

STUART RABNER
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

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

KENNETH RIVIERE
License No. 36BI00973500

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. Kenneth Riviere ("respondent") was a licensed master plumber licensed in the State of New Jersey and had been a licensee at all times relevant hereto. Respondent's license is currently suspended, without notice, pursuant to N.J.S.A. 45:1-7.1(b), as a result of his failure to apply for renewal within 30 days of its expiration date of June 30, 2005. (Exhibit A, affidavit of Executive Director Barbara A. Cook, attached and made a part of hereto).

2. This matter was opened to the Board upon receipt of information that an advertisement had been placed in the January 26, 2003 classified section of the Newark Star Ledger which read: "PLUMBING LICENSE FOR HIRE Call further info. 908-404-9094." Upon receipt of this information, the Board requested the Enforcement Bureau, New Jersey Division of Consumer Affairs ("Enforcement Bureau") to conduct an investigation to determine the identity of

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the subscriber of this advertisement. (Exhibit B, copy of advertisement placed in the January 26, 2003 classified section of the Newark Star Ledger, attached and made a part of hereto).

3. On April 3, 2003, an investigator of the Enforcement Bureau, acting in a covert capacity, placed a call to the telephone # in the advertisement. Respondent identified himself as "Ken" when he answered the call. The investigator indicated he was interested in having respondent sign and seal a plumbing permit for a bathroom renovation project. Specifically, the investigator said he was hired by a homeowner to install a new toilet, a sink, and possibly a new bath tub. Respondent indicated he would charge \$250.00 to seal a plumbing permit for the job and an additional \$150.00 to inspect the work prior to its inspection by the plumbing inspector. The investigator and respondent agreed to meet at an established location. (Exhibit C, Affidavit of Enforcement Bureau Investigator John T. Vatasin, pgs. 2 & 3, dated May 23, 2003, attached and made a part of hereto).

4. On April 16, 2003, the investigator met with respondent and presented him with a permit application obtained from the Belleville, NJ construction office. Respondent, completed portions of the permit, signed it and affixed his seal at the bottom. Respondent collected \$250.00 from the investigator as previously agreed. Respondent reiterated the price for inspecting the rough plumbing work prior to inspection by the plumbing inspector was \$150.00. Respondent also stated he would charge \$500.00 to approve the work but not inspect it. The investigator thanked respondent for sealing the permit. Respondent replied he had received many jobs from the ad and "helped out lots of guys like this." (Exhibit D, copy of Belleville, NJ plumbing permit, signed and sealed by respondent, attached and made a part of hereto). (Exhibit C, Affidavit of Enforcement Bureau Investigator John T. Vatasin, pgs. 4 & 5, dated May 23, 2003, attached and made a part of hereto).

5. After signing and sealing the permit application, respondent and the investigator engaged in conversation regarding the nature of the plumbing work to be performed. During this conversation, the investigator presented respondent with a mock rough diagram purporting to represent the work to be completed. During the course of the conversation, the investigator asked respondent for a business card. Respondent replied he was not in possession of any business cards but did inform the investigator of his name and wrote "Ken Riviere" in black ink on the mock diagram. (Exhibit E, copy of mock diagram with the name 'Ken Riviere" written by respondent, attached and made a part of hereto). (Exhibit C, Affidavit of Enforcement Bureau Investigator John T. Vatasin, pgs. 6 & 7, dated May 23, 2003, attached and made a part of hereto).

6. In response to the investigation, the Board served respondent with a subpoena to appear for an investigative inquiry on October 23, 2003. During the inquiry, respondent admitted he placed the advertisement in the January 26, 2003 classified section of the Newark Star Ledger. Respondent testified that the purpose of the advertisement was to secure a plumbing permit for each job where permits were required. He testified he would attend to the job, supervising the work in those cases where he had not actually performed the work. (Exhibit F, copy of certified transcript from October 23 2003 investigative inquiry, pgs. 12 through 15, attached and made a part of hereto).

7. During the inquiry, respondent was questioned regarding his involvement in signing and sealing the Belleville, NJ plumbing permit application for the investigator on April 16, 2003. Initially, respondent denied being involved in such activity and denied asking for and being paid \$250.00 for this service. He denied signing and sealing the permit in response to the call from the undercover investigator based on the Star Ledger advertisement. However, shortly after the conclusion of this portion of respondent's testimony, the Board requested the investigator to enter the Board room. After seeing the investigator, and upon further questioning, respondent acknowledged he may have accepted \$250.00 as a deposit toward a permit for a bathroom job. He also acknowledged he may have equated a price of \$150.00 for inspecting the rough plumbing. Respondent further stated he has been in ill health and explained he is not able to do plumbing work but intended to handle the inspection of the plumbing work for this job. (Exhibit F, copy of certified transcript from October 23, 2003 investigative inquiry, pgs. 16 thru 24, 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(b), in that respondent attempted to secure a plumbing permit for an unlicensed person which is deemed to be the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense in contravention of N.J.A.C. 13:32-4.1(c). Additionally, 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 engaged in professional or occupational misconduct by permitting his license and seal to be used by another person in contravention of N.J.A.C. 13:32-4.1(b). The above preliminary findings of fact provide grounds for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent engaged in

professional or occupational misconduct in that he willfully allowed an unlicensed person to use his seal in contravention of N.J.A.C. 13:32-4.1(d). Also, the above preliminary findings of fact provide grounds for disciplinary action, pursuant to N.J.S.A. 45:1-21(n) in that he permitted or aided and abetted an unlicensed person or entity to perform an act for which a license is required. Finally, the above preliminary findings of fact provide grounds for disciplinary action, pursuant to N.J.S.A. 45:1-21(b) in that respondent engaged in the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense whereby his original testimony before the Board on October 23, 2003 misrepresented the true facts in the case.

ACCORDINGLY, IT IS on this 26th day of April, 2007,
ORDERED that:

1. Respondent's license to practice plumbing in the State of New Jersey, which is currently suspended by application of N.J.S.A. 45:1-7.1(b), as a result of his failure to apply for renewal within 30 days of its expiration date of June 30, 2005, shall provisionally remain suspended for a period of two years upon any request for reinstatement. The first six months of the suspension are to be active and the remaining 18 months are to be stayed and considered a period of probation. Respondent shall not be reinstated until such time as he has paid in full the civil penalties and costs which are outlined in this provisional order.

