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

IN THE MATTER OF THE APPLICATION OF JAMES P. REGAN FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY	Administrative Action CONSENT ORDER

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers (the "Board") upon receipt of an application for examination for a plumbing license from James P. Regan ("respondent"). Respondent indicated on his application he had been convicted of a criminal offense. Respondent provided information and documentation concerning his criminal history. Specifically, respondent was arrested on June 3, 1997 and charged with two counts of 3rd degree possession of cocaine (N.J.S.A. 2C:35-10(a)(1)). He was subsequently arrested again on August 1, 1997 and again charged with one count of 3rd degree possession of cocaine. The information and documentation received from respondent indicated he pled guilty to one of the possession charges from the June 3, 1997, arrest and also pled guilty to the charge from the August 1, 1997 offense. Respondent was sentenced concurrently for the two counts to three years probation, ordered by the court to enter an inpatient rehabilitation program, undergo urine screens and continue drug counseling. As a result, the Committee sent respondent a Demand for Statement

in Writing Under Oath in order to obtain additional information concerning the facts and circumstances surrounding the arrests and disposition of the charges.

In response to the Demand for Statement Under Oath, respondent indicated he was compliant with his probationary obligations. He is currently involved in a twelve-step program and has a sponsor. Respondent provided a letter from his sponsor stating he is compliant in his recovery. Regarding the arrests, respondent admitted he went to New York City to purchase cocaine and was subsequently arrested when he returned to New Jersey. Respondent also disclosed an additional arrest in New York for possession of cocaine on December 11, 2002, and an arrest in New Jersey for possession of cocaine on December 19, 2004. Respondent pled guilty to the 2002 New York offense and his case was transferred to probation in New Jersey. He pled guilty to the 2004 New Jersey offense as well, and he was placed on probation for three years to be served concurrently with the New York offense.

Respondent was forthright in his response and acknowledged an addiction to alcohol. He stated he began substituting cocaine in place of alcohol. Respondent also acknowledged his attempts at rehabilitation through inpatient programs, most recently his participation in an inpatient facility in Florida in May 2005. He is currently participating in a twelve step program through Alcoholics Anonymous.

On April 4, 2006, respondent testified at an investigative inquiry and once again acknowledged he is a recovering alcoholic. While he has refrained from using alcohol for eleven years, he admitted he substituted abuse of cocaine for alcohol. Respondent currently attends Alcoholics Anonymous three times per week. As of the date of the inquiry, he has been completely sober for almost one year. Finally, respondent stated he has been employed by the same plumbing contractor for five years and has a total of fourteen years of experience in the plumbing industry. Respondent completed a required four year apprenticeship program in 2004.

Having considered the testimony of respondent, the Board has determined

respondent may be permitted to sit for the examination for licensure, and upon proof of passage of the examination, will be granted a license subject to the conditions outlined in this order. Respondent appears to be doing well in recovery at this time. However, the Board is keenly aware of respondent's history of relapse and therefore any deviation from the terms of this order will result in immediate suspension of license. The Board finds that such a provision, coupled with respondent's continued involvement and compliance with his twelve step program and Alcoholics Anonymous, is adequate to protect the health, safety and welfare of the public, and that good cause exists for entry of this order.

IT IS THEREFORE ON THIS 22nd DAY OF February, 2007

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby permitted to sit for the examination for licensure, and upon the Board's receipt of proof of passage of the examination, shall be granted a license subject to the restrictions in this order.

2. Respondent shall abstain from any and all mood altering or intoxicating substances, including but not limited to alcohol, as well as any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than two (2) days subsequent to the prescription.

3. Respondent shall continue in treatment with Alcoholics Anonymous and his twelve-step program. Prior to examination and subsequent to his licensure, respondent shall provide proof of attendance at Alcoholics Anonymous, as well as reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who

are participating in respondent's care and or treatment. This information shall be provided directly to the Board on a quarterly basis. For purposes of this order, the first submitted quarterly proofs of attendance shall be due simultaneous with the signing of this order for AA attendance and mental health treatment for the months of September, October, November and December of 2006. The next quarterly proofs shall be due on March 31,2007 for the months of January, February and March of 2007 and then quarterly thereafter. If respondent discontinues participation with Alcoholics Anonymous, without first obtaining approval of the Board, he shall be deemed in violation of this Order.

4. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treatment or other program as outlined in this order or as may be required in the future, in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Via his signature on this order, respondent agrees that the Board may utilize any information received in connection with any proceeding regarding licensure.

5. Respondent shall provide to the Board simultaneous with his signing of this order, all probation reports, as well as a letter from his probation officer indicating he has successfully complied with all probationary requirements and has been successfully discharged from probation.

6. Respondent may seek modification of the terms of this order not sooner than January 31, 2008. Prior to any modification or removal of restrictions set forth in this order, respondent shall:

(a) Appear before the Board to discuss his recovery and to demonstrate to the satisfaction of the Board that he is not then suffering from any impairment or limitation resulting from any psychiatric condition or the use of any mind altering or intoxicating substance, whether legal or illegal, which could affect his practice;

(b) Prior to his appearance, the Board may require receipt of a report of an independent

psychiatric evaluation with a Board approved psychiatrist.

7. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of documentation of a prima facie showing of a violation of this order or a relapse or recurrence of drug or alcohol abuse or any reliable information that respondent has violated any term of this order or any information which the Board in its sole discretion deems reliable demonstrating that respondent is not capable of carrying out the functions of a licensee consistent with the public health, safety or welfare or that respondent has failed to comply with any of the conditions set forth in this consent order.

8. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the evidence of a relapse or recurrence of drug or alcohol abuse or that other information submitted was false.

NEW JERSEY STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS

By: _____
Mark McManus
Board Chairman

I have read and I understand this Consent Order and agree to be bound by its terms. I Consent to the entry of this Order by the Board.

_____
James P. Regan

1/22/07
Date