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of Master Plumbers

(POD)  
LWC )  
2/23/12  
#67856  
interset  
consumer

**FILED**  
**BOARD OF EXAMINERS OF**  
**MASTER PLUMBERS**  
*Lawrence D. King*  
11-2-11

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 :  
:  
JAY V. OPRE, LMP :  
License No. 36BI00733600 :  
:  
LICENSED TO PRACTICE AS A :  
MASTER PLUMBER 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 ("the 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. Jay V. Opre ("respondent") is a licensed master plumber licensed in the State of New Jersey. Respondent's license expired on June 30, 2011. Respondent's license remains in expired status and therefore is currently suspended by application of N.J.S.A. 45:1-7.1(b). (Exhibit A, copy of certification from Executive Assistant Rosemarie Baccile).

2. The Board received a complaint from consumer B.C. The complaint alleged that respondent was hired by B.C. to install a water service to the house in order to convert from well water to city water. B.C. states that respondent failed to cover trenches that were dug. As a result, excessive rain caused the trenches to collapse resulting in damage to B.C.'s property. B.C. filed a complaint against respondent in Superior Court which respondent failed to answer. A default judgment was obtained against respondent in the amount of \$6,557.00. (Exhibit B, copy of Judgment, Ocean County Superior Court, Special Civil Part, dated May 20, 2010).

(1 - 34)

3. On June 24, 2010, respondent appeared before the Board for an investigative inquiry. Respondent stated he secured a permit for the work on B.C.'s residence. He drilled the hole, installed the pipe, and waited for the main connection to be made. Respondent stated that water damage to the B.C.'s property resulted from a failure to cover the trenches after respondent was asked by B.C. to leave the premises. Respondent has not made any effort to pay the \$6,557.00 judgment filed against him in Superior Court. When asked whether he intended to satisfy the valid judgment against him respondent stated, "No, I'm not paying the judgment, no." (Exhibit C, copy of certified transcript from June 24, 2010 investigative inquiry, pg. 25, lines 8 thru 11).

4. Respondent was also questioned regarding his business practices. Respondent explained that he does not issue workers W-2 statements, but instead provides them with a 1099 form as independent contractors. Respondent resides in Florida and New Jersey, spending half of his time in each state. He maintains contact with workers via cell phone. Respondent will often stamp, sign and fill out blank permits before he leaves for Florida so that the workers can file them when a job arises. Finally, respondent admitted that he does not keep records of contacts with his workers and is not present for all final inspections. (Exhibit C, copy of certified transcript from the June 24, 2010 investigative inquiry, pg. 11, line 25; pg. 12, lines 1 thru 23; pg. 14, lines 2 thru 25; pg. 15 lines 1 thru 25; pg 16, lines 1 thru 17).).

#### CONCLUSIONS OF LAW

1. 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 misconduct by not paying the valid \$6,557.00 judgement obtained against him by consumer B.C., based on the plumbing work performed by respondent's company.

2. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(h), in that respondent violated a regulation of the Board, specifically, N.J.A.C. 13:32-3.4, which provides that any plumbing work that a licensed master plumber agrees to perform shall be performed only by the licensed plumber or the employee(s) of the licensed plumber.

3. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(h), in that respondent violated a regulation of the Board, specifically, N.J.A.C. 13:32-3.3(a)2, which requires that only the bona fide representative, an authorized employee, or an independent contractor licensed as a master plumber, can secure all necessary permits required for the performance of plumbing work.

4. The above preliminary findings of fact provide grounds for disciplinary action against

respondent's license , pursuant to N.J.S.A. 45:1-21(h), in that respondent violated a regulation of the Board, specifically N.J.A.C. 13:32-3.3(a)3iii, which requires that the bona fide representative record daily contact with a journeyman plumber(s) and inspect the work upon completion.

ACCORDINGLY, IT IS ON THIS                      DAY OF                      , 2011,

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby provisionally reprimanded for the violations as outlined above.
2. Respondent's license to practice plumbing in the State of New Jersey, which is currently administratively suspended by operation of N.J.S.A. 45:1-7.1, shall now be provisionally suspended as a disciplinary action, based on the violations stated above. Prior to the Board granting any request by respondent for reinstatement of his plumbing license, respondent shall be required to appear before the Board and provide documentation, demonstrating to the Board's satisfaction, that he has satisfied the default judgement obtained against him by consumer B.C. Further, respondent shall be required to appear before the Board to demonstrate fitness to resume practice and shall satisfy any requirements for reinstatement of his license pursuant to N.J.S.A. 45:1-7.1(b). Any practice in this State prior to reinstatement shall constitute grounds for the charge of unlicensed practice. Finally, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.
3. Respondent shall provisionally pay a civil penalty in the total amount of \$1,500.00, consisting of a \$500.00 penalty, pursuant to N.J.S.A. 45:1-21(h), in that respondent violated a regulation of the Board, specifically N.J.A.C. 13:32-3.4, by allowing persons who are not employees of the licensed master plumber to perform plumbing work that the licensed master plumber agreed to perform; a \$500.00 penalty, pursuant to N.J.S.A. 45:1-21(h), in that respondent violated a regulation of the Board, specifically, N.J.A.C. 13:32-3.3(a)2, which requires that only the bona fide representative, an authorized employee, or an independent contractor licensed as a master plumber, can secure all necessary permits required for the performance of plumbing work; and a \$500.00 penalty, pursuant to N.J.S.A. 45:1-21(h), in that respondent violated a regulation of the Board, specifically N.J.A.C. 13:32-3.3(a)3iii, which requires that the bona fide representative record daily contact with a journeyman plumber(s) and inspect the work upon completion. Payment of the civil penalty totaling \$1,500.00 shall be submitted simultaneous with the signing of this order, by certified check or money order, made payable to the State of New Jersey, and shall be sent to, Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

4. 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.

5. Failure to timely remit any and all civil penalties 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 such failure or any violation of this order 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 J Voros  
Peter Voros  
Board Chairman

**EXHIBIT A**



*State of New Jersey*  
 OFFICE OF THE ATTORNEY GENERAL  
 DEPARTMENT OF LAW AND PUBLIC SAFETY  
 DIVISION OF LAW  
 PO Box 45029  
 NEWARK, NJ 07101

PAULA T. DOW  
*Attorney General*

ROBERT M. HANNA  
*Director*

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

CERTIFICATION

I Rosemarie Baccile, of full age, hereby certify and say:

1. I am the Executive Assistant and custodian of the records for the New Jersey State Board of Examiners of Master Plumbers.
2. I have reviewed the office files of the State Board of Examiners of Master Plumbers and determined that Jay V. Opre, L.M.P.#36BI00733600 was licensed as a Master Plumber on May 1, 1985 .
3. I have determined that Mr. Opre's Master Plumber's license expired on June 30, 2011. Mr. Opre's Master Plumber's license remains in expired status as of this date, and therefore is suspended by application of N.J.S.A. 45:1-7.1(b).

