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FILED 8-18-2010
BOARD OF EXAMINERS OF
MASTER PLUMBERS
Laurence DeMarz

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 JEFFERY RIVERS License No.12405 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. Jeffery Rivers ("respondent") is a licensed master plumber licensed in the State of New Jersey and has been a licensee since June 22, 2007.

2. Respondent is the bona fide representative for Jeff Rivers Plumbing, Heating & HVAC, and has been the bona fide representative since June 22, 2007.

3. The Board received a complaint from consumer C.B. Specifically, it was alleged that between April 3, 2007 to May 23, 2007 respondent, who was unlicensed during this time period, entered into a contract with C.B. to perform plumbing work at 317 Millbrook Avenue, Randolph, New Jersey. Respondent was trading as Jeff Rivers Plumbing, Heating & HVAC during this unlicensed period. Jeff Rivers Plumbing, Heating and HVAC was not a licensed plumbing contracting entity during this time. According to C.B., respondent breached the

contract by failing to complete the work. Additionally, C.B. alleges that respondent caused damage to her home as a result of the work that was performed. According to C.B., she paid respondent a total of fifteen thousand dollars ($15,000.00). In order to obtain the permits necessary to perform the plumbing work, licensed master plumber Paul Rivers (license # 11913), supplied a signed and sealed plumbing permit.

4. A copy of the plumbing permit for 317 Millbrook Avenue, Randolph, New Jersey, dated April 3, 2007, and a copy of the contract between respondent and C.B. was received by the Board. The permit is signed by Paul Rivers in his capacity as bona fide representative of Rivers Plumbing LLC and indicates that Rivers Plumbing is the plumbing contractor performing the plumbing work. The contract contains respondent's signature and indicates that C.B. made three payments of $5,000.00 to respondent. The date of one payment was May 2, 2007, more than a month before respondent received his plumbing license. (Exhibit A, copy of plumbing permit for 317 Millbrook Avenue, Randolph, New Jersey, dated April 3, 2007, attached and made a part of hereto). (Exhibit B, copy of contract between respondent and C. B., attached and made a part of hereto).

5. Respondent appeared at an investigative inquiry before the Board. While respondent denies having performed any plumbing work for C.B., he did admit to drafting the proposal which included plumbing work. The definition of "Plumbing Contractor", pursuant to N.J.S.A. 45:14C-2(h), includes "undertaking or offering to undertake" plumbing for another. Therefore, respondent, by presenting C.G. with the proposal, represented himself as being licensed to perform plumbing services. (Exhibit C, copy of certified transcript of investigative inquiry, pg. 23 & 24, attached and made a part of hereto).

CONCLUSIONS OF LAW

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 has engaged in professional or occupational misconduct by engaging in the unlicensed practice of plumbing, in violation of N.J.A.C. 13:32-1.4(b). 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(b), in that respondent has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in that he represented himself as a licensed master plumber before he had acquired his license.

ACCORDINGLY, IT IS on this 18th day of August 2010, ORDERED that:

1. Respondent is hereby provisionally reprimanded for engaging in professional or occupational misconduct, pursuant to N.J.S.A. 45:1-21(e), by engaging in the unlicensed practice of plumbing. Additionally, respondent is hereby provisionally reprimanded for engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in that he represented himself as a licensed master plumber before he had acquired his license, in violation of N.J.S.A. 45:1-21(b). Nothing in this provisional order precludes the Board from investigating and/or taking further action against respondent regarding C.B.'s allegations of damage caused to her home by respondent's performance of plumbing services.

2. Respondent is hereby provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-25, in the amount of one thousand five hundred dollars ($1,500.00) for engaging in the unlicensed practice of plumbing. Additionally, respondent is hereby provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-25, in the amount of one thousand dollars ($1,000.00) for representing himself as a licensed master plumber before he had acquired his license. Respondent shall remit payment of the civil penalty totaling two thousand five hundred dollars ($2,500.00) by certified check or money order made payable to the State of New Jersey. The certified check or money order shall be delivered to Executive Director, State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, P.O. Box 45008, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent shall reimburse consumer C.B. in the amount of one thousand five hundred dollars ($1,500.00). Payment shall be by a certified check or a money order made payable to C.B. and shall be delivered to Executive Director, State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, P.O. Box 45008, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of any Final Order of Discipline in this matter. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. 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, 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 therefore or offered in mitigation of penalty.

5. 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.

6. 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: Peter L Vörös

Peter Voros
Board Chairman

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New Jersey Office of the Attorney General
Division of Consumer Affairs
State Board of Examiners of Master Plumbers
124 Halsey Street, 6th Floor, P.O. Box 45008
Newark, New Jersey 07101
(973) 504-6420

Complaint Form

Please print clearly.

