



(Exhibit B, a copy of a certification from the Dover Township, NJ Court Administrator, dated October 28, 1998, attached and made a part of hereto).

3. Additionally, on July 11, 2001, respondent was indicted in Ocean County and charged with one count of Burglary in the second degree, pursuant to N.J.S.A. 2C:18-2; one count of Burglary in the third degree, pursuant to N.J.S.A. 2C:18-2; one count of Theft in the third degree, pursuant to N.J.S.A. 2C:20-3; and one count of Unlawful Possession of a Weapon in the third degree, pursuant to N.J.S.A. 2C:39-5b. (Exhibit C, a copy of Ocean County Indictment, dated July 11, 2001, attached and made a part of hereto).

4. Prior to receipt of respondent's March 20, 2009 application for licensure, on August 18, 2000, the Board received a consumer complaint. The complaint alleged that on March 21, 2000, respondent agreed to install a bathroom for the consumer. The consumer alleged she paid respondent \$500 as a down payment. Respondent cashed the check, but never appeared to perform any of the work. The information also indicated that respondent was operating a plumbing contracting business using the license number of his father, Richard A. Sitek, who was licensed as a master plumber in New Jersey. The consumer provided a signed invoice which read "Sitek Plumbing", containing the respondent's name and address but listed license # 7312, the license number of Richard A. Sitek. (Exhibit D, copy of consumer invoice, dated March 21, 2000, attached and made a part of hereto).

5. On April 23, 2009, respondent appeared before the Board regarding his application for licensure. Respondent was asked to explain the facts and circumstances related to his July 11, 2001 indictment. Respondent stated he had been using drugs during this time, specifically heroin. Respondent testified that he served a jail sentence of approximately two years and six months and was released in March of 2003. After his release from prison, respondent was placed into the

Intensive Supervision Program which he completed in 2005. (Exhibit E, copy of page 8 and 9 of the certified transcript of respondent's testimony, attached and made a part of hereto).

6. Respondent was also asked if there were other offenses that were not reported to the Board. Respondent admitted that since 2003 he was again arrested for receiving stolen property. Since September 11, 2007, respondent has been participating with Drug Court. He goes to court once a month before a judge, sees a probation officer twice a week, and is subjected to regular urine screens. Additionally, respondent has to attend three AA meetings a week. Respondent stated he is subjected to these conditions for three more years. (Exhibit F, copy of page 9 and 10 of the certified transcript of respondent's testimony, attached and made a part of hereto).

7. Respondent was also questioned regarding the consumer complaint alleging unlicensed practice of plumbing. Respondent acknowledged receiving a cease and desist unlicensed practice settlement letter from the Board. Respondent indicated that he payed the \$2,500.00 penalty for unlicensed practice, as well as restitution to the consumer. A review of the Board's files indicates that respondent did pay the \$2,500 civil penalty and restitution. When asked whether he engaged in unlicensed practice independent of his father's knowledge, respondent acknowledged that he had. He stated his father did not know what was "going on". (Exhibit G, copy of page 11, 12 and 13 of the certified transcript of respondent's testimony, attached and made a part of hereto). (Exhibit H, Affidavit from Executive Assistant Rosemarie Baccile, attached and made a part of hereto).

#### CONCLUSIONS OF LAW

1. The above preliminary findings of fact provide grounds for denying respondent's application for a Master Plumber's license in New Jersey, 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 as a result of his convictions, and his failure to disclose his criminal history on his application.

2. The above preliminary findings of fact also provide grounds for denying respondent's application for a Master Plumber's license in New Jersey, pursuant to N.J.S.A. 45:1-21(f), in that respondent's three convictions (i.e. receiving stolen property, burglary, possession of a weapon), are acts constituting crimes and offenses involving moral turpitude and relating adversely to the activity regulated by the Board.

3. The above preliminary findings of fact also provide grounds for denying respondent's application for a Master Plumber's license in New Jersey, pursuant to N.J.S.A. 45:1-21(n), in that respondent performed plumbing services in New Jersey without a license.

ACCORDINGLY, IT IS on this 18<sup>th</sup> day of August, 2010,

ORDERED that:

1. Respondent's application for a Master Plumber's license in New Jersey is hereby provisionally denied.

2. 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, Board of Examiners of Master Plumbers, P.O. Box 45042, 124 Halsey Street, Sixth Floor, 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 therefor or offered in mitigation of the terms in this Provisional Order of Denial.

3. 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 Denial will be entered.

4. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, a hearing, respondent shall be notified with regard thereto. In the event that a hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal basis of such proceeding.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By:   
Peter Voros  
Board Chairman

**EXHIBIT A**

1. Date of birth: 7 12 72 Place of birth: Toms River N.J.  
Month Day Year City State

2. Are you a citizen or legal resident of the United States?  Yes  No

3. Do you presently hold a license as a master plumber in any other state, the District of Columbia or in any other jurisdiction?  
 Yes  No If "Yes," please provide the name of the other state or jurisdiction, the date(s) you were licensed and your license number in that other state or jurisdiction:

State or jurisdiction	Dates (from/to)	License number

4. Have you ever been convicted of any criminal offense? (Minor traffic offenses such as parking or speeding violations need not be listed; however, motor vehicle offenses such as driving while impaired or intoxicated must be disclosed.)

Yes  No

If "Yes," provide a copy of the judgment of conviction and the release from parole or probation. Please provide a complete explanation. (Attach additional sheets of paper to this application.)

5. Education

(Please provide the requested information about the accredited and approved apprenticeship program(s) which you have successfully completed. Attach a copy of the certificate you received for the successful completion of the approved program.)

Name and location of the program(s)	Telephone number	Years (from/to)

(Please provide the requested information about the accredited college or university from which a bachelor's degree was attained in mechanical, plumbing or sanitary engineering. Please include all schools in chronological order. Attach a copy of your diploma or an official transcript.)

Name and location of the institution(s)	Years (from/to)	Course	Credit hours	Date graduated	Degree received

**EXHIBIT B**

8

DOVER TOWNSHIP MUNICIPAL COURT  
255 OAK AVENUE  
TOMS RIVER, NJ 08753  
(732) 797-3914 ext. 7450

October 28, 1998

Michael J Sitek

TICKET/COMPLAINT NO. 437 K

NAME OF DEFENDANT

Michael J Sitek

ADDRESS

1958 Silverton Rd., Toms River, NJ

OFFENSE

2C:20-7a (disorderly persons)

DATE OF OFFENSE

August 18, 1990

NAME OF OFFICER/COMPLAINANT

Det W. Herkert, Dover Twp Police Dept

DEFENDANTS PLEA AND DATE

na

TRIAL DATE

March 26, 1991

DEFENSE ATTORNEY (if applicable)

na

PRESIDING JUDGE

James A. Liguori

DISPOSITION

Guilty, \$200 fine, \$25 cost, \$30 VCCB

STATE OF NEW JERSEY, COUNTY OF OCEAN:

I, Deborah A. Chapter, Administrator of the Municipal Court of Dover Township hereby certify that the within is a true copy of a criminal matter of State vs. Michael J Sitek as the same remains of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 28th day of October 19 98.

Deborah A. Chapter  
COURT ADMINISTRATOR

Devin L. Lange  
WITNESS

**EXHIBIT C**

85050

RECEIVED

AUG 09 2001

DIVISION OF CRIMINAL JUSTICE  
RECORDS AND IDENTIFICATION

SPECIAL NOTICE OF INDICTMENT/CONVICTION

- 1. Agency and Case File Number
  - a.  OCEAN COUNTY PROS. NO. 00-10-3883
  - b.  D.C.J. File No. \_\_\_\_\_
  - c.  D.C.J. Section \_\_\_\_\_

- 2. Type of Notice and Date Forwarded
  - a.  Original Notice .....Date Forwarded 8/7/01
  - b.  Supplemental Notice.....Date Forwarded \_\_\_\_\_

- 3. Type of Defendant Involved
  - a.  Public Employee/Official  
Position held: \_\_\_\_\_  
Government Agency: \_\_\_\_\_
  - b.  Professional Board Licensee  
State Board/Licensing Agency \_\_\_\_\_
  - c.  Potential State Contractor/Business PLUMBER
  - d.  Medical/Health Service Provider/Service \_\_\_\_\_

DEFENDANT'S NAME: MICHAEL SITEK SS# 142-78-8680

5. Trading as: \_\_\_\_\_ DOB: 7-12-72

6. Defendant's Address: 115 Pennant Ave - Beachwood - NJ

7. Employer's Name: SELF

8. Employer's Address: same

9. Date of: Indictment 7/11/01 Accusation \_\_\_\_\_ Conviction \_\_\_\_\_

10: CHARGES: BURGLARY; THEFT; POSS. WEAPON

11. Disposition: \_\_\_\_\_

Submitted By: Nicolas Martinez Title: Sgt. of Investigators  
 INDICTMENT ATTACHED \_\_\_\_\_ JUDGMENT OF CONVICTION ATTACHED  
 FORFEITURE ORDER ATTACHED \_\_\_\_\_ ACCUSATION ATTACHED

Superior Court of New Jersey  
Law Division, Ocean County

THE STATE  
VS.