2. Respondent shall immediately surrender his master plumber's pressure seal upon entry of a final order. The seal shall be sent to Barbara Cook, Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

3. Respondent shall pay a civil penalty in the aggregate amount of \$10,000, consisting of a \$2,000 penalty for attempting to secure a plumbing permit for an unlicensed person; a \$2,000 penalty for permitting his license and seal to be used by another person; a \$2,000 penalty for willfully allowing an unlicensed person to use his seal; a \$2,000 penalty for aiding or abetting unlicensed practice and a \$2,000 penalty for initially misrepresenting his testimony during the October 23, 2003 inquiry. Payment shall be made no later than 60 days from entry of a final order, by certified check or money order made payable to the State of New Jersey and shall be sent to Barbra Cook, Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

4. Respondent is hereby assessed costs in the amount of \$5,387.17. 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 60 days from the entry of a final order to the address set forth in numbered paragraph 3 above.

5. Respondent shall cease and desist from the violations described herein. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

6. Failure to comply with any of the terms of a Final Order in this matter may constitute the basis for further disciplinary action by the Board, including but not limited to, suspension or revocation of respondent's master plumber's license and imposition of monetary penalties. Failure to remit any and all payment required by a Final Order in this matter will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an order of the Board.

7. Prior to resuming active practice in New Jersey, respondent shall be required to comply with all terms set forth in this order and shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice. Any practice in this State prior to said appearance shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

8. 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.

9. 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.

10. 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

EXHIBIT A



JON S. CORZINE
Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
PO Box 45029
NEWARK, NJ 07101

STUART RABNER
Attorney General

ROBERT J. GILSON
Director

AFFIDAVIT

RE: IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF
KENNETH RIVIERE; LICENSE MASTER PLUMBER # 36BI00973500

I Barbara A. Cook, of full age, being duly sworn accordingly to law, depose and say:

1. I am the Executive Director of the New Jersey State Board of Examiners of Master Plumbers, and as such, I have been the Custodian of the Board's records since June 29, 1999.
2. I have reviewed the office files of the State Board of Examiners of Master Plumbers and determined that Kenneth Riviere, License No. 36BI00973500, failed to renew his plumbing license prior to its expiration date of June 30, 2005. As a result, Kenneth Riviere's plumbing license is currently suspended, as a matter of law, pursuant to N.J.S.A. 45:1-7.1(b).
3. A further review of the office files of the State Board of Examiners of Master Plumbers reveals the Board sent Mr. Riviere a notice of renewal at least 60 days prior to the expiration of his license, consistent with the provisions of N.J.S.A. 45:1-7.1(c) & N.J.A.C. 13:32-2.6(b).
4. A further review of the office files of the State Board of Examiners of Master Plumbers reveals that Kenneth Riviere has not submitted an application for reinstatement of his license, pursuant to N.J.S.A. 45:1-7.2 & N.J.A.C. 13:32-2.6(e), nor has he made other inquiries concerning the reinstatement of his license.
5. I hereby certify that the above statements are true to the best of my knowledge and belief. I understand that if any of the above statements are willfully false, that I am subject to punishment.

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

March 19, 2007
Date

Sworn and subscribed before me this
19th Day of March, 2007 in the
County of Essex, State of New Jersey

NANCY ZAMORA
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 3/16/2006



EXHIBIT B

EXHIBIT C

PLUMBING LICENSE FOR HIRE

Call further Info. 908-405-9094

My call was answered by an unidentified male who simply answered by saying "Hello." I related that I was calling in response to the listing I had seen in the Star Ledger newspaper for a plumbing license for hire, and in response the unidentified male stated "Yea, well that's kinda already been taken care of." I responded that I was doing some handyman work, including bathrooms, with some friends and that I needed permits just in case the city inspected my work. The unidentified male stated that he was in the middle of something at that time but that I could call him back in about an hour or so to discuss it further. He informed me that his name was "Ken" and to call him back at the same telephone number.

4. On April 2, 2003, at approximately 11:00 AM, I placed a second covert telephone call to (908) 405-9094. Upon placing my call I was connected to a recorded message stating that I had contacted "Ken" and requesting callers to leave their name and telephone number. In response I provided a covert name and a telephone number to which a Bureau telephone answering machine had been connected.

5. On April 3, 2003, at approximately 9:20 AM, I placed a third covert telephone call to (908) 405-9094, and once again I was connected with "Ken". Using the same covert name, I informed him that I had called him on April 2, 2003, and reiterated the information that I had provided to him on that date. I informed him that I was out of work, taking some courses at Rutgers University in Newark, New Jersey, and that I, along with a few of my friends, had taken on a small bathroom remodeling job in Belleville, New Jersey. I related that the home was located on Joralemon Street, and that homeowner

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insisted that the work be done by permit. "Ken" asked me what kind of work we were going to perform, and in response I related that we were going to re-tile the floor and walls, and that we were going to install a new toilet, a sink, and possibly a new bath tub. I further explained that the homeowner wanted the sink to be moved further away from the toilet, and that in connection with the move some plumbing would have to be changed. "Ken" asked if any electrical work was going to be performed in the bathroom, and in response I related that I might have to move a light, if there was one over the sink. He asked if I planned on installing ground fault indicator (GFI) wiring and outlets in the event that rewiring was necessary, and in response I related that I might be able to get away without doing so.

6. After providing "Ken" with a description of the work that was to be performed, he stated that it sounded like a small job, but that he still wanted to inspect our work after the roughing was complete. He stated that he would charge me two hundred and fifty dollars (\$250.00) to seal a plumbing permit for the job, and that he would charge me an additional one hundred and fifty dollars (\$150.00) to inspect the work prior to its inspection by the plumbing inspector. At the conclusion of our conversation I informed "Ken" that I would call him in approximately one (1) week to make an appointment to meet with him to have the permit sealed, informing him that it would take some time to get my friends together to do the work.

7. On April 7, 2003, I visited the municipal building in the Township of Belleville, New Jersey where I obtained a plumbing permit application, along with a construction permit application, and a construction permit file jacket from the construction official's office for use in this investigation.

