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**FILED**  
**BOARD OF EXAMINERS OF**  
**MASTER PLUMBERS**  
*Lawrence D. May*  
*8-26-09*

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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  
APPLICATION OF  
  
BRIAN J. HOPKINS  
  
FOR A PLUMBING LICENSE  
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 an application for examination for a plumbing license from Brian J. Hopkins ("respondent"). Respondent indicated on his application he had been convicted of criminal offenses. Respondent provided information and documentation concerning his criminal history. Specifically, respondent was arrested on August 31, 2000, in Mount Laurel Township, and charged with theft by unlawful taking. He pled guilty on November 15, 2000 and paid a fine.

Additionally, respondent was arrested on April 21, 2001, in Mount Laurel Township, and charged with operating a vehicle under the influence and eluding. He pled guilty on February 8, 2002, had his driving privileges suspended for one year, was required to undergo twelve hours of Intoxicated Drivers Resource Center ("I.D.R.C.") education and three months of an outpatient alcohol and drug treatment program.

Finally, respondent was arrested on July 25, 2004, in Pennsauken Township, and charged again with driving under the influence. He pled guilty on September 9, 2004, had his driving

privileges suspended for two years, was required to undergo forty-eight hours of I.D.R.C. education, 180 hours of community service, paid a fine and completed a sixteen week outpatient program.

Subsequent to receipt and consideration of respondent's criminal record, as well as respondent's written explanations concerning the circumstances behind the arrests and convictions, respondent appeared at an investigative inquiry into the matter held by the Board. During his testimony, respondent acknowledged he is an alcoholic, but stated that he has been sober for 1 1/2 years. He currently attends and will continue in counseling and agreed to attend AA meetings as a condition of receiving his license.

While respondent does not currently have a sponsor, he did indicate that he has a strong support mechanism in place. Respondent's uncle is a licensed master plumber, as well as a municipal plumbing inspector. Respondent relies on his uncle's support in an effort to maintain his sobriety. Respondent and his uncle currently own their own plumbing company. Respondent owns 90% and his uncle, acting as the bona fide representative, has a 10% ownership interest.

Having considered all of the available information, including the testimony of respondent during the investigative inquiry, the Board has determined that respondent may be licensed subject to the conditions outlined in this order. Respondent appears to be doing well in recovery at this time. However, the Board is keenly aware of respondent's history and therefore any deviation from the terms of this order will result in immediate suspension of license. The Board finds that such a provision, coupled with respondent's involvement with Alcoholics Anonymous, is adequate to protect the health, safety and welfare of the public and that good cause exists for entry of this order.

IT IS THEREFORE ON THIS 23 DAY OF JULY , 2009,

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby permitted to sit for the examination for licensure, and

upon the Board's receipt of proof of passage of the examination and all other licensure requirements, shall be granted a license subject to the restrictions in this order.

2. Respondent shall abstain from any and all mood altering or intoxicating substances, including, but not limited to alcohol, as well as any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his treatment. In addition, respondent shall advise any and all treating physicians and/or dentists of his history of substance abuse. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided no later than two (2) days subsequent to the prescription.

3. Respondent shall attend meetings of Alcoholics Anonymous a minimum of twice per week, obtain a sponsor, and continue counseling treatment. Prior to examination and subsequent to his licensure, respondent shall provide the curriculum vitae of his counselor, proof of attendance at Alcoholic Anonymous, as well as progress reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who are participating in respondent's care and/or treatment. This information shall be provided directly to the Board on a quarterly basis. For purposes of this order, the first submitted quarterly proofs of attendance and counseling progress reports shall be due August 1, 2009 for Alcoholics Anonymous and mental health treatment for the months of May, June and July 2009. The next quarterly proofs shall be due on November 1, 2009 for the months of August, September and October of 2009 and then quarterly thereafter. If respondent discontinues participation with Alcoholics Anonymous or counseling, without first obtaining approval of the Board, he shall be deemed in violation of this order. Any change in counselor shall be reported to the Board within ten (10) days of occurrence including provision of a curriculum vitae of the new counselor for approval.

4. (a) Respondent shall submit to random urine screens a minimum of twice per month. The urine screen monitoring program, as well as the laboratory facility conducting the urine testing, must be approved by the Board. The Board shall provide respondent and the laboratory facility with specific directions for the protocol of the testing procedure. All urine screens must be directly observed and respondent shall comply with all additional urine screen procedures and protocols outlined and prescribed by the Board. The urine screen requirement shall include testing for alcohol and such other substances as deemed appropriate by respondent's counselor and shall continue until further order of the Board expressly reducing or discontinuing testing. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests shall be performed by gas/chromatography/mass spectrometry (G.C./M.S). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. The Board may, in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

(b) All test results shall be provided to the Executive Director of the Board, or the director's designee in the event the director is unavailable. The Board retains sole discretion to modify the manner and the extent of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c) Any failure by respondent to submit or provide a urine screen within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the Executive Director or the Executive Director's designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g., a physician's report attesting that respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as

employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d) In the event respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing.

(e) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall be deemed dilute and a presumption of a confirmed positive urine test shall arise requiring a confirming test by hair analysis or other appropriate means.

(f) Respondent shall familiarize himself with all foods, food additives or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for a positive urine screen and/or failure to comply with the urine monitoring program.

5. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treatment or other program as outlined in this order or as may be required in the future, in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Via his signature on this order, respondent agrees that the Board may utilize any information received in connection with any proceeding regarding licensure.

6. Respondent may seek modification of the terms of this order not sooner than June 1, 2010. Prior to any modification or removal of restrictions set forth in this order, respondent shall:

(a) Appear before the Board to discuss his recovery and to demonstrate to the satisfaction of the Board that he is not then suffering from any impairment or limitation resulting from any psychiatric condition or the use of any mind altering or intoxicating substance, whether legal or illegal, which could affect his practice;

(b) Prior to his appearance, the Board may require receipt of a report of an independent psychiatric evaluation with a Board approved psychiatrist.

7. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of documentation of a prima facie showing of a violation of this order or a relapse or recurrence of drug or alcohol abuse or any reliable information that respondent has violated any term of this order or any information which the Board in its sole discretion deems reliable demonstrating that respondent is not capable of carrying out the functions of a licensee consistent with the public health, safety or welfare or that respondent has failed to comply with any of the conditions set forth in this consent order.

8. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the evidence of a relapse or recurrence of drug or alcohol abuse or other information submitted was false.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By: Peter Voros  
Peter Voros  
Board President

I have read and I understand  
this Consent Order and agree  
to be bound by its terms. I consent  
to the entry of this order by the Board.

Brian J. Hopkins  
Brian J. Hopkins

6-19-09  
Date