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

\_\_\_\_\_  
 Rosemarie S. Baccile  
 Executive Assistant

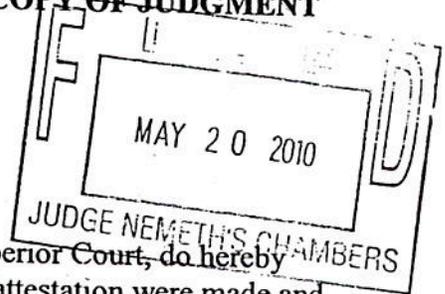
\_\_\_\_\_  
 Date



**EXHIBIT B**

SUPERIOR COURT OF NEW JERSEY  
OCEAN COUNTY, SPECIAL CIVIL PART  
DOCKET NO.: DC 1491-10  
EXEMPLIFIED COPY OF JUDGMENT

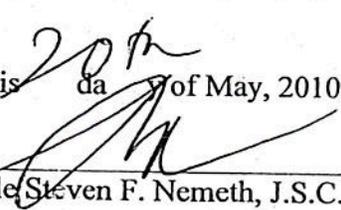
Brian Cosentino Plaintiff(s)  
vs.  
JV Opre Inc. Defendant(s)



I, Honorable Steven F. Nemeth, J.S.C., Judge of the Superior Court, do hereby certify that Kenneth Kerwin, by whom the below certificate of attestation were made and given, and who, in his own proper handwriting has hereunto subscribed his name and affixed his official seal, was at the time of so doing and now is, the Clerk of said Court, duly appointed and qualified. To all the acts of said Clerk as such full faith and credit are and ought to be given as well in court of judicature as elsewhere.

I do further certify that the foregoing record, certification and attestation are in due form and made by the proper officer and full faith and credit should be given thereto, and that said record and certificate as attested would be received in evidence in the courts of the State of New Jersey.

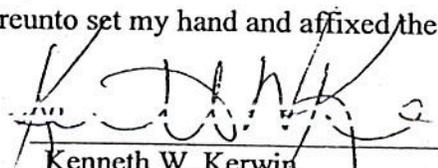
IN WITNESS HEREOF, I have hereunto set my hand this 20th da of May, 2010.

  
\_\_\_\_\_  
Honorable Steven F. Nemeth, J.S.C.

STATE OF NEW JERSEY  
COUNTY OF OCEAN                      SS:

I, Kenneth W. Kerwin, Clerk of the Ocean County Special Civil Part Court, do hereby certify that Honorable Steven F. Nemeth, J.S.C., by whom the foregoing attestation was made, and whose name is thereunto subscribed, was at the time of making thereof, and still is, the Judge of said Court, duly appointed and sworn. To all of the acts of said Judge, full faith and credit are and ought to be given as well as in courts of judicature as elsewhere.

IN WITNESS HEREOF, I have hereunto set my hand and affixed the seal of my office, this    da    y of May, 2010.

  
\_\_\_\_\_  
Kenneth W. Kerwin  
Clerk of the Special Civil Part Court



UPPERIOR COURT OF NEW JERSEY  
OCEAN COUNTY, SPECIAL CIVIL PART  
18 WASHINGTON STREET, ROOM 121  
MUMFORDS RIVER, NJ 08753  
(32) 929-2016

Christian Cosentino  
Plaintiff(s)  
  
VS.  
  
V Opre Inc.  
Defendant(s)

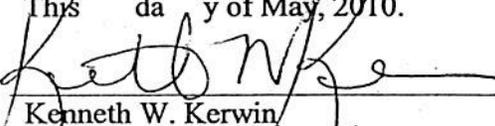
JUDGMENT:	<u>\$ 6,500.00</u>
COURT COSTS:	<u>57.00</u>
TOTAL AMOUNT:	<u>\$ 6,557.00</u>

A summons and complaint in the above matter was filed on the 5 day of January, 2010.

The defendant having failed to appear or file an answer within time, or having breached terms of settlement or having been found civilly liable at trial, the plaintiff having made due proof of said claim to the satisfaction of the Court, a judgment was entered on the 23 day of March, 2010, in favor of the plaintiff and against the defendant for the above amount with aforesaid costs incurred as named.

I, Kenneth W. Kerwin, Clerk of the Special Civil Part Court, Law Division, Ocean County, do hereby certify that the foregoing are true statements of the names of the parties in the above suit, the amount and date of judgment given in said Court in the above stated case, as the same are recorded in the docket of said Court in the above stated case.

WITNESS my hand and the seal of said Court  
This     da     y of May, 2010.

  
\_\_\_\_\_  
Kenneth W. Kerwin,  
Clerk of the Special Civil Part Court



**EXHIBIT C**

Board of Master Plumbers - In Re: Jay V. Opre

STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS

IN RE: TESTIMONY OF:  
THE HUDSON ROOM JAY V. OPRE  
OF NEWARK, NEW JERSEY

124 Halsey Street  
Newark, New Jersey  
June 24, 2010  
9:59 a.m. - 10:32 a.m.

BEFORE:  
NEW JERSEY BOARD OF MASTER PLUMBERS  
PETER I. VOROS  
MICHAEL K. MALONEY  
MICHAEL L. SESTANOVICH  
ROBERT B. REEVE  
DONALD B. DILEO  
ROSEMARIE BACCILE, Executive Assistant  
JOSEPH DONOFRIO, DAG  
Attorney for the Board

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MR. VOROS: I'm Pete Voros, master plumber member representative and chairman of the board. I'd like to introduce the other members.

MR. DILEO: Don Dileo, public member.

MR. MALONEY: Michael Maloney, master plumber member.

MR. SESTANOVICH: Michael Sestanovich, inspector member.

MR. REEVE: Robert Reeve, master plumber member.

MS. BACCILE: Rosemarie Baccile, executive assistant.

MR. DONOFRIO: Joseph Donofrio, deputy attorney general.

MR. VOROS: The deputy attorney general is going to go over the ground rules.

MR. DONOFRIO: Good morning. The board is in receipt of a complaint from consumer Brian Cosentino concerning work performed by your company at his home which is located at 1017 Beach Lane in Manahawkin, New Jersey. Mr. Cosentino's complaint also concerns your failure to satisfy a court

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INDEX

WITNESS PAGE  
JAY V. OPRE 6

judgment that he obtained against you in Ocean County Superior Court. As a result, this investigative inquiry is being called at the request of the board pursuant to NJSA 45:1-18 in order to obtain some background information about you and your company, and most importantly to establish the operative facts surrounding the complaint made by Mr. Cosentino.

Depending upon the board's review of this matter and outcome of this process, formal action may or may not be taken.

I will lead the questioning and board members may ask you questions as well. If you do not understand any question, please ask that the question be repeated or rephrased for you.

You will be placed under oath and a transcript will be made of this inquiry. The transcript may be used if there are any subsequent proceedings in this case.

You may choose not to answer a question if the answer would implicate you in criminal proceedings.