8. On April 15, 2003, at approximately 8:50 AM, I placed a fourth covert telephone call to (908) 405-9094. Upon placing my call I was connected to "Ken's" recorded message, and in response I left a message informing him that I had obtained a plumbing permit application as well as the other

documents from the Belleville construction official's office. I provided "Ken" with a covert telephone number that was connected to an Enforcement Bureau cell phone as a call back number, indicating that I could meet with him at his convenience.

9. On April 15, 2003, at approximately 9:10 AM, I received a call from "Ken" on the Enforcement Bureau cell phone. During our conversation, he informed me that he would be available to meet with me at the Somerset Plumbing Supply Company, 169 Somerset Street, North Plainfield, New Jersey, at 9:00 AM on April 16, 2003. He related that he would be at that location until approximately 10:00 AM before leaving for New York State, and that I should bring the plumbing permit application and two hundred and fifty dollars (\$250.00) with me.

10. On April 16, 2003, I, accompanied by Investigator Ellen Pleickhardt, conducted a covert investigation at 169 Somerset Street, North Plainfield, New Jersey, in which the Somerset Plumbing Supply Company and the Somerset Kitchen/Bath Center are located on the ground floor of a three (3) story structure at the corner of Somerset Street and Somerset Place. During our investigation, Investigator John Musiello conducted surveillance from his vehicle which he parked across the street from the premises on Somerset Street.

11. At the time of our arrival at approximately 9:15 AM, Investigator Pleickhardt and I entered the premises via the Somerset Street entrance. We observed that at that time the premises was open, but that the building appeared to be undergoing both interior and exterior renovations.

12. Upon entering the premises Investigator Pleickhardt and I observed that located in the front portion of the building, on the 1st floor, was a display area for the Somerset Kitchen/Bath Center, and that behind the display area was the Somerset Plumbing Supply Company which contained a service counter. We observed that there was no one present in the display area at the time of our entry, but that

there were a few unidentified males and a female present in and around the service counter area. Additionally, we observed that the back door of the premises was open and that there were people talking in a parking lot that was located at the back of the premises and which continued along the left side of the premises. As we were asking an unidentified white male who was present in the service counter area if "Ken" was there, a white male, approximately 6' 00" tall, with short curly dirty blond hair, a moustache, and a muscular build, who was wearing a blue tee shirt and light colored pants, entered the premises via the back door, informing us that he was "Ken." Using my covert identity, I identified myself to "Ken," at which point he asked us to accompany him into the parking lot.

13. We followed "Ken" outside to a black Dodge pick-up truck, bearing New Jersey registration #MSN-64S, parked in the lot, and upon reaching the truck, "Ken" asked me if I had brought the plumbing permit with me. In response I handed him the permit application I had previously obtained, and "Ken" proceeded to complete portions of the permit, affixing his seal at the bottom. Upon returning the permit to me, I stated to him "The price was two hundred and fifty dollars (\$250.00) right?" and in response he stated "Yes." I then handed "Ken" two hundred and fifty dollars (\$250.00), in cash, which he accepted. He reiterated that his price for inspecting our rough plumbing work prior to inspection by the plumbing inspector was one hundred and fifty dollars (\$150.00), and stated that he would charge me five hundred dollars (\$500.00) to ok the work but not inspect it. I thanked "Ken" for sealing the permit, and in response he stated "Are you kidding, do you know how many jobs I got from that ad? I helped out lots of guys like this."

14. In reviewing the permit, I observed that "Ken" had completed parts of Section A., Identification - Applicant, in which he identified the contractor as "Atlantic Mechanical Contractors, 260 McBride Avenue, Paterson, New Jersey, (973) 569-4141," and his license number as "#9735."

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Additionally, in the Section C., Certification in Lieu of Oath, "Ken" signed his name and affixed his seal over his signature. He did not complete any other sections of the permit. A photocopy of the permit is attached and marked as Exhibit #1.

15. After handing me the permit, "Ken" asked me what type of work I was going to perform on the bathroom, and in response I handed him a rough diagram that I had prepared in pencil to represent the layout of the bathroom. I related that I planned to remove an existing toilet, a vanity sink, and a bath tub/shower from the bathroom and replace them with new fixtures including a pedestal sink rather than a vanity sink. I informed him that I planned to install the pedestal sink a few inches to the right of where the existing vanity sink was located to allow more room in the toilet area, and that in doing so would have to move the existing water supply pipes and drain pipe to the right as well. Additionally I informed him that I would be re-tiling the floor and walls of the bathroom and that I planned on installing a new Americast tub, and not a cast iron tub. "Ken" examined my rough drawing advising me of the standard clearances that must be maintained between the walls and the fixtures, as well as the standard heights of those items, marking them with black ink on my diagram. He asked me whether I was going to replace the existing faucet and valves for the bath tub/shower with a new center control unit, and in response I informed him that I would be replacing those items, but was not planning on installing a center control unit. Upon discussing the installation of the new bath tub, I asked him for the best way to level the tub. He explained that the stringer should be affixed to the wall in a level position and at the same height as the top of the front top surface of the tub, allowing for the thickness of the back lip of the tub which would rest on the stringer. Additionally he explained that care must

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also be taken if it became necessary to cut floor beams to allow for the clearance of the drain. As he explained, "Ken" drew a sketch of a tub on my diagram in black ink.

16. After discussing what work would be performed on the bathroom, I asked "Ken" what his last name was and whether he had a business card. "Ken" responded that he did not have any business cards in the truck, but informed me that his last name was "Riviere" writing "Ken Riviere" in black ink on my diagram. He explained that he was French Canadian and not Spanish. A photocopy of the diagram is attached and marked as Exhibit #2.

17. At the conclusion of our meeting, I informed Mr. Riviere that I planned on purchasing plumbing fixtures for the job from the Home Depot. Mr. Riviere related that many of the products that were sold by the Home Depot were inferior, relating that we could purchase some of the items from Somerset Plumbing Supply Company & Somerset Kitchen/Bath. As we re-entered the premises we examined some pedestal sinks and discussed the price of a 5' Americast tub with a white female who identified herself to us as Helen. We related that we might return with the homeowner to purchase some of the items there, and in response, Helen provided us with a Somerset Plumbing Supply Company & Somerset Kitchen/Bath business card on which she wrote her name in blue ink. A photocopy of the business card is attached and marked as Exhibit #3.

