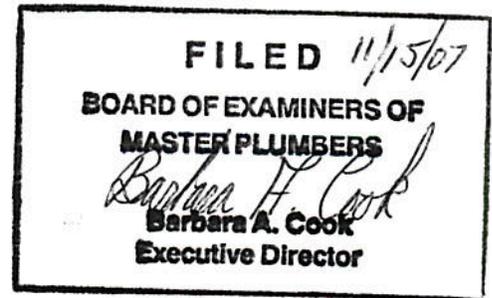


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Administrative Action

JOSEPH DE MAIO
License No.36BI00691800

FINAL ORDER
OF DISCIPLINE

TO PRACTICE PLUMBING
IN THE STATE OF NEW JERSEY

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 findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Joseph De Maio ("respondent") is a licensed master plumber licensed in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Respondent was the bona fide representative for GTF Mechanical Contractors ("GTF Mechanical") and had been the bona fide representative for GTF Mechanical until he requested his license be placed on inactive status in February 2006.
3. The Board received a complaint alleging respondent signed and sealed a plumbing permit for use by a person other than the State licensed master plumber to whom it was issued. Specifically, it was alleged Norge Plumbing and Heating ("Norge Plumbing"), an out-of-state

plumbing contractor located in Milford Pennsylvania, was awarded a contract to perform plumbing work for a Wal-Mart store being constructed in Boonton, New Jersey. Norge Plumbing is not licensed to practice plumbing in New Jersey. The complaint alleged employees of Norge Plumbing performed the plumbing work. In order to obtain the permits necessary to perform the plumbing work, Norge Plumbing contracted with GTF Mechanical. GTF Mechanical is a licensed plumbing contracting entity in New Jersey.

4. A copy of the plumbing permit for the Boonton, NJ, Wal-Mart, dated December 18, 2003 and a copy of the contract between Norge Plumbing and GTF Mechanical, dated December 10, 2003, were received by the Board. The permit is signed by respondent in his capacity as bona fide representative and indicates GTF Mechanical is the plumbing contractor performing the plumbing work. The contract indicates GTF Mechanical would operate as the plumbing contractor for the job and could supplement its workforce with labor from Norge Plumbing.

5. In response to the complaint, the Board received a letter dated May 10, 2004 from Gordon Fyfe, president of GTF Mechanical. In the letter, Mr. Fyfe admitted some of the Norge Plumbing and Heating workforce was utilized for the Boonton, NJ, Wal-Mart job.

6. The Board sent a letter to respondent, dated February 7, 2006, requesting he appear for an investigative inquiry on February 23, 2006. However, on February 22, 2006, the Board received a faxed letter which was dated February 21, 2006. The letter was from a woman named "Tricia" who identified herself as the respondent's niece. The letter was faxed on February 22, 2006 from the fax machine of Gordon Fyfe. The letter indicates respondent gave up his license 1-1/2 years ago. Respondent is 82 years old, has "know" (sic) plumbing license and cannot appear for the inquiry on February 23, 2006.

7. Subsequently, respondent placed his license on inactive status, pursuant to N.J.S.A. 45:1-7.3 and N.J.A.C. 13:32-2.6. On April 26, 2006, the Board received respondent's pressure seal consistent with regulatory requirement, N.J.A.C. 13:32-2.6(g), which requires inactive licensees

to submit their pressure seal to the Board.

CONCLUSIONS OF LAW

1. The above 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 an investigation of the Board, in violation of N.J.A.C. 13:45C-1.2(b).

DISCUSSION

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 September 21, 2006, and a copy was forwarded to respondent's last known address by means of both regular and certified mail. 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 Provisional order sent by means of certified mail was received by respondent as indicated by the return of the certified postcard bearing a signature and indicating the date of delivery as September 28, 2006. The regular mailing was not returned to the Board. Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 15th day of November, 2007,
ORDERED that:

1. Respondent's license to practice plumbing in the State of New Jersey shall not be reinstated, pursuant to N.J.S.A. 45:1-21(e), unless or until he appears before the Board regarding his involvement with GTF Mechanical, Norge Plumbing, and the plumbing work performed at the Wal-Mart constructed in Boonton, NJ.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: 
Ralph Wetzels
Board Vice-Chairman