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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
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF THE SUSPENSION
OF THE LICENSE OF

MARCIN P. TOMASZEWSKI
License No. 36BI01223500

TO PRACTICE AS A PLUMBER
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 information indicating that on June 27, 2006, Marcin P. Tomaszewski ("respondent"), was sentenced by the Morris County Superior Court to ninety (90) days in county jail and three years probation after pleading guilty to a charge of theft. As part of the plea, respondent was required to pay restitution to his former employer in the amount of \$26,084.00. Specifically, the information revealed respondent stole plumbing supplies from his former employer. The information also revealed respondent had a previous arrest and conviction history consisting of a 1996 conviction for burglary and a 2003 conviction for possession and use of a controlled dangerous substance.

On October 26, 2006 respondent appeared with Richard J. Baldi, Esq. at an investigative inquiry into the matter held by the Board. Respondent acknowledged he stole the

equipment and supplies from his employer at various job sites and claimed he took the material as compensation for wages owed by the employer. Respondent testified he submits monthly restitution payments through probation, and participates in the Sheriff's Labor Assessment Program ("SLAP") which allows him to work under an intensive supervision arrangement for a salary. Respondent also testified he attends Alcoholics Anonymous and admitted himself into a rehabilitation center two years ago. He submits to drug screens every two weeks and testified he has been sober for two years.

These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent's theft of equipment and supplies from his former plumbing employer and from various job sites constitutes professional or occupational misconduct. Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(f) in that respondent's conviction for theft constitutes a crime which relates adversely to the activity regulated by the Board.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings, and for good cause shown:

IT IS ON THIS *13TH* DAY OF *April*, 2007

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded, pursuant to N.J.S.A. 45:1-22, as a result of his conviction for theft.
2. Respondent's license to practice plumbing is hereby suspended for a period of three years entirely stayed and served as a period of probation conditioned on respondent's successful completion and fulfillment of all of the terms of his criminal probation, including the court ordered reimbursement. The probation period is to run concurrent with respondent's three year court imposed probationary period and shall be retroactive to June 27, 2006, the date the probation was imposed by the Morris County Superior Court. Upon successful completion of all of the terms of

respondent's criminal probation, the stayed suspension shall terminate. In the event that respondent fails to fulfill his probationary requirements, or commits a probation violation, the entire three year suspension shall automatically become active. Additionally, such stayed suspension shall be activated should respondent engage in any future improprieties or any future violations of the Board's statutes or regulations during the probationary period or for any violation of this order.

3. Respondent shall submit probation reports to the Board on a quarterly basis. It is acknowledged that respondent previously provided a probation report, dated January 8, 2007, stating respondent has been reporting to probation as directed; paying his fines each month; and has completed both his SLAP sentence and community service hours. For purposes of this order, the January 8, 2007 probation report is accepted by the Board as covering the period of June 27, 2006 to January 1, 2007. The next quarterly probation report shall be due on March 31, 2007 for the months of January, February and March of 2007 and then quarterly thereafter.

4. Respondent shall submit all prior and future NA/AA attendance reports, as well as all prior and future urine screen reports, to the Board on a quarterly basis. For purposes of this order, the first submitted quarterly proofs of NA/AA attendance, as well as urine screen results, shall be due simultaneous with the signing of this order for the period covering June 27, 2006 to January 1, 2007. The next quarterly NA/AA attendance reports, as well as the urine screen reports, shall be due on March 31, 2007 for the months of January, February and March of 2007 and then quarterly thereafter.

5. Failure to comply with any of the terms of this Order may constitute the basis for further disciplinary action by the Board, including but not limited to, suspension or revocation of respondent's master plumbing license and imposition of enhanced monetary penalties pursuant to N.J.S.A. 45:1-25.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By: 
Mark McManus
Board Chairman

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Marcin Tomaszewski, LMP

3/29/07
Date

I consent to the entry of this order as to form.


Richard J. Baldi, Esq.
Attorney for Marcin Tomaszewski, LMP

3/29/07
Date