MICHAEL SITEK

Case: 00-10-3883  
Court Reporter: *Heil*  
*Conlter*

INDICTMENT NO. 10-01-01-954

INDICTMENT FOR

BURGLARY; THEFT; UNLAW POSSESSION WEAPON

E. David Millard  
County Prosecutor

A TRUE BILL

Foreman.

Filed \_\_\_\_\_

Arraigned \_\_\_\_\_

Plea \_\_\_\_\_

Bail \$25,000 no 10% BO 12/18/00

Trial Day \_\_\_\_\_

Verdict \_\_\_\_\_

Sentence \_\_\_\_\_

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-OCEAN COUNTY**

THE STATE OF NEW JERSEY :

VS. :

MICHAEL SITEK :

Defendant :

INDICTMENT

NO. IO -01-07-954

COUNT ONE  
BURGLARY – SECOND DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths PRESENT that MICHAEL SITEK, on or about September 20, 2000, in the Borough of Island Heights, in the County of Ocean aforesaid, and within the jurisdiction of this Court, knowingly did enter the structure of Boniface Damiano at 202 West Ray Drive, with the purpose to commit an offense therein, and in the course of committing said offense was armed with a deadly weapon, contrary to the provisions of N.J.S.A. 2C:18-2, and against the peace of this State, the Government and dignity of the same.

COUNT TWO  
THEFT – THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths PRESENT that MICHAEL SITEK, on or about September 20, 2000, in the Borough of Island Heights, in the County of Ocean aforesaid, and within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the movable property of Boniface Damiano, that is a handgun, with the purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3, and against the peace of this State, the Government and dignity of the same.

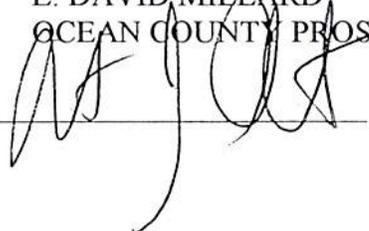
COUNT THREE  
UNLAWFUL POSSESSION OF A WEAPON - THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths PRESENT that MICHAEL SITEK, on or about September 20, 2000, in the Borough of Island Heights, in the County of Ocean aforesaid, and within the jurisdiction of this Court, knowingly did possess a certain weapon, that is a handgun, without having first obtained a permit to carry same as provided in N.J.S.A. 2C:58-4, contrary to the provisions of N.J.S.A. 2C:39-5b, and against the peace of this State, the Government and dignity of the same.

COUNT FOUR  
BURGLARY - THIRD DEGREE

The Grand Jurors of the State of New Jersey, in and for the County of Ocean, upon their oaths PRESENT that MICHAEL SITEK, between the dates of September 23 and 25, 2000, in the Borough of Beachwood, in the County of Ocean aforesaid, and within the jurisdiction of this Court, knowingly did enter the structure of East Coast Flag and Flagpole at 101 Pennant Avenue, with the purpose to commit an offense therein, contrary to the provisions of N.J.S.A. 2C:18-2, and against the peace of this State, the Government and dignity of the same.

E. DAVID MILBARD  
OCEAN COUNTY PROSECUTOR

DATED: 7-11-01 By: 

ENDORSED:   
Foreperson

**EXHIBIT D**





State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor '98

August 27, 1998

PETER VERNIERO
Attorney General
MARK S. HERR
Director

Mailing Address:
P.O. Box 45008
Newark NJ 07101
(973) 504-6420

Michael J. Sitek
115 Pennant Avenue
Beachwood, NJ 08722

Dear Mr. Sitek:

We are returning your application with fee of \$100.00 for examination and other information for the following reason (s):

In reference to question #5 on application please submit:

- 1. Date of conviction.
2. Type of conviction.
3. The offenses charges.
4. Which State, County or Municipality the offense occurred in.
5. The name and address of the agency or court where the matter is or has been decided.
6. The outcome of the matter.

Attached to
Back
of
Application

Upon receipt of the above information your application will then be presented to the Board for its review.

Very truly yours,

STATE BOARD OF EXAMINERS OF
MASTER PLUMBERS

Christine T. DeGregorio,
Executive Director

CTDeG:nz
enclosure
site

17

**EXHIBIT E**

1 correct?

