCLUSIONS OF LAW

1.. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(e) in that respondent has engaged in professional or occupational misconduct by failing to cooperate with the Board's continuing

education audit by not responding to the Board's request for information upon receipt of the November 17, 2003 and January 14, 2004 letters in violation of N.J.A.C. 13:45C-1.3. The above preliminary findings of fact also provide grounds for disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(e) in that respondent has engaged in professional or occupational misconduct by indicating on his application for the 2003-2005 biennial renewal that he will complete his continuing education requirement by June 30, 2003 when in fact respondent did not complete the requirement until April 22, 2004.

ACCORDINGLY, IT IS on this 27th day of Oct, 2005,
ORDERED that:

1. Respondent shall be assessed a civil penalty in the aggregate amount of \$1,000, consisting of a \$500 penalty for failing to cooperate with the Board's continuing education audit by not responding to the Board's request for information upon receipt of the November 17, 2003 and January 14, 2004 letters from the Board; as well as a \$500 penalty for indicating on the application for the 2003-2005 biennial renewal that he would complete his continuing education by June 30, 2003, when in fact respondent failed to complete the requirement by that date. The penalty shall be paid by money order or certified check made out to the State of New Jersey and delivered to the Board of Examiners of Master Plumbers, P.O. Box 45008, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, no later than thirty (30) days after entry of any Final Order of Discipline in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.
2. Respondent is hereby assessed costs in the amount of \$98.67. Payment for the costs shall be by certified check or money order made payable to the state of New Jersey and submitted to the Board no later than thirty days after entry of any Final Order of Discipline to the address set forth in numbered paragraph 1 above. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.
3. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:
 - a) Submitting a written request for modification or dismissal to Barbara Cook, Executive Director, State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, P.O. Box 45008, Newark, New Jersey 07101.

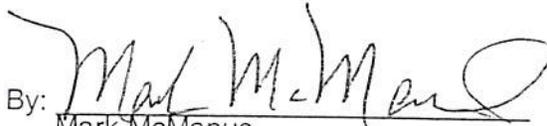
b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

4. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Additionally, if further proceedings are ordered, the Board may seek to recoup the costs of such proceedings from respondent, in addition to the sanctions and penalties stated above.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: 
Mark McManus
Board Chairman

SECOND NOTICE

1-14-04

PETER C. HARVEY
 Attorney General
 RENI ERDOS
 Director
 Mailing Address:
 P.O. Box 45008
 Newark, NJ 07101
 (973) 504-6420

State of New Jersey
 OFFICE OF THE ATTORNEY GENERAL
 DEPARTMENT OF LAW AND PUBLIC SAFETY
 DIVISION OF CONSUMER AFFAIRS
 BOARD OF EXAMINERS OF MASTER PLUMBERS
 100 STATE STREET, 6TH FLOOR, NEWARK NJ

November 17, 2003

FILE COPY

SENDERS 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:
 CHARLES W SEEBERGER
 LMP# 36B100408500
 1721 BENSALEM BLVD
 BENSALEM PA 19020-2524

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 B. Received by (Printed Name)
 C. Date of Delivery
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:
 E.M. PA
 19020-2524

3. Service Type

- Certified Mail
- Registered Mail
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

RE: Master Plumber's Continuing Education Requirement
 2003-2005 Biennial License Renewal

Dear Licensee:

Pursuant to N.J.A.C. 13:32-6, as a Licensed Master Plumber in the State of New Jersey, you are required to complete five (5) hours of State Board approved courses for each renewal cycle prior to renewing your license. The Board Office files indicate that you renewed your Master Plumber's License for the 2003-2005 biennial cycle and your license is in an "Active" status.

The Board is making every effort to ensure the integrity and importance of our Continuing Education Program, as well as that of the occupation that each licensee should take pride in.

The Board Office is presently reviewing the files of its "Active" licensees for compliance with the Continuing Education Requirements for the current 2003-2005 biennial renewal cycle. As a licensee of the Board, you are requested to submit a copy of your Continuing Education Certificate (issued to you by your instructor).

FAILURE TO REPLY TO THIS NOTICE WILL RESULT IN A SUBPOENA TO APPEAR BEFORE THE BOARD

(continued next page...)