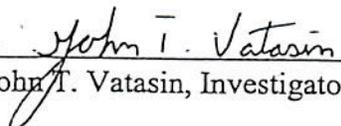
18. At approximately 9:30 AM, Investigator Pleickhardt and I concluded our covert investigation, thanked Mr. Riviere and Helen, exited the premises, and departed the area. A short time later we met with Investigator Musiello and advised him of what had transpired.

19. On April 24, 2003, the aforementioned plumbing permit, diagram, and Somerset Plumbing Supply Company & Somerset Kitchen/Bath Center business card were submitted to the

Bureau Evidence Officer by the undersigned and assigned Voucher #054-03-18. The construction permit application and construction permit file jacket are being retained in the Bureau file.

20. On May 14, 2003, I viewed a Polaroid photograph that was taken by Investigator Musiello of a photograph of Kenneth S. Riviere, New Jersey Board of Master Plumbers license BI 9735, that was on file with the Board. Upon viewing that photograph I recognized the pictured individual as being the same individual who identified himself to me as "Ken Riviere" on April 16, 2003 during my undercover investigation.

I hereby swear that the foregoing statements made by me are true and I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.


John T. Vatasin, Investigator 1

Sworn and subscribed to before me

this 23rd day of May, 2003.



JEAN MURPHY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 22, 2006

JTV:md

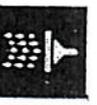
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EXHIBIT D

Township of Belleville



PLUMBING
SUBCODE
TECHNICAL SECTION



Date Received
Date Issued
Control #
Permit #

A. IDENTIFICATION—APPLICANT: COMPLETE ALL APPLICABLE INFORMATION, WHEN CHANGING CONTRACTORS, NOTIFY THIS OFFICE. CALL UTILITY DIG NO.: 1-800-272-1000.

Black _____ Lot _____

Work Site Location _____

Owner In Fee _____

Address _____

Telephone: (973) 589-2114

Fax: (973) 589-2114

Federal Emp. No. _____

B. PLUMBING CHARACTERISTICS

Use Group Present _____ Proposed _____

Building Sewer Size _____ Public Sewer _____ Private Septic _____

Water Service Size _____ Public Water _____ Private Well _____

Est. Cost of Plumbing Work \$ _____

C. CERTIFICATION IN LIEU OF OATH

I hereby certify that I am the agent of owner of record and am authorized to make this application and perform the work listed on this application.

Signature _____ Contractor's Seal _____

D. TECHNICAL SITE DATA (List of all fixtures.)

NO. _____ FEE (Office Use Only) \$ _____

Water Closet _____

Urinal/Bidet _____

Bath Tub _____

Lavatory _____

Shower _____

Floor Drain _____

Sink _____

Dishwasher _____

Drinking Fountain _____

Washing Machine _____

Hose Bibb _____

Water Heater _____

Fuel Oil Piping _____

Gas Piping _____

Steam Boiler _____

Hot Water Boiler _____

Sewer Pump _____

Interceptor/Separator _____

Backflow Preventer _____

GreaseTrap _____

Sewer Connection _____

Water Service Connection _____

Stacks _____

Other _____

Other _____

Other _____

Administrative Surcharge	\$ _____
Minimum Fee	\$ _____
DCA Training Fee	\$ _____
TOTAL FEE	\$ _____

ATTACHMENT # _____

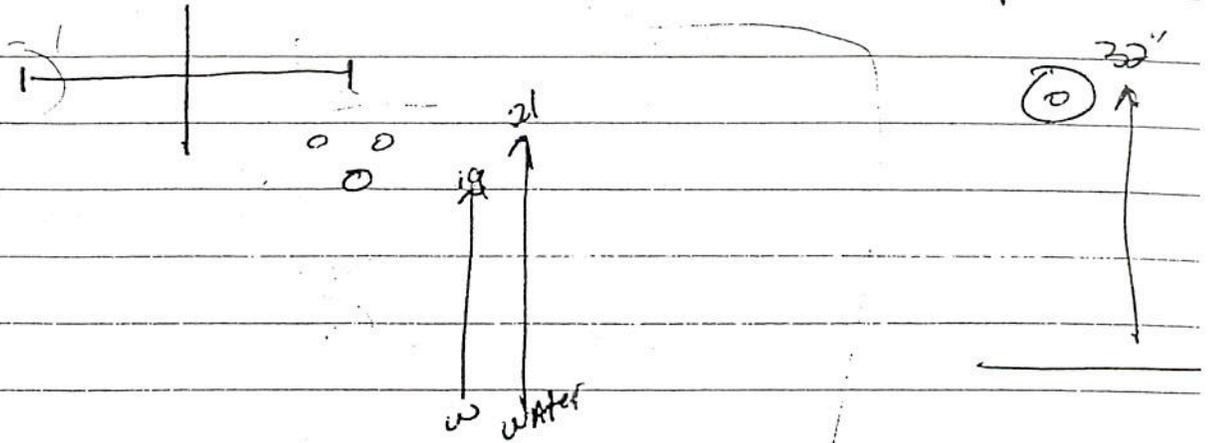
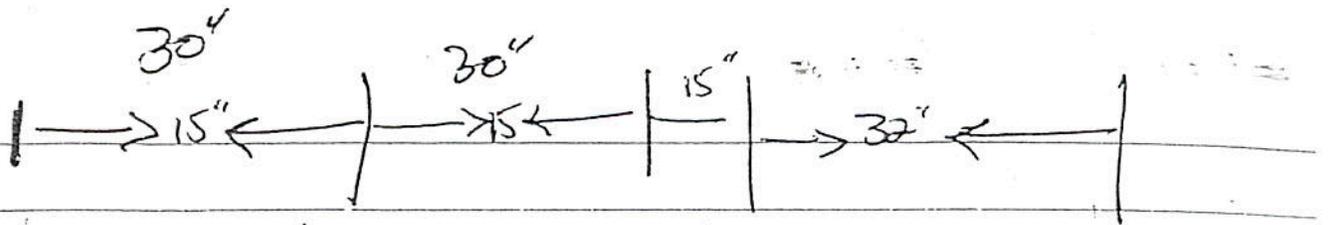
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EXHIBIT # 1