After today's proceeding the board may

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1 find no cause for action or it may find  
 2 grounds to issue a formal complaint, in  
 3 which case you will be given a full  
 4 opportunity to respond to the allegations of  
 5 that complaint in accordance with the  
 6 Administrative Procedures Act.  
 7 I see you're here today, you're not  
 8 represented by legal counsel. Is it your  
 9 intention to proceed here today without  
 10 legal counsel?  
 11 THE WITNESS: Sure.  
 12 MR. DONOFRIO: Okay. Just note that  
 13 if at any time during the course of the  
 14 inquiry you feel that you would be better  
 15 served by having legal counsel you can  
 16 certainly let the chair know. We can  
 17 adjourn the matter and afford you an  
 18 opportunity to obtain legal counsel.  
 19 THE WITNESS: Okay.  
 20 MR. DONOFRIO: If the witness can be  
 21 sworn in, please.  
 22 J A Y V. O P R E, residing at 102  
 23 Redwood Drive, Barnegat, New Jersey 08005,  
 24 having been duly sworn, testifies as  
 25 follows:

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1 about maybe three years ago.  
 2 Q. So you've had other trade names, then,  
 3 obviously?  
 4 A. Yes.  
 5 Q. And what is your business address for  
 6 Jay V. Opre?  
 7 A. It's the same -- 102 Redwood Drive,  
 8 Barnegat, New Jersey.  
 9 Q. And you're the sole owner of the  
 10 company?  
 11 A. Yes.  
 12 Q. Let's talk about your employees. How  
 13 many employees do you have?  
 14 A. At this time, none.  
 15 Q. None?  
 16 A. None.  
 17 Q. Are you doing business here in New  
 18 Jersey currently?  
 19 A. I'm on my way to retire.  
 20 Q. You're going to retire your license?  
 21 Is that what you anticipate doing?  
 22 A. No.  
 23 Q. Keep it active?  
 24 A. Keep it active, but I'm just going to  
 25 retire.

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1 BY MR. DONOFRIO:  
 2 Q. Mr. Opre, I'm just going to begin by  
 3 way of some background information. Can you  
 4 please tell the board your plumber license  
 5 number?  
 6 A. 7336.  
 7 Q. And what year, sir, did you receive  
 8 your license?  
 9 A. About 27 years ago.  
 10 Q. Okay.  
 11 A. I don't know exact date. I think '82,  
 12 maybe, or '80.  
 13 Q. And I believe you just gave the  
 14 stenographer your home address at 102 Redwood  
 15 Drive in Barnegat. Is that correct?  
 16 A. Yes.  
 17 Q. And how are you currently registered to  
 18 trade? What is your trade name?  
 19 A. Jay V. Opre, Incorporated.  
 20 Q. And you're the bona fide representative  
 21 for Jay V. Opre?  
 22 A. Yes.  
 23 Q. And when was the company established?  
 24 A. Oh, geez. I think it was about -- I  
 25 got incorporated with that name I guess it was

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1 Q. When is the last time you had employees  
 2 that were working for you -- W-2 employees that  
 3 were working for you?  
 4 A. I guess about six months ago, I guess,  
 5 four months ago. Actually, my son does a lot of  
 6 work for me.  
 7 Q. And your son's name?  
 8 A. Aaron Opre.  
 9 Q. And is Aaron a licensed master plumber?  
 10 A. No. He did apply. He just got to  
 11 complete one more phase.  
 12 Q. Which phase? Has he done an  
 13 apprenticeship?  
 14 A. No, he -- he took the test -- I guess  
 15 it was about six years ago -- and he did  
 16 three-quarters of it and he didn't complete the  
 17 last part of something. He moved to Colorado and  
 18 it went by the wayside.  
 19 Q. And is the reason, sir, that you  
 20 currently don't have any employees because you're  
 21 anticipating retiring, or --  
 22 A. Yes.  
 23 Q. Okay. At the time of Mr. Cosentino's  
 24 complaint, how many employees did you have?  
 25 A. I had two, and one worked part-time

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1 when I called him in.  
2 Q. So two full-time employees?  
3 A. Yeah.  
4 Q. And one part-time employee?  
5 A. Yeah.  
6 Q. And the name of the full-time  
7 employees?  
8 A. Elliot Giles. I can't think of the  
9 other guy. Mike -- I forget his last name.  
10 Q. Okay. How about the part-time  
11 employee? Do you recall his name?  
12 A. Just I have a few of them -- Todd,  
13 or -- Todd's one of them that come in when I need  
14 him to backfill or something like that.  
15 Q. So just so we're clear, at the time  
16 of -- when you did the work for Mr. Cosentino,  
17 you just had the three employees in addition to  
18 yourself. You had two full-time and one  
19 part-time; is that correct?  
20 A. Yeah.  
21 Q. Okay.  
22 A. My son and myself, yeah.  
23 Q. Oh, you didn't mention your son. Your  
24 son was also a full-time employee at the time?  
25 A. No, just part-time he was when I needed

10

1 him.  
2 Q. Okay. So it's fair to say, then, at  
3 the time of Mr. Cosentino's complaint you had two  
4 full-time employees and two part-time employees?  
5 A. Right, plus myself.  
6 Q. Okay. And all your employees were W-2  
7 employees?  
8 A. Yes.  
9 Q. Let's talk about the employees' level  
10 of experience, first of all with regard to  
11 Mr. Giles. What was his level of experience and  
12 how would you characterize his status?  
13 A. Master plumber.  
14 Q. He was a master plumber?  
15 A. Yes.  
16 Q. He's a licensed master plumber?  
17 A. No, he wasn't a licensed, no, but I  
18 consider him as a master plumber. He's been all  
19 his life, 62 years old.  
20 Q. I know, but sir, the only consideration  
21 in this state is a licensed master plumber.  
22 A. Okay. I'm the only one.  
23 Q. So you were the only licensed master  
24 plumber associated with the company at the time  
25 of Mr. Cosentino's complaint?

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1 A. Yes.  
2 Q. Okay. Let's get back to Mr. Giles.  
3 What was his level of experience? How many years  
4 did he have? Do you know?  
5 A. His whole life. He just retired too.  
6 He's 62 years old, got 30-something years.  
7 Q. How long had he been working for you?  
8 A. About 14.  
9 Q. Do you know if Mr. Giles had before  
10 completed an apprenticeship program?  
11 A. Not to my knowledge.  
12 Q. And the other individual that you don't  
13 know his last name but you referred to him as  
14 Mike, what was his level of experience?  
15 A. He had about seven years' experience.  
16 Q. And how long had Mike worked for you at  
17 that time?  
18 A. About three years.  
19 Q. And the part-time employee, Todd, how  
20 many years experience did Todd have? And you  
21 don't know Todd's last name?  
22 A. No. He just is a friend of a friend.  
23 I just used him for backfilling. He did no -- no  
24 plumbing work.  
25 Q. Mr. Opre, the board had requested that

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1 you provide W-2s for these employees. You could  
2 do that for us?  
3 A. A lot of them got 1099s. Is that the  
4 same thing?  
5 Q. Sir, I had asked you if they were W-2  
6 employees.  
7 A. I don't -- I gave all my employees  
8 1099s at the end of the year.  
9 Q. All your employees?  
10 A. All of them.  
11 Q. Mr. Giles got a 1099?  
12 A. Yeah.  
13 Q. Mike got a 1099?  
14 A. Yeah.  
15 Q. Todd got a 1099?  
16 A. Actually he's not even been a year yet.  
17 I just used him just recently.  
18 Q. And your son Aaron was a 1099?  
19 A. Yeah, he would get one at the end of  
20 the year, yes.  
21 Q. So you can provide us with those 1099s,  
22 then?  
23 A. Yes.  
24 Q. Who actually performed the work for  
25 Mr. Cosentino? Who was on that job?