Please be advised that any information you supply on this complaint form may be subject to public disclosure. If an investigation into the matter is conducted, the information is subject to public disclosure only after the completion of the investigation. You are also advised that the completed complaint form is a "government record," which the Board may be obligated to provide to anyone making a request pursuant to the Open Public Records Act (OPRA).

Consumer Information

NAME: CARMEN Sonia Billeci
ADDRESS: 317 MILLBROOK AVENUE
CITY: RANDOLPH
STATE: NJ ZIP CODE: 07869
HOME TELEPHONE NUMBER: 862-397-3379 (include area code)
WORK TELEPHONE NUMBER: 973.903.8061 (include area code)
FAX NUMBER: 862-397.3379 (include area code)
E-MAIL ADDRESS: SONIA REALTOR 2000 @Yahoo
DATE: NOVEMBER 1ST, 2007

Complaint Reported Against

NAME: Paul L. Rivers
BUSINESS NAME: Paul L. Rivers
ADDRESS: 645 Preakness Avenue
CITY: Wayne
STATE: NJ ZIP CODE: 07470
TELEPHONE NUMBER: 973.273.8090 (include area code)
TITLE: Master Plumber
LICENSE NUMBER (IF KNOWN): 36B101191300
DATES OF TREATMENT/SERVICE:
FROM: 4.3.07 TO: 5.23.07

1. What is the relationship between the complainant and the consumer or patient?

- [x] Self
- [ ] Parent
- [ ] Friend
- [ ] Legal Guardian
- [ ] Spouse
- [ ] Son/Daughter
- [ ] Brother/Sister
- [ ] Other (please specify) _____

2. Please provide the following information about the consumer or patient if he or she is someone other than the complainant.

Name: N/A Date of birth: _____ (Month Day Year)

Address: _____ (Street address, City, State, ZIP code)

Home telephone number: _____ (include area code) Work telephone number: _____ (include area code)

EXHIBIT A

CHANGE OF CONTRACTOR

PLUMBING SUBCODE
TECHNICAL SECTION

Date Received 4/3/07
Control #
Date Issued
Permit # 07 0318

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

Block 115 Lot 2 Qualification Code

Work Site Location 317 Mill Brook Avenue
Randolph Township NJ 07869

Owner in Fee Carmen Sonia Billecci

Address

Tel ( )

Contractor Paul L Rivers

Address 645 Preakness Av Wayne NJ 07470

Tel (973) 389-9017 FAX (973) 341-9883

Contractor License No. 11913

Federal Emp. No. 158-56-6637

B. PLUMBING CHARACTERISTICS

Use Group Present Proposed

Building Sewer Size 3" Public Sewer Private Septic ✓

Water Service Size 3/4 Public Water ✓ Private Well

Est. Cost of Plumbing Work $ 15500 00

JOB SUMMARY (Office Use Only)

PLAN REVIEW

[ ] No Plans Required

Joint Plan Review Required:

[ ] Building [ ] Electric

[ ] Fire [ ] Elevator

[ ] Plumbing Plans Approved

Date:

Approved by:

SUBCODE APPROVAL

[ ] CO [ ] CCO [ ] CA

Date:

Approved by:

INSPECTIONS Type:	Dates (Month/Day) Failure	Failure	Approval	Initial
Slab			4/6/07	BP
Rough	5/21/07		5/22/07	BP
Water			5/23/07	BP
Sewer				
Fixtures				
Gas Equipment				
Gas Piping			6/20/07	BP
LPGas Tank				
Fuel Oil Piping				
Solar				
TCO				

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.

Applicant's Signature/Contractor's Seal and Signature

[ ] Licensed Plumbing Contractor [ ] Exempt Applicant

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

NO.	FIXTURE/EQUIPMENT	FEE (Office Use Only) $
2	Water Closet	
	Urinal/Bidet	
1	Bath Tub	
2	Lavatory	
1	Shower	
	Floor Drain	
2	Sink	
1	Dishwasher	
	Drinking Fountain	
1	Washing Machine	
2	Hose Bibb	
1	Water Heater	
	Fuel Oil Piping	
4	Gas Piping	
	LPGas Tank	
	Steam Boiler	
	Hot Water Boiler	
	Sewer Pump	
	Interceptor/Separator	
	Backflow Preventer	
	Greasetrap	
	Sewer Connection	
	Water Service Connection	
	Stacks	
	Other	
	Other	

Administrative Surcharge $
Minimum Fee $
State Permit Surcharge Fee $
TOTAL FEE $

BOARD OF EXAMINERS OF MASTER PLUMBERS
2008 SEP 16 AM 11:37

U.C.C. F130
(rev. 01/04)

1 White = Inspector Copy
2 Canary = Office Copy
3 Pink = Office Copy
4 Hard = Applicant Copy

EXHIBIT B

Plumbing Contract for:
317 Millbrook Ave, Randolph
Owner: Billeci/DeVincenzo

I, Jeffrey Rivers, referred to as plumber, agree to do the roughing and finishing plumbing. Roughing consists of: waste lines and water lines to (2) water closets, (1) tub or Jacuzzi, (1) shower, (2) lavatories, (1) kitchen sink, (1) dish washer, (1) laundry tub, (1) washer and installation of tub and shower faucets, (2) outside hose bibs.
Roughing of gas lines consists of: (1) dryer, (1) water heater, (1) range and (1) oven.