Licensed Master Plumber

Page 2 of 2

FAILURE TO REPLY TO THIS DIRECTIVE
WILL RESULT IN A SUBPOENA
TO APPEAR BEFORE THE BOARD.

continued

Please DO NOT send your Original Certificate; a COPY of your Continuing Education Completion Certificate will be sufficient. A return envelope addressed to the Board Office has been enclosed for your convenience in returning this requested document.

A response within twenty (20) days of the date of this letter is requested. Your cooperation and assistance are appreciated.

Very truly yours,

STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS



Barbara A. Cook
Executive Director

BAC:rb
Enclosure-1 Return Envelope
MPCE35AUD

FAILURE TO REPLY TO THIS DIRECTIVE
WILL RESULT IN A SUBPOENA
TO APPEAR BEFORE THE BOARD.

6
Exhibit A

Seeberger

2

1 B E F O R E:

2 ALEXANDER J. TUCCARONE, Chairman

3 BARBARA A. COOK, Executive Director

4 ROSEMARIE BACCILE, Executive Assistant

5 JAMES MOORE

6 ERNEST P. TRETOLA

7 MARGARET SIEB

8 RALPH WETZEL

9 JOSEPH P. SCHOOLEY, Electrical Board

10

11 JOSEPH DONOFRIO, ESQ.

12 Deputy Attorney General

13 Appearing for the Board

14

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1 MR. DONOFRIO: Mr. Seeberger.

2 MR. SEEBERGER: Yes.

3 MR. DONOFRIO: Could we just have Mr.

4 Seeberger sworn, please.

5 CHARLES W. SEEBERGER,

6 having been first duly sworn, was examined and testified

7 as follows:

8 MR. DONOFRIO: Mr. Seeberger, just please

9 state your name for the record.

10 MR. SEEBERGER: Charles Seeberger.

11 MR. DONOFRIO: Thank you. Mr. Seeberger,

12 did you have the opportunity to review the three-page

13 introduction sheet?

14 MR. SEEBERGER: Yes, I did.

15 MR. DONOFRIO: The information that you

16 provided on that sheet, is it accurate?

17 MR. SEEBERGER: Yes, it is.

18 MR. DONOFRIO: And did you sign that sheet

19 acknowledging that you have read the introduction?

20 MR. SEEBERGER: Yes, it's right in front of

21 me.

22 MR. DONOFRIO: If we could have that marked

23 as S-1, please.

24 (S-1, Introduction Sheet, was marked for

25 identification.)

3

1 E X H I B I T S

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NUMBER	DESCRIPTION		PAGE
4 S-1	Introduction Sheet	4	
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1 MR. DONOFRIO: Do you have any questions

2 regarding the introduction sheet?

3 MR. SEEBERGER: I do not.

4 MR. DONOFRIO: Do you have any questions

5 with regard to today's proceeding?

6 MR. SEEBERGER: I do not.

7 MR. DONOFRIO: Just tell the Board your

8 home address and your telephone number.

9 MR. SEEBERGER: 1721 Bensalem Boulevard,

10 Bensalem, Pennsylvania 19020.

11 MR. DONOFRIO: And your telephone number,

12 please.

13 MR. SEEBERGER: 215-752-4182.

14 MR. DONOFRIO: You're a licensed master

15 plumber in New Jersey?

16 MR. SEEBERGER: That's correct.

17 MR. DONOFRIO: How long have you been

18 licensed in New Jersey?

19 MR. SEEBERGER: Probably over 30 years.

20 MR. DONOFRIO: And what is your master

21 plumber license number?

22 MR. SEEBERGER: You have it in front of

23 you, sir, I don't have it.

24 MR. DONOFRIO: Would that be 1725?

25 MR. SEEBERGER: No.

6

1 MR. DONOFRIO: I'm looking at the wrong
 2 one, 4085, correct?
 3 MR. SEEBERGER: Ends in 500.
 4 MR. DONOFRIO: Okay, I'm sorry. And you
 5 provided your seal as well as your master plumber's
 6 license identification card to the Board chairman?
 7 MR. SEEBERGER: Yes.
 8 MR. DONOFRIO: Additionally did you have
 9 any continuing education certificates in your possession
 10 today?
 11 MR. SEEBERGER: I have the latest
 12 continuing education and that's a required five-hour
 13 course. In addition to that, I provided you with other
 14 education that I've taken above and beyond what you
 15 require. You require five hours for code refresher and
 16 what I've taken is that course and in addition to that
 17 I've taken 16 hours in confined space schooling, I've also
 18 taken 16 hours in confined space rescue schooling and I've
 19 also taken eight hours in trenching and shoring. The
 20 other courses that I've taken are above and beyond what
 21 you require are the things that I actually need, most of
 22 my work is underground.
 23 MR. DONOFRIO: Mr. Seeberger, what we
 24 require is that you take courses with Board certified
 25 courses, not courses that you've just recited. Are they

