

final action fee

FILED 9/25/08
**BOARD OF EXAMINERS OF
MASTER PLUMBERS**
Barbara A. Cook
**Barbara A. Cook
Executive Director**

ANNE MILGRAM
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

JOHN CASCIO, JR., L.M.P.
License No. 36BI00556900

LICENSED TO PRACTICE AS A
MASTER 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 two consumer complaints. Information received from consumer R.G. and from consumer A.A. alleged that John Cascio, Jr. ("respondent"), signed and sealed plumbing permits for use by another person other than the State licensed master plumber to whom it was issued. The information alleged respondent took out a permit to perform plumbing work for R.G.'s residence in Little Egg Harbor, NJ and for A.A.'s residence in Toms River, N.J. It was later learned that respondent did not actually perform any of the plumbing work at these sites. Instead, an individual who was not licensed to practice plumbing and was not employed by the respondent, did some of the plumbing work. The work was not completed at either residence.

Respondent testified before the Board regarding the matter. Respondent admitted that he is retired but in an effort to assist his cousin Richard Zimbardo with his unlicensed plumbing business, Ocean Mechanical, LLC, respondent signed and sealed the permits for the residences

of R.G. and A.A., but did not perform the work. Although respondent testified that he is retired, Board records indicate that respondent's license is active.

Having reviewed the entire record, including submissions, statements and invoices of the complainants and testimony at a Board inquiry, it appears to the Board that these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(h), in that respondent violated N.J.A.C. 13:32-3.4 which states that any plumbing work that a licensed master plumber agrees to perform, that has not been subcontracted to another licensed master plumber, may be performed only by the licensed master plumber or the employee of the licensed master plumber or the plumbing contractor. Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(b), in that respondent violated N.J.A.C. 13:32-4.1(c) by signing and sealing a plumbing permit for use by a person other than the State licensed master plumber to whom it was issued which constitutes the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense. These facts also establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent violated N.J.A.C. 13:32-4.2(c) by willfully allowing an unlicensed person to use his identification card and therefore has engaged in occupational misconduct.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings, having waived any right to a hearing and for good cause shown;

IT IS ON THIS 25 DAY OF SEPTEMBER, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby ordered to surrender his Master Plumber's license and return his pressure seal to the Board no later than September 15, 2008 or alternatively pay an assessed civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$5,000 for signing and sealing a plumbing permit for use by a person other than the State licensed master plumber to whom it was issued in violation of N.J.S.A. 45:1-21(b). If respondent elects not to surrender his license and return his pressure seal, payment of the civil penalty shall be made simultaneous with the signing of this Consent Order, by certified check or money order made payable to the State of New Jersey and shall be sent to Barbara Cook, Executive Director, Board of Examiners of Master Plumbers,

124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

2. Respondent shall reimburse R. G. in the amount of \$3,100. A certified check or money order made payable to R.G. for the total amount of \$3,100 shall be sent contemporaneously with respondent's signing of this Consent Order to Barbara Cook, Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

3. 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, and further disciplinary action.

4. Failure to timely remit any and all payments required by this order will result in the filing of a certificate of debt with interest accruing at the rate provided by the Rules of Court, and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board, which could include the suspension or revocation of license.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By: Peter L Voros
Peter Voros
Board President

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.

John Cascio Jr.
John Cascio Jr. LMP

9/9/08
Date