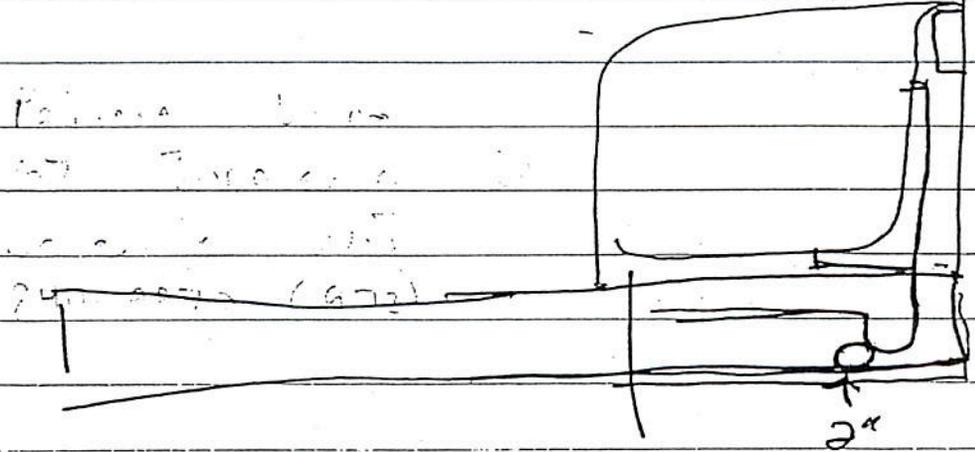
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U.C.C. F130 (rev. 3/09) 1 White = Inspector Copy 2 Canary = Office Copy 3 Pink = Office Copy 4 Gold = Applicant Copy

EXHIBIT E



Ken Ziviere



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EXHIBIT # 2

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ATTACHMENT # _____

EXHIBIT F

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BOARD OF MASTER PLUMBERS
INVESTIGATIVE INQUIRY
THURSDAY, OCTOBER 23, 2003

TRANSCRIPT OF PROCEEDINGS

CIPOLLONI & ASSOCIATES, INC.
Certified Shorthand Reporters & Videographers
1125 Atlantic Avenue, Suite 416
Atlantic City, New Jersey 08401
(609) 348-9190
www.cipolloni-associates.com

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1 which the reads "plumbing license for hire, call for further
2 info 908-405-9094." This investigation inquiry is called at
3 the request of the Board of Examiners of Master Plumbers
4 pursuant to NJSA 45:1-18 to obtain some background information
5 about you, to inquire about the status of your license, and to
6 establish the facts surrounding the advertisement in the Star
7 Ledger.

8 Depending upon the Board's review of this matter and
9 outcome of this process, disciplinary action may or may not be
10 taken. I will lead the questioning, and Board members will
11 ask you questions as well.

12 If you do not understand any questions, please ask
13 that the question be repeated or rephrased for you. You will
14 be placed under oath, and a transcript will be made of this
15 inquiry.

16 The transcript may be used if there are any
17 subsequent proceedings in this case. You may choose not to
18 answer a question if the answer would implicate you in
19 criminal proceedings.

20 After today's proceedings, this Board may find no
21 cause for action, or it may find grounds to issue a formal
22 complaint, in which case you will be given a full opportunity
23 to respond to the allegations of the complaint in accordance
24 with the Administrative Procedures Act.

25 You are here today and you are not represented by

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1 counsel. Is it your intent to continue with this inquiry?
2 MR. RIVIERE: Yes.
3 MR. DONOFRIO: Do you have any questions with regard
4 to the procedures?
5 MR. RIVIERE: No.
6 MR. DONOFRIO: If we could have him sworn in.
7
8 KENNETH RIVIERE, the witness herein, having first
9 been duly sworn by a Notary Public of the State of New Jersey,
10 was examined and testified as follows:
11
12 MR. DONOFRIO: I would like to begin with background
13 information, if I could. Could you tell the Board what your
14 current home address is?
15 MR. RIVIERE: 451 Greenwood Avenue, Montclair, New
16 Jersey.
17 MR. DONOFRIO: Your current telephone number?
18 MR. RIVIERE: 908-405-3001.
19 MR. DONOFRIO: You're currently licensed as a master
20 plumber in New Jersey; is that correct?
21 MR. RIVIERE: Yes.
22 MR. DONOFRIO: What is your license number?
23 MR. RIVIERE: It's 9735.
24 MR. DONOFRIO: When were you licensed, do you recall
25 the year?

8

1 MR. RIVIERE: It's got to be five or six years ago.
2 I can't remember. Like 1996 or 1997.
3 MR. DONOFRIO: Do you hold any other professional
4 licenses aside from a plumber's license?
5 MR. RIVIERE: Well, if you call being a Union 825
6 operator, if that's anything, but I don't think so. I don't
7 know.
8 MR. DONOFRIO: Are you currently engaged in the
9 practice of plumbing?
10 MR. RIVIERE: I use it for my buildings that I
11 build, but yes.
12 MR. DONOFRIO: You do contracting work as well as
13 construction?
14 MR. RIVIERE: Basically I'm a builder.
15 MR. DONOFRIO: What is your current business
16 address?
17 MR. RIVIERE: 2560 U.S. Highway Route 22, Suite
18 226, Scotch Plains, New Jersey, 07076.
19 MR. DONOFRIO: Is that your address that's on the
20 record with the Board?
21 MR. RIVIERE: Yes, it is.
22 MR. DONOFRIO: That's a Mailboxes Etc. address.
23 MR. RIVIERE: That's correct. We do it because we
24 do a lot of work in New York upstate in New Paltz. They
25 forward my mail to wherever I'm staying.