8

1 MR. DONOFRIO: Do you have a New Jersey
 2 address?
 3 MR. SEEBERGER: I do not.
 4 MR. DONOFRIO: Do you practice in New
 5 Jersey?
 6 MR. SEEBERGER: Very little.
 7 MR. DONOFRIO: Mr. Seeberger, what's your
 8 address of record with the Board?
 9 MR. SEEBERGER: 1721 Bensalem Boulevard.
 10 MR. DONOFRIO: That's your contact address
 11 for purposes of your licensure?
 12 MR. SEEBERGER: Yes.
 13 MR. DONOFRIO: On November 17th, 2003 the
 14 Board sent a letter to your address of record by regular
 15 mail, do you recall receiving that?
 16 MR. SEEBERGER: I did receive it, and I did
 17 receive all subsequent notifications and it's entirely my
 18 fault I did not take the courses. It's one of those
 19 things I just put it to one side of my desk and intended
 20 to take it and just never took it.
 21 MR. DONOFRIO: The letters that were sent
 22 indicated that the Board was conducting a continuing
 23 education audit and it required that you submit to the
 24 Board a copy of your continuing education of certificate
 25 of completion of 2003/2005 biennial; is that correct?

7

1 Board approved courses, the courses that you just --
 2 MR. SEEBERGER: No, not by New Jersey.
 3 MR. DONOFRIO: Just for the record, I'll
 4 also indicate you provided the Board chair with a copy of
 5 a continuing education certificate for five hours dated
 6 April 22, 2004, that's from an approved course.
 7 MR. SEEBERGER: That's correct.
 8 MR. DONOFRIO: The additional information
 9 that you provided with regard to other courses are not
 10 from Board approved courses, are they?
 11 MR. SEEBERGER: They are not even required.
 12 MR. DONOFRIO: But my question was --
 13 MR. SEEBERGER: No, they are not Board
 14 approved, no.
 15 MR. DONOFRIO: Mr. Seeberger, where are you
 16 employed?
 17 MR. SEEBERGER: Self-employed.
 18 MR. DONOFRIO: And the name of your
 19 company?
 20 MR. SEEBERGER: Seeberger Plumbing.
 21 MR. DONOFRIO: And your address?
 22 MR. SEEBERGER: It's the same as the house.
 23 MR. DONOFRIO: That's your business
 24 address?
 25 MR. SEEBERGER: Yes.

9

1 MR. SEEBERGER: That's correct.
 2 MR. DONOFRIO: And you acknowledge
 3 receiving all those correspondence?
 4 MR. SEEBERGER: Yes.
 5 MR. DONOFRIO: Did you provide that
 6 information to the Board?
 7 MR. SEEBERGER: Not until today.
 8 MR. DONOFRIO: And why is that, Mr.
 9 Seeberger?
 10 MR. SEEBERGER: Just one of those things I
 11 never got around to.
 12 MR. DONOFRIO: Did you provide any response
 13 to the Board?
 14 MR. SEEBERGER: Did not.
 15 MR. DONOFRIO: Mr. Seeberger, on your
 16 renewal application for the 2003/2005 renewal period you
 17 indicated that you will have completed the required
 18 continuing education courses by June 30th, 2003 and the
 19 date of your application is May 30th of '03; is that
 20 correct, you indicated yes that you would have it
 21 completed?
 22 MR. SEEBERGER: Yes, I probably did.
 23 MR. DONOFRIO: In fact, have you completed
 24 it within that time frame?
 25 MR. SEEBERGER: I did not. It was not

10

1 completed until about a week ago.

