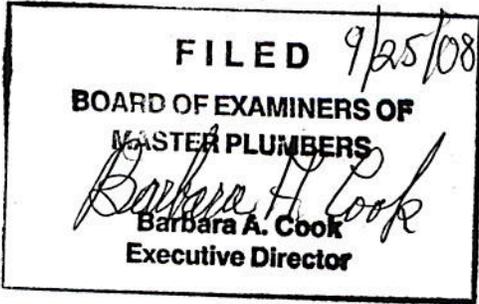


ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Examiners of Master Plumbers



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 THE SUSPENSION
OF THE LICENSE OF

Administrative Action

BRIAN S. GILBERT, L.M.P.
License No. 36 BI00920700

CONSENT ORDER

TO PRACTICE AS A PLUMBER
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of a complaint from the plumbing sub-code official for Jackson Township, N.J. The complaint stated that Brian S. Gilbert ("respondent"), who is the bona fide representative of BSG Plumbing, Inc., contracted with homeowners R.L. and C.L. to install a pool heater and gas line at their residence. Respondent began and completed the work without first obtaining the required permit from the Jackson Township Building Department. Upon completion of the installation, respondent submitted a false permit to the homeowners. Respondent also sent a letter to the homeowners indicating the work was completed, tested, and inspected and requested payment.

R.L. and C.L. contacted the Township of Jackson, which investigated the matter. On September 10, 2007, BSG Plumbing, Inc. was cited by the township for making a false and misleading written statement in violation of N.J.A.C. 5:23-2.31(b)(1)(iv) and performing work without a required permit in violation of N.J.A.C. 5:23-2.14(a). Jackson Township assessed a penalty of \$2,000 for each offense for a total of \$4,000. Respondent paid all penalties.

On February 28, 2008 respondent appeared at an investigative inquiry before the Board. Respondent admitted to performing the work without the required permit. He stated there was a backlog for filing permits at the building department. Respondent also acknowledged he submitted a letter to the homeowners falsely stating that the work was completed, tested and inspected.

These facts establish a basis 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, false promise or false pretense when he presented a false permit to the homeowners and falsely indicated to the homeowners the work was tested and inspected. Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(h), in that respondent has violated and failed to comply with the provisions of a regulation administered by the Board, specifically N.J.A.C. 13:32-3.3(a)(2), when respondent failed to properly secure all necessary permits as may be required by State and local law for the performance of plumbing work to be performed by the plumbing contractor for which the licensed master plumber acts as a qualified bona fide representative.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings, and the Board having considered that respondent has already paid substantial financial penalties resulting from his actions in this matter and finding that the within order adequately protects the public welfare and safety, and for good cause shown:

IT IS ON THIS 25 DAY OF SEPTEMBER, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded for his actions outlined above.
2. Respondent shall cease and desist from the violations described herein.

Respondent shall properly exercise the required bona fide representative responsibilities pursuant to N.J.A.C. 13:32-3.3. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By: Peter 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.

Brian S. Gilbert
Brian S. Gilbert, LMP

8/29/08
Date