Finish consists of: all installation of water closets, tub or Jacuzzi, shower, lavatories, dishwasher, kitchen sink, washer and dryer, laundry tub.

Materials included: Wursbo aquapex tubing, all fittings therefore, PVC schedule 40 waster pipe, and all fittings therefore, all shut-off valves required.

Materials NOT included: water closets, tubs or Jacuzzi, showers, laundry tub, dish washer, washer, dryer, water heater, range or oven, all tub, shower and sink faucets, and/or any other fixture not listed above in materials included.

Disconnection of present well also included.

Deposit of $5000.00. Paid J.R SB
After completion of waste and water lines $5000.00 due to start gas. Pd 5-2-07 #134
After rough inspection $5000.00 J.R. Paid
After final inspection, final payment of $500.00

Contact information: Jeffrey Rivers
Wayne, NJ
(973)979-3100

Jeffrey Rivers
Jeffrey Rivers

Sonia DeVincenzo
Sonia Billeci
556 Powerville Road
Boonton, NJ 07005

EXHIBIT C

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Q. You just did, though, two seconds ago.
A. No, I'm just telling you what her statement read, that she was suing me for.
Q. Your testimony is today under oath --
A. I did not --
Q. -- you did not perform no plumbing work there whatsoever?
A. I was just saying what she sent -- the suit was for, the suit was for work that was done, and then also in the suit she mentions --
Q. Then who did the plumbing work?
A. I don't know. I do know -- I do know when my brother went to see there, somebody had changed the contract, so I don't know.
Q. One more question. Was it common practice or is it common practice today that your brother pulls the permit and you do the work?
A. No. Why would he pull the permit for me if I have my own license?
Q. Well, he pulled the permit on this job, okay, and you performed the work?
A. I didn't perform the work there.
Q. No work whatsoever?
A. No.
BY MR. McMANUS:

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Q. Did you ask him to -- did you fill out or did the boyfriend fill out the top of the plumbing permit and go to your brother's house and ask him to sign the permit for you?
A. I can't answer for him and I don't know the answer --
Q. No, I'm asking for you, I'm not asking him. Did you go to your brother's house and watch him execute and sign that permit?
A. I don't know.
Q. You don't know if you were at his house --
A. But I did, over the years, if I'm on a job and he has to pull a permit, the contractor gives me the permit, I bring it to him, he does what he's got to do and the contractor brings it to the town. That happens to me right now on my own license. I stamp the permit and the general contractor runs them and all the other ones to the town hall. So did I do that before, yes. Was it this one in particular, I don't know.
Q. Were you ever at this residence?
A. Of who, Carmen's house?
Q. The consumer complainant.
A. Yes, I was.
Q. How many times?

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A. A few times.
Q. Why?
A. Checking up on a job, seeing how my -- you know, the proposals I gave her, am I going to get the job?
Q. And did you ever have a conversation where she said we don't need your services?
A. Yeah, basically I got the hint after awhile.
Q. How many times were you at the residence?
A. A few times. I can't tell you how many times.
Q. The first -- the first time you went, you stopped by, you were driving by, you saw some construction?
A. Yes.
Q. And you met the brother -- the boyfriend at that point in time?
A. Yes.
Q. You gave a proposal?
A. No, not that day. I went home and wrote one up.
Q. You didn't write a proposal. You looked at what was needed?
A. Yes.

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Q. Then you were back at a job at another time and gave them a proposal?
A. Yes.
Q. Then did you get a permit signed for the proposal for the work?
A. I guess she did. I guess she agreed on a fee, it's right here.
Q. Okay, so then you did that. Did you take that permit and bring it to town hall?
A. No, the boyfriend.
Q. The boyfriend.
A. I don't know how --
Q. After -- okay. After that went to town hall, what was the next time you hit the job site?
A. The next time I seen the work was done and he went and looked and somebody else had the permit pulled. Because basically it was in a stand still. She lives in a town where you can't change the outside of the house because -- it's like old windows, she asked for old windows back, I don't know what you call that.
Q. Historical.
A. Historical? And it was held up a real long time, so the times for me stopping there were long periods of time.