2 MR. DONOFRIO: I have no more questions.

3 MR. McMANUS: Have you done any previous

4 Board certified continuing education on previous cycles?

5 MR. SEEBERGER: Yes, I have, and I think

6 I've gone to one other course.

7 MR. TUCCARONE: Approved courses?

8 MR. SEEBERGER: Yes.

9 MR. McMANUS: Who did you take that with?

10 MR. SEEBERGER: It was taken -- I don't

11 remember. It was taken in Bordentown, New Jersey at a

12 motel. Myself and about 30 other guys.

13 MR. MOORE: Mr. Seeberger, are you aware

14 that this has been a law in New Jersey since April 8, 1997

15 for continuing education?

16 MR. SEEBERGER: I did not know when it was

17 originated but I did receive notice. The first notice

18 that I received I took the course, and I believe that was

19 the only notice I got except for this one and this one I

20 did not take until last week.

21 MR. MOORE: You took one for the 2001 cycle

22 too then; is that correct?

23 MR. SEEBERGER: I don't know what cycle it

24 was. I've taken one other course in addition to the one

25 that I provided you with today.

11

1 MR. MOORE: You don't have a copy of that?

2 MR. SEEBERGER: I do not.

3 MR. DONOFRIO: That was a Board approved

4 course?

5 MR. SEEBERGER: Yes, it was in Bordentown,

6 New Jersey.

7 MR. DONOFRIO: Do you know the instructor's

8 name?

9 MR. SEEBERGER: Do not, I'm sorry.

10 MR. McMANUS: The most recent was taken in

11 Bordentown?

12 MR. SEEBERGER: Yes, but that was at a

13 private residence, the man --

14 MR. McMANUS: Okay.

15 MR. TUCCARONE: Who gave you this course?

16 MR. SEEBERGER: Pangaldi.

17 MR. TUCCARONE: Just one quick thing, Mr.

18 Seeberger, you realize taking this course does not relieve

19 you of the obligation of taking the next five hours for --

20 MR. SEEBERGER: I won't miss it again.

21 MR. TUCCARONE: Please, no

22 misunderstanding, this is for your previous cycle but next

23 cycle you need --

24 MR. SEEBERGER: The next one is coming up.

25 I'm already registered for that. The fellow who gave us

12

1 the course has me in the computer, he's going to make sure

2 I do it every time.

3 MR. TUCCARONE: Okay. We're going to make

4 a photocopy of this so we can put it in the file now so we

5 have it.

6 MR. SEEBERGER: Okay.

7 MR. TUCCARONE: Any other Board members

8 have any questions?

9 Okay. We're going to make a copy of this and

10 return it to you. Wait outside. You can wait outside for

11 your copy, then you're free to leave. You will be

12 notified by mail of the Board's decision.

13 MR. SEEBERGER: Thank you very much. It

14 won't happen again.

15 MR. TUCCARONE: Thank you for coming.

16 (Whereupon, an adjournment was taken at

17 11:15 a.m.)

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C E R T I F I C A T E

1 I, LORI JONES, a Notary Public of the State of

2 New Jersey, do hereby certify that prior to the

3 commencement of the examination CHARLES W. SEEBERGER was

4 duly sworn by me to testify the truth, the whole truth and

5 nothing but the truth.

6 I DO FURTHER CERTIFY that the foregoing is a

7 true and accurate transcript of the testimony as taken

8 stenographically by and before me at the time, place and

9 on the date hereinbefore set forth, to the best of my

10 ability.

11 I DO FURTHER CERTIFY that I am neither a

12 relative nor employee nor attorney nor counsel of any of

13 the parties to this action, and that I am neither a

14 relative nor employee of such attorney or counsel, and

15 that I am not financially interested in the action.

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25 LORI JONES, CSR NO. XI01619
Notary No. 2048559 exp. 4-5-05

9



State of New Jersey

State Board of Examiners of Master Plumbers Continuing Education Certificate

Five (5) Hour Course – Plumbing Code/Law
New Jersey State Approved

Required CE for 2003 – 2005 Renewal Period

Name of Licensee:	Charles Seeberger	Plumbing License No:	36B100408500
Date Completed:	April 22, 2004	Program Location:	Bordentown, NJ
Code Instructor:	Thomas W. Pangaldi	Instructor No:	20


Signature of Code Instructor

Law Instructor: _____ Instructor No: _____

N/A

Signature of Law Instructor _____