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1 A. Mike and Mr. Giles, and I was there  
2 back and forth.  
3 Q. Before we delve into the particulars  
4 with regard to Mr. Cosentino's work, I wanted to  
5 ask you some additional background questions. Do  
6 you reside full-time in New Jersey?  
7 A. Half and half.  
8 Q. Okay. Where else do you -- where do  
9 you spend the other half?  
10 A. Florida.  
11 Q. And what months are you in Florida?  
12 A. What I do is, believe it or not, I  
13 travel every two weeks. I fly back --  
14 Q. You fly back and forth?  
15 A. Yes. I've been doing it for the last  
16 seven years, I guess, on Spirit Airlines.  
17 Q. Do you have a home in Florida?  
18 A. Yes.  
19 Q. Where in Florida?  
20 A. Daytona Beach.  
21 Q. What's the address?  
22 A. 226 Venetian Way South, Daytona Beach,  
23 32127.  
24 Q. Thank you. How long have you resided  
25 part-time -- I guess half a year in Florida?

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1 A. Last seven years, eight years.  
2 Q. You're familiar with the bona fide  
3 representative responsibilities with regard to  
4 supervision of plumbing jobs?  
5 A. Yes.  
6 Q. Okay. If you spent half your time in  
7 Florida, how were you able to satisfy those  
8 supervisory responsibilities?  
9 A. I have a phone and my two employees  
10 that I had have phones and I take all my business  
11 calls right here even when I'm in Florida.  
12 Q. Okay. You're referring to your cell  
13 phone?  
14 A. Excuse me?  
15 Q. You made a motion.  
16 A. Yeah, my cell phone. I take all my  
17 company's calls right here no matter where I'm at  
18 and I just return the phone calls back to New  
19 Jersey or whatever has to be done. If I need to  
20 come back, then I come back.  
21 Q. If you're in Florida, how do you sign  
22 and seal permits that need to be signed for a  
23 particular job?  
24 A. I stamp them. I stamp them before I  
25 leave and I fill them out. We have a, like, a

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1 schedule with these water services, I mean, we  
2 know where we're going and what we do so I just  
3 stamp them all out because we do sometimes like  
4 four or five a day, you know, so I know where  
5 we're going and the township provided me with all  
6 the paperwork on the sections that are going to  
7 be done and stuff like that.  
8 Q. You had indicated that you're in  
9 consistent contact with your workers on a job  
10 even when you're in Florida.  
11 A. Sure.  
12 Q. Is that correct?  
13 A. Yes.  
14 Q. You're aware of the regulatory  
15 requirement that you document all of those  
16 contacts in a file pertaining to that particular  
17 job. Have you done that?  
18 A. I don't understand what you mean.  
19 Q. Do you make a record of your contacts  
20 with your workers that you include as part of the  
21 file for every job that you undertake?  
22 A. Yeah, well, I get all the invoices,  
23 sure.  
24 Q. Just invoices. You don't record your  
25 daily contacts, for instance, you know, March 3,

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1 2008 --  
2 A. No.  
3 Q. -- I spoke with Elliot with regard --  
4 A. No.  
5 Q. You don't do that?  
6 A. No. All I do is we put down where we  
7 have to go next and stuff like that, what we need  
8 on a job.  
9 Q. If you're in Florida and a job is ready  
10 for final inspection, obviously it requires you  
11 to be there; correct?  
12 A. It does.  
13 Q. But it may depending on who did the  
14 job, certainly?  
15 A. No, I'm not there for final inspection,  
16 no. Certain times -- sometimes I am, sometimes  
17 I'm not.  
18 Q. Who enters into the contracts with the  
19 consumers?  
20 A. Who enters into the contracts?  
21 Q. Right.  
22 A. I do and my son. We write them up.  
23 Q. Is there ever a situation where you  
24 might be in Florida and your son enters into a  
25 contract and then just begins work without you

17

1 having visited the job initially?  
 2 A. No.  
 3 Q. So is it your testimony that you visit  
 4 every job prior to undertaking work?  
 5 A. Yeah, because I got to see how we're  
 6 going to run the line, you know, if I'm not  
 7 there, then my son is there. He knows how we're  
 8 going to run the line, I mean, on the property,  
 9 plus, before we start, we have to go and mark it  
 10 out for the township or for the contractors to  
 11 where they're going to put the meter pit in front  
 12 of the house, so like I say, we know our  
 13 customers and we know where we're going.  
 14 Q. Did your company or do you currently  
 15 have trucks or other vehicles associated with the  
 16 company, company trucks, vans?  
 17 A. Yes.  
 18 Q. And where are those vehicles  
 19 registered, here in New Jersey?  
 20 A. No, registered in Florida. They've  
 21 been registered in Florida for the last eight  
 22 years.  
 23 Q. Can I ask why you registered them in  
 24 Florida?  
 25 A. Cheaper. Cheaper insurance, plus

18

1 sometimes when I go down there I do a little  
 2 putzing around myself. I might take a truck  
 3 down.  
 4 Q. So you have -- how many company  
 5 vehicles do you have?  
 6 A. Right now, just two.  
 7 Q. And both are registered in Florida?  
 8 A. Yeah.  
 9 Q. Do you have a New Jersey or Florida  
 10 driver's license?  
 11 A. Both.  
 12 Q. You have both. Okay.  
 13 A. Because I'm a Florida resident, they  
 14 give you a Florida only driver's license.  
 15 Q. So just so we're clear, you have two  
 16 company vehicles, both of which are utilized  
 17 primarily here in New Jersey for jobs, correct,  
 18 but they're registered in Florida?  
 19 A. Yeah. I take them back and forth, yes.  
 20 Q. So they have Florida license plates as  
 21 well?  
 22 A. Oh, yes, sure.  
 23 Q. What area of the state did your company  
 24 service; primarily North Jersey, Central Jersey,  
 25 South Jersey?