9

1 MR. DONOFRIO: Are you licensed as a plumber in New
2 York?
3 MR. RIVIERE: You don't have to be in that county.
4 MR. DONOFRIO: How long have you used Mailboxes Etc.
5 as your business address?
6 MR. RIVIERE: Probably as long as I have been doing
7 the traveling; at least two and a half, three years.
8 MR. DONOFRIO: What is the name of your company that
9 you're trading under?
10 MR. RIVIERE: Atlantic Mechanical for the plumbing
11 license.
12 MR. DONOFRIO: Is that trade name on record with the
13 Board as well?
14 MR. RIVIERE: Yes, it is.
15 MR. DONOFRIO: I'm going to show you some
16 documentation with regard to your Mailboxes Etc. address, if I
17 could have this marked as S-1 for identification.
18 (Contract was received and marked as S-1 for
19 identification as of this date.)
20 MR. DONOFRIO: If you could take a look at that
21 please. I would ask you if you recognize that.
22 MR. RIVIERE: Yes, it's my signature.
23 MR. DONOFRIO: Is that your contract with Mailboxes
24 Etc.?
25 MR. RIVIERE: I don't know. I renew it every three

26

14

1 looking basically to give me like a \$50,000 year salary which
2 doesn't even cover my child support, so it really wasn't
3 working out, and then I got ahold of a guy who wanted to go
4 and make it a little more lucrative for me, and it was easier
5 and I didn't have to do so much, so that's what I went with.
6 It was easier for me because I had to have income;
7 \$8,000 a month in bills dictates that.
8 MR. DONOFRIO: When you say the wrong type of
9 people, who would --
10 MR. RIVIERE: People who wanted me to stamp, and do
11 their bathroom and stamp stuff. That's not what I was looking
12 for. I was looking for a manager, Matol Brothers, (phonetic)
13 Hovnanian, a franchise of any sort; and obviously I would have
14 to own 30 percent of it, so the ownership would bring an
15 income, and any salary for employees would also make income.
16 MR. DONOFRIO: Was there ever a circumstance that
17 you did sign or seal a permit for someone?
18 MR. RIVIERE: A blank permit, maybe I signed and
19 sealed a permit from one of my employees, or one of my
20 partners that was going to go down and file it, and maybe he
21 didn't file it, but every permit I know of that I stamped got
22 filed, and I went on that job.
23 MR. DONOFRIO: Every circumstance you would actually
24 perform the plumbing work yourself?
25 MR. RIVIERE: No. At that point in time I couldn't

15

1 as of January and February, no. If you're talking about any
2 permits in January or February, everyone that's been stamped
3 since then I physically did not do the work. I was down there
4 supervising. I can't lift boilers, I can't lift tubs. I
5 can't do any of that stuff anymore.
6 MR. DONOFRIO: Let me try to clarify then. Was
7 there ever a situation where an unlicensed practitioner,
8 somebody who does not have their master plumber license would
9 come to you and ask you to sign and seal a permit?
10 MR. RIVIERE: No, but I can tell you there was one
11 circumstance in Plainfield, and I called up the plumbing
12 inspector -- just like I called you people -- to say somebody
13 who has taken my license against my say so -- an older
14 gentleman, about 75, was doing renovation on Front Street. He
15 asked me to stamp and seal the permit, because I had gone on
16 the job, and instead of coming back to me that I got the job,
17 he proceeded to do the plumbing.
18 When I found out he did the plumbing, I called up
19 Mr. Rossi in Plainfield and complained about it, and that
20 building inspector took care of that. That's the only
21 instance I know of since January that it got out of hand. The
22 guy did it up and down the street three or four times, and he
23 was doing it to everyone. I just happened to get caught in it
24 with Mr. Rossi.
25 MR. DONOFRIO: Do you recall receiving a telephone

16

1 call back in April of this year, April 2nd of this year, 2003,
2 from a gentleman who had indicated that he was doing some
3 handy work?
4 MR. RIVIERE: Absolutely. I remember the exact
5 phone call, and I knew that he was implying me to come down,
6 stamp his job. I told him right on the phone I was willing
7 come down there and stamp job, I do the job for \$150. I
8 remember the ten phone calls that I got. That was one of
9 them. I remember it.
10 MR. DONOFRIO: Did you sign and stamp that permit?
11 MR. RIVIERE: No, because it was a phone call and I
12 said if you want us for hire, I will be more than happy to
13 come down.
14 MR. DONOFRIO: You never met with this gentleman?
15 MR. RIVIERE: Not that I'm aware of.
16 MR. DONOFRIO: You never charged him a fee of \$250
17 in order to sign and stamp the permit?
18 MR. RIVIERE: No, I will not admit to that, no.
19 Anything I stamped I was on that job.
20 MR. DONOFRIO: I'm going to show you what I'm going
21 to have marked as S-3 for identification.
22 (Permit was received and marked as S-3 for
23 identification as of this date.)
24 MR. DONOFRIO: Let me show you S-3 and ask if you
25 recognize that document.

17

1 MR. RIVIERE: The only person that this document
2 would have been handed to was my partner.
3 MR. DONOFRIO: Is that your signature there?
4 MR. RIVIERE: That absolutely is. That's the seal
5 right underneath it.
6 MR. DONOFRIO: That's your seal?
7 MR. RIVIERE: Yes.
8 MR. DONOFRIO: Who is your partner?
9 MR. RIVIERE: Abdul Amed from Atlantic Mechanical,
10 and then -- well, the reason why we're really here is because
11 I made the phone call for you guys to look into what I believe
12 I was being taken advantage of while I was sick, and I called
13 up -- I don't remember when, but I had called and gotten into
14 the argument with the lady, because somebody took my license
15 and put it into the Yellow Pages in Bergen County, and this
16 individual who I went into business with, Atlantic
17 Mechanical -- when they gave me two weeks to live in the
18 hospital at UMDNJ -- and said this guy is going to go in
19 partners with us, and I'm going to keep my 40 percent and they
20 are going to go 30/30. He sent in a paper that said I was
21 going to take 10 percent and he was 90 percent. This guy did
22 that with this guy, and they be in cahoots the entire time
23 that I was sick.
24 MR. DONOFRIO: Let me just clarify. The reason
25 we're here is because the Board has concern with the ad you're