2 A. Yeah, I was younger then, trying to --

3 Q. Can you elaborate for us what were the facts and  
4 circumstances?

5 A. Kids, friends of mine had gotten tools. I bought  
6 them for working on my car and stuff like that. They  
7 apparently stole them and I bought them.

8 Q. And that offense occurred in Dover Township?

9 A. Yes.

10 Q. And you pled guilty to receiving stolen property,  
11 which was a disorderly persons offense?

12 A. Yes.

13 Q. In addition, you just paid a fine, I think, as a  
14 result of that?

15 A. I don't even remember.

16 Q. No jail time?

17 A. No.

18 Q. Then according to our records, the next incident  
19 was July 11th of 2001 whereby you were indicted in Ocean  
20 County and charged with two counts of burglary, one  
21 count of theft and one count of unlawful possession of a  
22 weapon?

23 A. Right.

24 Q. And what was that about?

25 A. Again, I was -- at the time, I was using drugs

1 and I was at my uncle's house, which is the same name,  
2 Damiano, which was my grandfather's name for license.  
3 My uncle was using it at the same time. He had told me  
4 to take the gun, he would get his insurance money. It  
5 was just a whole -- it was a mess. He dropped the  
6 charges, but the state picked him up -- it was after  
7 three days, he didn't want to prosecute me, but the  
8 state went forward with everything because he didn't  
9 drop the charges within 72 hours. I had other stuff  
10 that was involved and basically, they dropped  
11 everything. They gave me one seven-year sentence with  
12 everything crammed together.

13 Q. Did you do actual jail time?

14 A. Yes.

15 Q. Were you paroled or did you max out on your  
16 sentence?

17 A. I finished, I got out in March of 2003 and then I  
18 went on ISP.

19 Q. Intensive Supervision --

20 A. Yes, I graduated that in 2005. I got out March  
21 13, 2003.

22 Q. Since that time, Mr. Sitek, any other offenses  
23 that we don't know about?

24 A. I had another -- well, I actually was with my  
25 father. I had bought faucets, same thing, somebody got

**EXHIBIT F**

1 and I was at my uncle's house, which is the same name,  
2 Damiano, which was my grandfather's name for license.  
3 My uncle was using it at the same time. He had told me  
4 to take the gun, he would get his insurance money. It  
5 was just a whole -- it was a mess. He dropped the  
6 charges, but the state picked him up -- it was after  
7 three days, he didn't want to prosecute me, but the  
8 state went forward with everything because he didn't  
9 drop the charges within 72 hours. I had other stuff  
10 that was involved and basically, they dropped  
11 everything. They gave me one seven-year sentence with  
12 everything crammed together.

13 Q. Did you do actual jail time?

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15 Q. Were you paroled or did you max out on your  
16 sentence?

17 A. I finished, I got out in March of 2003 and then I  
18 went on ISP.

19 Q. Intensive Supervision --

20 A. Yes, I graduated that in 2005. I got out March  
21 13, 2003.

22 Q. Since that time, Mr. Sitek, any other offenses  
23 that we don't know about?

24 A. I had another -- well, I actually was with my  
25 father. I had bought faucets, same thing, somebody got

1 -- they grabbed faucets from the plumbing supply, my  
2 father bought them, I got caught up in the whole middle  
3 of it.

4 I'm actually -- I'm in Drug Court now. They gave  
5 me that for being in my prior record so they could watch  
6 me and just make sure of everything.

7 Q. What is the status of your matter in Drug Court?

8 A. I've been in compliance for over two years.

9 Q. What are those requirements?

10 A. I go to Court once a month in front of a Judge.  
11 I see a probation officer twice a week. I get two urine  
12 tests twice a week -- well, one twice a week. I have to  
13 attend three AA meetings a week, get my card signed,  
14 everything. I have that for three more years.

15 Q. And you've been doing that for how long?

16 A. Since -- I believe it was two years ago,  
17 September 11th, I think, of 2007.

18 Q. And have your urine screenings been clean the  
19 whole time?

20 A. Everything has been positive -- I mean, negative.  
21 No sanctions, I've never been locked up or anything.

22 Q. Do you have documentation from the Drug Court  
23 that you could provide to the Board to substantiate your  
24 compliance?

25 A. Yes.

**EXHIBIT G**

1 Q. So, Mr. Sitek, you had a drug problem?

2 A. Yes, I did.

3 Q. Are you still an addict?

4 A. No, but I've been in recovery for over two years.  
5 In the meantime, I built a house, I put my whole life  
6 back together.