19

1 A. Manahawkin, Long Beach Island vicinity,  
 2 Toms River.  
 3 Q. Mr. Opre, let's talk about the  
 4 complaint we received from Mr. Cosentino.  
 5 A. Sure.  
 6 Q. Now, what exactly was your company  
 7 contracted to do for Mr. Cosentino?  
 8 A. To run a water service in his house and  
 9 convert his well to city water.  
 10 Q. What was your involvement with that  
 11 job? Did you visit the job site prior to  
 12 undertaking the work, throughout the course of  
 13 the work? Tell us about how you --  
 14 A. I know Mr. Cosentino. We're friends.  
 15 We were friends and he asked me to do it when I  
 16 got time so I went over there and marked out what  
 17 we had to do and relayed the message to my son  
 18 and whoever, you know, this is where we're going  
 19 to go in, this is what we're doing.  
 20 Q. You personally marked it out?  
 21 A. Yes.  
 22 Q. And how long did the job take?  
 23 A. Well, what we do is we go in -- after  
 24 we get the permit, we go in, we -- and he wanted  
 25 a dry line first so what we do is we put a -- we

20

1 mole it in. We dig a hole in the street, dig a  
 2 hole in front of the house and mole under the  
 3 ground, drill a hole through his wall which is  
 4 solid poured concrete. We put the pipe in there,  
 5 seal it, and wait for the next -- for the  
 6 contractor to put the mains down the street.  
 7 That takes -- that takes maybe three hours,  
 8 depending on the soil. If it's tough soil the  
 9 mole won't go through. Do you know what I mean  
 10 by mole?  
 11 Q. No, but I'm sure the board members do.  
 12 A. Okay. We jet it underground, yeah.  
 13 Q. And I think you had indicated  
 14 previously that it was Elliot Giles and Mike that  
 15 was primarily on this job.  
 16 A. No, I was there too.  
 17 Q. How many days was your company actually  
 18 on the site?  
 19 A. Three hours.  
 20 Q. Just one day three hours, that's it?  
 21 A. That's all it takes.  
 22 Q. Okay.  
 23 A. It's an easy job.  
 24 Q. And you were there throughout the whole  
 25 time, the whole three hours?

21

1 A. No, I wasn't. I probably was out  
 2 giving estimates or writing contracts up. This  
 3 is a five-year job here in Manahawkin that we're  
 4 doing. It's not just two weeks. It was five  
 5 years we've been doing this.  
 6 Q. Involving different residences?  
 7 A. Yeah. The Ocean Acre development. I  
 8 don't know, 2,000 houses or something and we're  
 9 converting the whole thing, so, I mean, everybody  
 10 was in there.  
 11 Q. And what was the total contract price  
 12 that Mr. Cosentino was to pay you?  
 13 A. I think it was 1,400. I'm not sure. I  
 14 don't have the paper in front of me. I think it  
 15 was \$1,400.  
 16 Q. We have paperwork indicating 1,300.  
 17 A. Yeah. I give different prices for  
 18 different people. You know, if people can't  
 19 afford it then I give them a break, or people  
 20 that the state is paying for it, then I go and do  
 21 what I have to do with paperwork for the state.  
 22 Q. Okay. The paperwork that we have also  
 23 indicates that Mr. Cosentino made an initial  
 24 payment on October 20th of 2008 of \$600 which  
 25 left a balance of \$700 due upon completion. Is

22

1 that your recollection of the terms?  
 2 A. Yes, that's how we do it, half down and  
 3 half when we're done.  
 4 Q. So how much did you collect totally  
 5 from Mr. Cosentino from the job? Did he ever pay  
 6 the \$700 balance?  
 7 A. No, no, no, we never finished.  
 8 Q. When you say you never finished it, you  
 9 mean you never finished the job?  
 10 A. I refused to go back, yeah.  
 11 Q. Was there ever a final inspection?  
 12 A. Final -- he's not done yet, no, he's  
 13 not completed.  
 14 Q. Is your permit still open?  
 15 A. I'm not aware. I don't think it is,  
 16 but he's got to get it updated, whoever's going  
 17 to finish the job.  
 18 Q. If you're off the job have you made any  
 19 efforts to pull your permit, retract your permit  
 20 from the township?  
 21 A. Not yet, no, I haven't.  
 22 Q. Why not?  
 23 A. I'm down there every day, sometimes  
 24 twice a day. I just never gave it a thought, you  
 25 know, so much going through your mind when you

23

1 have so many jobs, so many holes, so many  
 2 backfills, you know, it's a lot of work.  
 3 Q. Okay. The essence of Mr. Cosentino's  
 4 complaint is as a result of your company's  
 5 failure to cover trenches that were done I guess  
 6 for the laying of the waterline that the  
 7 excessive rain caused the trenches to collapse on  
 8 three different occasions and it resulted in  
 9 damage to his property. Can you respond to that  
 10 allegation?  
 11 A. He's got no damage.  
 12 Q. He did sue you in superior court in  
 13 Ocean County; did he not?  
 14 A. Can I speak on that?  
 15 Q. Absolutely.  
 16 A. I never got nothing to go to court. I  
 17 never got a registered letter, the sheriff never  
 18 came to see me, nothing. He pulled up in his  
 19 truck one day and says, "How come you weren't in  
 20 court?" I says, "What do you mean, how come I  
 21 wasn't in court? I got nothing."  
 22 Q. Well, I will tell you, though, that  
 23 there is a judgment against you -- a default  
 24 judgment -- and typically prior to the default  
 25 judgment the judge has to make a finding that

24

1 there was an effort to properly serve. So I'm  
 2 surprised that the judge would enter a default  
 3 judgment if in fact you were never served in the  
 4 process.  
 5 A. Never got nothing. Never got nothing.  
 6 Q. But you do acknowledge that there is a  
 7 current judgment against you I think in the  
 8 amount of \$6,557?  
 9 A. Yeah. The reason I know that is  
 10 because the bank called me up and says, "There's  
 11 a lien on your account." I says, "For what?" and  
 12 she told me; so...  
 13 Q. What efforts have you made to pay  
 14 Mr. Cosentino on that judgment?  
 15 A. Nothing.  
 16 Q. What efforts do you plan to take to pay  
 17 Mr. Cosentino?  
 18 A. Nothing. He's a thief.  
 19 Q. Well, sir, you're a licensee of this  
 20 board. A consumer has a judgment against you --  
 21 A. I know.  
 22 Q. -- a valid judgment.  
 23 A. I know.  
 24 Q. Okay. And you can dispute whether or  
 25 not you were properly served with process, but,

25

1 you know, a superior court judge did enter a  
 2 default judgment, and now we're stuck with a  
 3 situation where a consumer has an outstanding  
 4 judgment against one of our licensees who's now  
 5 indicated he has no intention to pay that  
 6 judgment.  
 7 A. Right.  
 8 Q. That's your intention going forward?  
 9 You have absolutely no intention of paying that  
 10 judgment?  
 11 A. No, I'm not paying the judgment, no.  
 12 Q. You're aware that he can then, you  
 13 know, maintain a lien against your property, he  
 14 can seek to --  
 15 A. He can do whatever he wants to do.  
 16 Q. Okay. He could levy on your assets.  
 17 You're okay with that?  
 18 A. Yeah.  
 19 Q. Okay.  
 20 A. Like I say, if I were to known I had to  
 21 go to court I would have went to court and  
 22 settled it, but I never was served. I mean, and  
 23 I even seen the copy where it says the policeman  
 24 served me. I never got served with nothing.  
 25 They know where I live.