<p style="text-align: right;">22</p> <p>1 the work for you?</p> <p>2 MR. RIVIERE: I always have my partner do it; up to</p> <p>3 that point I always did my own plumbing.</p> <p>4 MR. WETZEL: Then your partner is capable of doing</p> <p>5 plumbing work?</p> <p>6 MR. RIVIERE: He screws up every now and then, but</p> <p>7 between me and the inspector we correct him out.</p> <p>8 MR. TUCCIARONE: Where do you build most of your</p> <p>9 houses?</p> <p>10 MR. RIVIERE: New York, I do a lot of renovation</p> <p>11 work here, additions.</p> <p>12 MR. McMANUS: Previous to February you were just</p> <p>13 working by yourself with no employees?</p> <p>14 MR. RIVIERE: Basically, yes. I would have a</p> <p>15 couple of South Americans that worked with me just as laborers</p> <p>16 to clean up, but basically I just did the work.</p> <p>17 MR. WETZEL: This renovation work that you do now,</p> <p>18 you do that yourself now?</p> <p>19 MR. RIVIERE: No. I have like three or four</p> <p>20 Mexicans that know block, and stuff like that. They take care</p> <p>21 of that. I lay the jobs out for them and I make sure the</p> <p>22 material is on the job, and things of that nature.</p> <p>23 MR. WETZEL: Actually, you are not working</p> <p>24 physically with the renovation work?</p> <p>25 MR. RIVIERE: No, I'm just on the job, I'll be</p>	<p style="text-align: right;">24</p> <p>1 MR. RIVIERE: He called me to do a bathroom for</p> <p>2 him, if I'm not mistaken. It was a renovation of some sort</p> <p>3 and he came in with a permit for the Town of Belleville.</p> <p>4 MR. DONOFRIO: That's the document that's been</p> <p>5 marked as S-3?</p> <p>6 MR. RIVIERE: It certainly is.</p> <p>7 MR. DONOFRIO: You signed and sealed the permit?</p> <p>8 MR. RIVIERE: I did.</p> <p>9 MR. DONOFRIO: You accepted a fee of \$250?</p> <p>10 MR. RIVIERE: I may have as a deposit, yes.</p> <p>11 MR. DONOFRIO: You also quoted him a price of \$150</p> <p>12 for inspecting rough plumbing?</p> <p>13 MR. RIVIERE: I may have.</p> <p>14 MR. DONOFRIO: Are there any other circumstances</p> <p>15 where you've signed and sealed permits for a fee similar to</p> <p>16 the circumstances surrounding Mr. Vatasin?</p> <p>17 MR. RIVIERE: I would say no. If there was, I'm</p> <p>18 sure you would have had somebody out there calculating that,</p> <p>19 but no, not that I'm aware of.</p> <p>20 MR. TUCCIARONE: Would any other Board members have</p> <p>21 any other questions?</p> <p>22 MR. McMANUS: I have a question because I'm</p> <p>23 confused. I think you stated before for us that you didn't</p> <p>24 meet with anyone who called you.</p> <p>25 MR. RIVIERE: No. I said I didn't like where the</p>
<p style="text-align: right;">23</p> <p>1 honest with you -- that would be a lie. I do operate the</p> <p>2 machines from time to time.</p> <p>3 MR. WETZEL: When you say machinery, what type of</p> <p>4 machinery?</p> <p>5 MR. RIVIERE: Like a back hoe or something. I'm in</p> <p>6 the 825 Operating Engineers Union.</p> <p>7 MR. MOORE: The name of the mechanical company</p> <p>8 that you own, what's the proper name of it?</p> <p>9 MR. RIVIERE: Atlantic Mechanical Contractors.</p> <p>10 MR. MOORE: Not construction?</p> <p>11 MR. RIVIERE: No.</p> <p>12 MR. MOORE: Where are you incorporated, in the</p> <p>13 State of New Jersey?</p> <p>14 MR. RIVIERE: New Jersey.</p> <p>15 MR. DONOFRIO: This is John Vatasin.</p> <p>16 MR. RIVIERE: I recognize him.</p> <p>17 MR. DONOFRIO: Let me state for the record he is an</p> <p>18 investigator with the Enforcement Bureau in the State of New</p> <p>19 Jersey. How do you recognize him?</p> <p>20 MR. RIVIERE: He was in Somerset Plumbing Supply.</p> <p>21 MR. DONOFRIO: On April 16th did you meet with him?</p> <p>22 MR. RIVIERE: I don't remember the date, but I</p> <p>23 would say probably not far off.</p> <p>24 MR. DONOFRIO: What were the circumstances</p> <p>25 surrounding your meeting that day?</p>	<p style="text-align: right;">25</p> <p>1 phone calls were going, and I'll be honest with you --</p> <p>2 MR. McMANUS: We can read the testimony back, but</p> <p>3 when the DAG asked you if you met with somebody at Somerset</p> <p>4 Supply from a phone call, you said no. You said sometimes the</p> <p>5 owner of Somerset Supply throws you some customers.</p> <p>6 MR. RIVIERE: He does. I don't remember the</p> <p>7 circumstances of that gentleman that I met there, but I do</p> <p>8 remember him. I'm not denying that he was there. I didn't</p> <p>9 remember that it was from a phone call for him to go there. I</p> <p>10 do get phone calls, but I can't remember him looking up there.</p> <p>11 MR. McMANUS: When he walked in you said it was</p> <p>12 from a phone call; you changed it.</p> <p>13 MR. RIVIERE: I remember the phone call when I</p> <p>14 talked to him, yes.</p> <p>15 MR. McMANUS: It's from a phone call --</p> <p>16 MR. RIVIERE: You're asking me over a year's period</p> <p>17 if I remember any phone call conversations, and I said no.</p> <p>18 When I saw him I remember the phone call conversation, yes, I</p> <p>19 do.</p> <p>20 MR. McMANUS: Who set up the meeting place of</p> <p>21 Somerset Supply?</p> <p>22 MR. RIVIERE: Probably me because I was working</p> <p>23 there.</p> <p>24 MR. McMANUS: You asked him to come back to</p> <p>25 Somerset Supply?</p>

28

30

1 I have. I hate to say it, but I can't get life insurance for
 2 my kids. Maybe you guys can -- I have to leave them money.
 3 MR. TUCCARONE: Any other members have any
 4 questions?
 5 MR. RIVIERE: I wouldn't do it again after today,
 6 but then I probably would have.
 7 MR. TUCCARONE: We would like to thank you for
 8 coming this afternoon. This is ongoing. We will be in
 9 contact with you.
 10 MR. DONOFRIO: If there is any documentation or
 11 anything you want us to consider, please supply that to us.
 12 MR. RIVIERE: All I got is really Charity Care
 13 things. You can call up and talk with them.
 14 MR. DONOFRIO: If you don't mind us making that
 15 phone call. We can reach you at the address you provided?
 16 MR. RIVIERE: I will leave the doctor's name on
 17 there. Do you want to see my rejection for life insurance,
 18 too? Do you need that?
 19 MR. DONOFRIO: We can certainly make copies while
 20 you wait. Anything which you think is permissible and you
 21 want the Board to consider.
 22 MR. RIVIERE: When I was talking on the phone -- I
 23 didn't bring that.
 24 MR. TUCCARONE: You can send us that and you can
 25 send us anything with your partnership, the 40/30/30 deal.