7 Q. What was your drug of choice?

8 A. Heroin.

9 Q. When is the last time you used heroin?

10 A. About -- a little over two years, right before  
11 September.

12 Q. In addition to the criminal history, we have  
13 information concerning an allegation of unlicensed  
14 practice.

15 A. Yes.

16 Q. Do you recall that incident?

17 A. Yes.

18 Q. Just for the benefit of the Board members and the  
19 record, on August 18th of 2000, we received a complaint  
20 from a consumer, Karen Kilmurray.

21 A. Yes.

22 Q. Ms. Kilmurray had alleged that on March 21st of  
23 2000 you installed a bathroom in her basement, do you  
24 recall that?

25 A. We were going to start. There was -- I ended up

1 getting locked up in the interim there and that's when  
2 everything -- they put charges on me and then that was  
3 it. I paid them when I got out, I paid them back.

4 Q. You did that job, though, not your father?

5 A. Right.

6 Q. Part of the problem apparently though is that the  
7 Board is in possession of an invoice that was issued to  
8 Ms. Kilmurray and it has your name on it, but it has  
9 your father's license number on it. Were you operating  
10 independent of your father at some point?

11 A. Even now I sign for Rich Sitek Plumbing, I sign  
12 estimates, invoices, everything. Like, if we go out for  
13 a job -- we're partners together, we were working -- he  
14 was letting me do jobs and just, like, if I wanted to do  
15 a job, he would sign a permit for me and we would --  
16 sometimes we would do them together, sometimes we  
17 wouldn't, but he would always cover me.

18 Q. But the invoice indicates -- I mean, it has your  
19 name, Mike Sitek, with an address. It indicates Sitek  
20 Plumbing, it doesn't mention your father at all.

21 A. It should be the same address.

22 Q. It has his license number on it. Certainly, it's  
23 conveying the impression that you were the licensed  
24 Master Plumber doing the work.

25 A. Okay.

1 Q. We did send you a settlement letter for  
2 unlicensed practice, do you recall that -- with a  
3 penalty?

4 A. Yes, I know I paid the \$2,500 penalty.

5 Q. You did?

6 A. Yes.

7 The Kilmurray's have been pay -- also, we never  
8 started the work. It was just -- I ended up -- we  
9 started, got a deposit, I dropped some material off, I  
10 ended up getting arrested. They moved forward when I  
11 was away and they tried going after my father,  
12 apparently, and my dad didn't know what was going on.

13 Q. Did you take this action independent of your  
14 father's knowledge then?

15 A. Yes.

16 Q. Since that incident, Mr. Sitek, have you in any  
17 fashion represented yourself independently as a licensed  
18 Master Plumber?

19 A. No.

20 Q. Advertising, invoices, letterheads?

21 A. No.

22 MR. DONOFRIO: Mr. Chairman, I think that's all I  
23 have at this time.

24 CHAIRMAN VOROS: Any questions from the Board  
25 members?

**EXHIBIT H**



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Examiners of Master Plumbers  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



PAULA T. DOW  
Attorney General

THOMAS R. CALCAGNI  
Acting Director

## AFFIDAVIT

IN THE MATTER OF THE APPLICATION OF MICHAEL J. SITEK,  
TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY

**Mailing Address:**  
P.O. Box 45008  
Newark, NJ 07101  
(973) 504-6420

### ADMINISTRATIVE ACTION

I, Rosemarie S. Baccile, of full age, being duly sworn accordingly to law, depose and say:

1. I am the Executive Assistant of the State Board of Examiners of Master Plumbers for the State of New Jersey.
2. I have reviewed the office files of the State Board of Examiners of Master Plumbers concerning MICHAEL J. SITEK. The files of the Board do not indicate that MICHAEL J. SITEK has ever been licensed as a Master Plumber in the State of New Jersey.
3. I have determined that an unlicensed practice settlement letter was sent to MICHAEL J. SITEK, in response to a consumer complaint alleging that MICHAEL J. SITEK was engaging in the unlicensed practice of plumbing. The date of the letter was February 28, 2001. The letter offered settlement terms which consisted of a \$2,500 civil penalty and restitution to the consumer.
4. I also determined that in response to his receipt of the February 28, 2001 unlicensed practice settlement letter, MICHAEL J. SITEK, paid the \$2,500 civil penalty and also paid restitution to the consumer.

  
Rosemarie S. Baccile, Executive Assistant  
State Board of Examiners of Master Plumbers

  
Date

Sworn and subscribed before me this  
29 day of June 2010  
in the County of Essex, State of New Jersey

GABRINA TABRON  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 7/22/2014

 29\*