26

1 Q. In addition to making a determination  
 2 whether service was effected, the judge also has  
 3 to find proof in fact that there was damage to  
 4 Mr. Cosentino's property, so presumably he did  
 5 find that as a result of your plumbing work there  
 6 was damage caused to his property.  
 7 A. Oh, he had a Rolls Royce in his  
 8 basement, right? I know this Brian. When I was  
 9 in his basement there was nothing in there,  
 10 nothing to -- any damage of anything at all in  
 11 his basement. Now all of a sudden he's got this  
 12 big claim.  
 13 Q. Your bond with the board is active, a  
 14 \$2,000 bond; is that correct?  
 15 A. Mmm-hmm.  
 16 Q. Is that a yes?  
 17 A. Yes.  
 18 Q. Okay.  
 19 MR. DONOFRIO: I have nothing further,  
 20 Mr. Chairman.  
 21 BY MR. VOROS:  
 22 Q. Do you recall who you took your  
 23 continuing education with?  
 24 A. Dale and his brother -- the brothers,  
 25 yeah, I take it with them, yes, in Toms River.

27

1 Q. And do you recall then going over the  
 2 procedures for doing work in New Jersey and not  
 3 being here with your supervisory journeyman? Do  
 4 you recall what was required by the statutes?  
 5 A. No, I don't.  
 6 Q. It says here in your letter that you  
 7 wrote to us that this gentleman threw you off the  
 8 property?  
 9 A. Yeah.  
 10 Q. Would not allow you to finish it. It  
 11 says here that he pulled the line out because he  
 12 didn't like the seal in the wall?  
 13 A. Yeah. He created his own problems.  
 14 After my job was past inspection, this man pulled  
 15 the work out and continued to do it himself, so  
 16 how can I be responsible for something like that?  
 17 BY MR. MALONEY:  
 18 Q. The permit's still out in your name,  
 19 that's why.  
 20 A. I understand that, but it was  
 21 inspected. The first phase was --  
 22 Q. I know, but the permit's still out in  
 23 your name. That's how you're responsible.  
 24 A. Oh, okay. I see what you're saying,  
 25 yeah.

28

1 BY MR. VOROS:  
 2 Q. Can you talk about the foam seal that  
 3 you used?  
 4 A. Yeah, but that was one phase. That  
 5 permit's done. We pull another permit out when  
 6 we do the tying in of his house, so an inspector  
 7 came, he inspected it, it was fine, and we came  
 8 back that day to backfill it. That's when he  
 9 said, "I don't want you on my property." I said,  
 10 "Why?" He said, "I don't want you on my  
 11 property," so I called the police because I know  
 12 what he's up to and the policeman came and said,  
 13 "If he doesn't want you on his property, then you  
 14 can't go on it." I said, "Fine." I deal with  
 15 customers all the time.  
 16 So he told me he's going to pull it  
 17 out. I said, "Don't pull it. What are you going  
 18 to pull it out for?" He pulled it out and he  
 19 caused his own damage. I don't even know the  
 20 damage he caused.  
 21 Q. Can you tell me about the foam that you  
 22 used?  
 23 A. It's right here. I got a little  
 24 demonstration for you.  
 25 Q. You don't have to demonstrate it.

17

29

1 A. No, no, no. I want to show you. He  
 2 wanted us to use concrete.  
 3 Q. I understand.  
 4 A. You can't use concrete.  
 5 Q. Right.  
 6 A. Okay. This is what we do. Here's the  
 7 wall. This is the wall. It's solid concrete  
 8 now. We drill a two-line 16 bit through it. We  
 9 put the sleeve through this, okay, through the  
 10 wall, then we put the water service pipe in the  
 11 sleeve, okay, then we foam around here and all  
 12 around here, all around here and around there.  
 13 Now, I don't know how you're going to get  
 14 concrete in this joint.  
 15 Q. No, I understand that, but what I'm  
 16 looking to find is this foam on the can, does it  
 17 say that it's good for --  
 18 A. It's right here, indoor/outdoor.  
 19 Q. Can we see that?  
 20 A. Sure. It's right here.  
 21 MR. DONOFRIO: I'll take it from you.  
 22 A. It's always been -- it's all we ever  
 23 used.  
 24 Q. So just reviewing back on this, you dug  
 25 the service line, you installed it, it was

30

1 inspected and passed, and then you came to finish  
 2 it and the homeowner confronted you saying he  
 3 doesn't like this seal and he pulled the water  
 4 main out and told you you can't come on his  
 5 property?  
 6 A. Exactly.  
 7 Q. And you have the police to back you up  
 8 on this?  
 9 A. Yes, I do.  
 10 MR. DONOFRIO: Just for the record so  
 11 we can identify the sealant that was  
 12 provided by Mr. Opre, it's called Great  
 13 Stuff, it's by Dow, insulating foam sealant  
 14 gaps and cracks, for the record.  
 15 MR. VOROS: And just enter into the  
 16 record under the code that you cannot use  
 17 concrete between the two plastics. It has  
 18 to be a pliable seal.  
 19 A. There's no way to get it in there.  
 20 MR. VOROS: Anybody else have any  
 21 other questions on the board?  
 22 A. Can I say something else?  
 23 Q. Sure.  
 24 A. So when he went down to the township  
 25 board and he complained about that and we were

31

1 forced not to use that no more, we had to use  
 2 concrete. So we concreted this up. I got about  
 3 50 of them that are leaking so I went back to the  
 4 township and I said, "Now what do we do now with  
 5 this?" and he says, "Well, now you got to tar it  
 6 too," so now I got to go back, dig it all up and  
 7 re-foam it because we're allowed to use that  
 8 again.  
 9 MR. VOROS: I just want to enter into  
 10 the record the can says where to use this  
 11 and it says for plumbing penetrations  
 12 exterior and interior uses.  
 13 A. And when that goes into the hole it  
 14 expands. It goes all the way around, you know,  
 15 it expands, seals it up. Like I say, I mean, I  
 16 can't be responsible for what he does, I mean, it  
 17 was done and it passed inspection.  
 18 Q. Well, it would be hard to do something  
 19 if he wouldn't allow you on his property.  
 20 A. Well, we were just going in to  
 21 backfill. That's all we were going to do and he  
 22 did the rest on his own.  
 23 Q. So when he threw you off the property,  
 24 then it proceeded to rain?  
 25 A. Yeah. Well, it still was raining,

32

1 yeah.  
 2 Q. It says rained three days, flooded his  
 3 basement, collapsed the ditch, his flower bed,  
 4 and his sprinkler piping broken.  
 5 A. That's all on -- he took it upon  
 6 himself to keep the ditch open for a longer time  
 7 so he can perform this miracle, whatever he's  
 8 doing. Like I say, I didn't get involved. I  
 9 just went on to my next job.  
 10 Q. Now, you say you're doing -- you're in  
 11 process of doing 500 of these water services?  
 12 A. Well, as many customers as we get.  
 13 There's about four companies in there doing them.  
 14 Q. How often do you fail inspection?  
 15 A. Guys forget to put the non-portable  
 16 water stickers over the faucets or vacuum rigger  
 17 here, that's about it.  
 18 Q. Because we do have documentation from  
 19 the town that you've had quite a few failures of  
 20 inspections.  
 21 A. How many jobs do we do, you know, how  
 22 many jobs do we do?  
 23 Q. Well, that's why I asked you how many  
 24 did you do.  
 25 A. I don't know. 2, 300 of them, at