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1 MR. RIVIERE: That was the guy who came to the
 2 hospital that tried to do that.
 3 MR. TUCCARONE: Anything like that you can send us
 4 and help us out, we will take it into serious consideration.
 5 We'll be in touch.
 6
 7 JOHN VATASIN, the witness herein, having
 8 first been duly sworn by a Notary Public of the State of New
 9 Jersey, was examined and testified as follows:
 10
 11 (Documents were received and marked as R-1 and R-2
 12 for identification as of this date.)
 13 MR. DONOFRIO: Mr. Vatasin, can you please tell the
 14 Board how you are employed?
 15 MR. VATASIN: I'm employed by Consumer Affairs
 16 Enforcement Bureau.
 17 MR. DONOFRIO: What does your job entail?
 18 MR. VATASIN: We conduct various investigations for
 19 the professional boards in the State of New Jersey.
 20 MR. DONOFRIO: In April of this year did you conduct
 21 an investigation for the Board of Master Plumbers?
 22 MR. VATASIN: Yes, I did.
 23 MR. DONOFRIO: What was the nature of that
 24 investigation?
 25 MR. VATASIN: It was an investigation that related

32

1 to an advertisement that appears in the Star Ledger newspaper
 2 for a plumbing license for hire.
 3 MR. DONOFRIO: What was the date that you initiated
 4 that investigation?
 5 MR. VATASIN: I made an initial call on April 2,
 6 2003, and some follow-up calls.
 7 MR. DONOFRIO: What was the purpose of your
 8 investigation?
 9 MR. VATASIN: To ascertain whether or not the
 10 person who had the ad put into the newspaper was farming out
 11 his license, you know, selling his license for a fee, to stamp
 12 a permit.
 13 MR. DONOFRIO: That investigative request, that came
 14 from the Board?
 15 MR. VATASIN: Yes, it did.
 16 MR. DONOFRIO: Who in particular?
 17 MR. VATASIN: The Executive Director of the Board.
 18 MS. COOK: I think it's just initialed, if I'm
 19 not mistaken.
 20 MR. DONOFRIO: Could you please tell the Board the
 21 circumstances surrounding your investigation?
 22 MR. VATASIN: I made an initial call to the
 23 telephone number that was listed in the advertisement, and
 24 that was a 908-405-9094, and initially I was connected to a
 25 male who told me his name was Ken. He was busy at that time

33

1 and to call him back later, so later that day I did make a
 2 second call to him. I was connected to an answering machine,
 3 leaving my name and an answering, telephone answering machine
 4 that was connected to one of the Enforcement Bureau telephone
 5 answering machines -- 9094. I was contacted.
 6 I actually placed a third telephone call to that
 7 same number, 908-405-9094 on April 3, 2003, and I was
 8 connected with the same individual who said his name was Ken.
 9 I explained to him that I was a college student at Rutgers,
 10 that I was going to do a small bathroom job, which consisted
 11 of re-tiling and moving some plumbing fixtures, installing a
 12 new toilet, vanity and possibly a bath tub, and I asked him
 13 whether or not he could help me out with that pertaining to
 14 his ad.
 15 MR. DONOFRIO: Did you make an appointment to meet
 16 with the individual identified as Ken?
 17 MR. VATASIN: Yes. Well, he explained to me that
 18 he would stamp the permit for me for \$250, and I told him that
 19 I had to get guys together to do the job, that I would call
 20 him back. I subsequently did make another telephone call to
 21 him after obtaining a plumbing permit application for the
 22 Township of Belleville in New Jersey.
 23 MR. DONOFRIO: Then did there come a point in time
 24 where you actually met with the individual?
 25 MR. VATASIN: I made a follow-up call to him on

1 MR. McMANUS: Lettered?
 2 MR. VATASIN: No, I didn't see any lettering on the
 3 side or the back of the truck.
 4 MR. TUCCIARONE: Did it have any toolbox, or boxes,
 5 or ladder racks, or anything?
 6 MR. VATASIN: From my position when he sealed the
 7 permit we were standing at the driver's side door, and I
 8 really didn't get a clear view of the inside of the truck, but
 9 I know that he did -- he removed his seal from inside the
 10 truck, but I couldn't get a view of the inside.
 11 MR. McMANUS: He made reference that he does this
 12 more -- this isn't his first time?
 13 MR. VATASIN: In fact, when I spoke with him near
 14 the truck I thanked him for meeting me, and he said something
 15 to the effect, "are you kidding, I've done this for a lot of
 16 people." He's helped out a lot of people this way.
 17 MR. DONOFRIO: Did we ever determine the location of
 18 the number that's in the ad?
 19 MR. VATASIN: I was the undercover investigator on
 20 this. I know attempts were made by investigator John Musiello
 21 to do that. From what I understand, he had trouble trying to
 22 identify where that number came from. I'm not exactly sure.
 23 I would have to look at his report.
 24
 25 (Whereupon, the Inquiry was concluded at 2:05 p.m.)

1 CERTIFICATE
 2
 3 I, MELISSA A. HILDEMANN, a
 4 certified shorthand reporter and
 5 Notary Public within and for the
 6 State of New Jersey, do hereby certify:
 7
 8 That the witness(es) whose
 9 testimony is hereinbefore set forth
 10 was duly sworn by me, and the foregoing
 11 transcript is a true record of the
 12 testimony given by such witness(es).
 13 I further certify that I am not
 14 related to any of the parties to this
 15 action by blood or marriage, and that I
 16 am in no way interested in the outcome
 17 of this matter.
 18
 19
 20
 21 MELISSA A. HILDEMANN
 22
 23
 24
 25

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