18

1 least, you know.  
 2 Q. And how's your relationship with the  
 3 plumbing inspector?  
 4 A. Good. I get along with both of them.  
 5 As a matter of fact, I even do work for the  
 6 township. They call me a lot to do their work.  
 7 MR. VOROS: Does anybody else have any  
 8 other questions?  
 9 A. Can I also say something?  
 10 Q. Oh, absolutely.  
 11 A. When this all happened, Mr. Cosentino,  
 12 Brian, he called me up and -- he met me on the  
 13 road and he goes, "Hey, listen. I need your  
 14 business insurance." I says, "For what?" He  
 15 says, "I want to put a claim in." I says, "Claim  
 16 for what? There ain't no damage." And he goes,  
 17 "Oh, come on. Give me a" -- I says, "No, I'm not  
 18 doing it." So he got mad at me, you know. I  
 19 says, "Brian, if you have a claim, give me your  
 20 claim, your receipts, whatever damage there is,  
 21 and I'll be glad to submit it to my insurance  
 22 company."  
 23 I got business insurance. That's what  
 24 it's for. But he's not getting over on me. I'm  
 25 sorry. We got to draw the line somewhere with

1 saying. When you get a court judgment against  
 2 you as a business person in the State of New  
 3 Jersey, you have to properly address it if you're  
 4 going to conduct business within New Jersey. And  
 5 for you to say that you're not going to -- I  
 6 mean, I'm not giving you legal advice, but I'm  
 7 just saying we got to reflect on all the  
 8 licensees in the State of New Jersey.  
 9 A. I mean, if I have to I'll turn it to my  
 10 insurance company.  
 11 Q. I'm not advising you to do that.  
 12 A. I'm just saying if it comes to that --  
 13 Q. You got to understand we got to have it  
 14 projected that we're protecting consumers and  
 15 that right or wrong, whether he's right or wrong  
 16 or you're right or wrong, you have to conduct  
 17 business properly in the State of New Jersey and  
 18 by ignoring a judgment from a court -- and I know  
 19 you have issues with that -- there's venues that  
 20 you can go down and you can address that  
 21 situation.  
 22 A. Okay.  
 23 BY MR. DONOFRIO:  
 24 Q. Along those same lines, Mr. Opre, have  
 25 you even considered maybe trying to file a motion

1 guys like this. I mean, I wouldn't be here  
 2 today. I could have just gave my business  
 3 insurance and he would file the \$6,000 or  
 4 whatever ridiculous lawsuit against me and it  
 5 would have been done. No. I said no, no, no,  
 6 no. That's why I -- I -- I took it -- I'm here  
 7 because I took it upon myself to stop people like  
 8 him, period. Like I say, I'm a nice guy. I'll  
 9 be the first one to compensate him for whatever  
 10 he wanted, but not when he does this.  
 11 Q. You have to understand that we're  
 12 charged by the State of New Jersey to make sure  
 13 that people who we license conduct business in a  
 14 businesslike manner and take care of the  
 15 consumers, and by ignoring a court judgment, that  
 16 might not be a proper way to handle anything. I  
 17 mean, I can't give you any legal advice, but it  
 18 doesn't shed a good light on the licensed plumber  
 19 if we have situations like yours that aren't  
 20 addressed properly.  
 21 A. I understand. Like I say, I don't even  
 22 know how I -- I didn't get nothing to be to court  
 23 or I would have been there. I could have told  
 24 the judge.  
 25 Q. You might be misunderstanding what I'm

1 to overturn the judgment because you weren't  
 2 properly served?  
 3 A. Not yet I haven't, no. I just didn't  
 4 know how far this was going to go, you know, I  
 5 mean, I'd get a lawyer and do whatever I have to  
 6 do, but I said this came from a mountain -- made  
 7 a mountain out of a molehill, as far as I'm  
 8 concerned, you know, like I say, when he passed  
 9 inspection and I'm done on the job and he goes  
 10 and pulls it out, that's his prerogative.  
 11 BY MR. VOROS:  
 12 Q. Is there any closing statement you'd  
 13 like to make?  
 14 A. No.  
 15 Q. I'd just like to say that I would urge  
 16 you to look at the plumbing law if you're going  
 17 to continue to do business out of state with  
 18 having a supervisory journeyman running your  
 19 business here and also your practices of having  
 20 1099 employees over W-2 employees.  
 21 A. Okay.  
 22 MR. VOROS: And we'll get back to him  
 23 in two weeks?  
 24 BY MR. DONOFRIO:  
 25 Q. Mr. Opre, when do you plan on going

19

37

1 back to Florida? Any time soon? What are your  
2 plans?  
3 A. Yeah. As a matter of fact, what's  
4 today? Today is Thursday. Probably Monday. I'm  
5 driving back and I'm pulling a boat back to  
6 Florida. Like I say, I'm retiring.  
7 Q. The board will be able to reach you,  
8 though?  
9 A. Oh, yeah, yeah, yeah. You just call my  
10 business.

11 MR. VOROS: We'll contact you, then.  
12 A. You just call my business and I'll get  
13 it.  
14 Q. Okay. Thank you for coming in.  
15 A. Thank you.  
16 (Proceedings adjourned at 10:32 a.m.)  
17  
18  
19  
20  
21  
22  
23  
24  
25

38

1 I, JOANNE BRYAN, RPR, CRR, a Certified  
2 Court Reporter, certify that the foregoing is a  
3 true and accurate transcript of the proceedings  
4 which were held at the time, place and on the  
5 date herein before set forth.  
6 I further certify that I am neither  
7 attorney nor counsel for, not related to or  
8 employed by any of the parties to the action in  
9 which these proceedings were taken; further, that  
10 I am not a relative or employee of any attorney  
11 or counsel employed in this case, nor am I  
12 financially interested in this action.  
13  
14  
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25

JOANNE BRYAN, RPR, CRR,

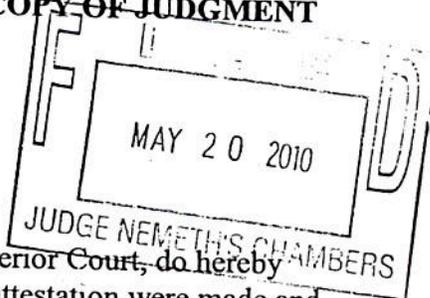
Certified Court Reporter  
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20

**EXHIBIT B**

SUPERIOR COURT OF NEW JERSEY  
OCEAN COUNTY, SPECIAL CIVIL PART  
DOCKET NO.: DC 1491-10  
EXEMPLIFIED COPY OF JUDGMENT

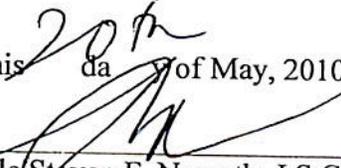
Brian Cosentino Plaintiff(s)  
vs.  
JV Opre Inc. Defendant(s)



I, Honorable Steven F. Nemeth, J.S.C., Judge of the Superior Court, do hereby certify that Kenneth Kerwin, by whom the below certificate of attestation were made and given, and who, in his own proper handwriting has hereunto subscribed his name and affixed his official seal, was at the time of so doing and now is, the Clerk of said Court, duly appointed and qualified. To all the acts of said Clerk as such full faith and credit are and ought to be given as well in court of judicature as elsewhere.

I do further certify that the foregoing record, certification and attestation are in due form and made by the proper officer and full faith and credit should be given thereto, and that said record and certificate as attested would be received in evidence in the courts of the State of New Jersey.

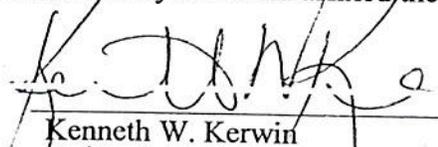
IN WITNESS HEREOF, I have hereunto set my hand this 20<sup>th</sup> da 7 of May, 2010.

  
\_\_\_\_\_  
Honorable Steven F. Nemeth, J.S.C.

STATE OF NEW JERSEY  
COUNTY OF OCEAN                      SS:

I, Kenneth W. Kerwin, Clerk of the Ocean County Special Civil Part Court, do hereby certify that Honorable Steven F. Nemeth, J.S.C., by whom the foregoing attestation was made, and whose name is thereunto subscribed, was at the time of making thereof, and still is, the Judge of said Court, duly appointed and sworn. To all of the acts of said Judge, full faith and credit are and ought to be given as well as in courts of judicature as elsewhere.

IN WITNESS HEREOF, I have hereunto set my hand and affixed the seal of my office, this    da    y of May, 2010.

  
\_\_\_\_\_  
Kenneth W. Kerwin  
Clerk of the Special Civil Part Court



SUPERIOR COURT OF NEW JERSEY  
OCEAN COUNTY, SPECIAL CIVIL PART  
118 WASHINGTON STREET, ROOM 121  
TOMS RIVER, NJ 08753  
(732) 929-2016

Brian Cosentino  
Plaintiff(s)

VS.

JV Opre Inc.  
Defendant(s)

JUDGMENT:	<u>\$ 6,500.00</u>
COURT COSTS:	<u>57.00</u>
TOTAL AMOUNT:	<u>\$ 6,557.00</u>

A summons and complaint in the above matter was filed on the 5 day of January, 2010.

The defendant having failed to appear or file an answer within time, or having breached terms of settlement or having been found civilly liable at trial, the plaintiff having made due proof of said claim to the satisfaction of the Court, a judgment was entered on the 23 day of March, 2010, in favor of the plaintiff and against the defendant for the above amount with aforesaid costs incurred as named.

I, Kenneth W. Kerwin, Clerk of the Special Civil Part Court, Law Division, Ocean County, do hereby certify that the foregoing are true statements of the names of the parties in the above suit, the amount and date of judgment given in said Court in the above stated case, as the same are recorded in the docket of said Court in the above stated case.

WITNESS my hand and the seal of said Court  
This da y of May, 2010.

  
\_\_\_\_\_  
Kenneth W. Kerwin  
Clerk of the Special Civil Part Court



**EXHIBIT C**

Board of Master Plumbers - In Re: Jay V. Opre

STATE OF NEW JERSEY  
DIVISION OF CONSUMER AFFAIRS

IN RE: TESTIMONY OF:  
THE HUDSON ROOM JAY V. OPRE  
OF NEWARK, NEW JERSEY

124 Halsey Street  
Newark, New Jersey  
June 24, 2010  
9:59 a.m. - 10:32 a.m.

BEFORE:  
NEW JERSEY BOARD OF MASTER PLUMBERS  
PETER I. VOROS  
MICHAEL K. MALONEY  
MICHAEL L. SESTANOVICH  
ROBERT B. REEVE  
DONALD B. DILEO  
ROSEMARIE BACCILE, Executive Assistant  
JOSEPH DONOFRIO, DAG  
Attorney for the Board

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MR. VOROS: I'm Pete Voros, master plumber member representative and chairman of the board. I'd like to introduce the other members.

MR. DILEO: Don Dileo, public member.

MR. MALONEY: Michael Maloney, master plumber member.

MR. SESTANOVICH: Michael Sestanovich, inspector member.

MR. REEVE: Robert Reeve, master plumber member.

MS. BACCILE: Rosemarie Baccile, executive assistant.

MR. DONOFRIO: Joseph Donofrio, deputy attorney general.

MR. VOROS: The deputy attorney general is going to go over the ground rules.

MR. DONOFRIO: Good morning. The board is in receipt of a complaint from consumer Brian Cosentino concerning work performed by your company at his home which is located at 1017 Beach Lane in Manahawkin, New Jersey. Mr. Cosentino's complaint also concerns your failure to satisfy a court

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2

INDEX

WITNESS PAGE  
JAY V. OPRE 6

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
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16  
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judgment that he obtained against you in Ocean County Superior Court. As a result, this investigative inquiry is being called at the request of the board pursuant to NJSA 45:1-18 in order to obtain some background information about you and your company, and most importantly to establish the operative facts surrounding the complaint made by Mr. Cosentino.

Depending upon the board's review of this matter and outcome of this process, formal action may or may not be taken.

I will lead the questioning and board members may ask you questions as well. If you do not understand any question, please ask that the question be repeated or rephrased for you.

You will be placed under oath and a transcript will be made of this inquiry. The transcript may be used if there are any subsequent proceedings in this case.

You may choose not to answer a question if the answer would implicate you in criminal proceedings.

After today's proceeding the board may

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1 find no cause for action or it may find  
 2 grounds to issue a formal complaint, in  
 3 which case you will be given a full  
 4 opportunity to respond to the allegations of  
 5 that complaint in accordance with the  
 6 Administrative Procedures Act.  
 7 I see you're here today, you're not  
 8 represented by legal counsel. Is it your  
 9 intention to proceed here today without  
 10 legal counsel?  
 11 THE WITNESS: Sure.  
 12 MR. DONOFRIO: Okay. Just note that  
 13 if at any time during the course of the  
 14 inquiry you feel that you would be better  
 15 served by having legal counsel you can  
 16 certainly let the chair know. We can  
 17 adjourn the matter and afford you an  
 18 opportunity to obtain legal counsel.  
 19 THE WITNESS: Okay.  
 20 MR. DONOFRIO: If the witness can be  
 21 sworn in, please.  
 22 J A Y V. O P R E, residing at 102  
 23 Redwood Drive, Barnegat, New Jersey 08005,  
 24 having been duly sworn, testifies as  
 25 follows:

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1 about maybe three years ago.  
 2 Q. So you've had other trade names, then,  
 3 obviously?  
 4 A. Yes.  
 5 Q. And what is your business address for  
 6 Jay V. Opre?  
 7 A. It's the same -- 102 Redwood Drive,  
 8 Barnegat, New Jersey.  
 9 Q. And you're the sole owner of the  
 10 company?  
 11 A. Yes.  
 12 Q. Let's talk about your employees. How  
 13 many employees do you have?  
 14 A. At this time, none.  
 15 Q. None?  
 16 A. None.  
 17 Q. Are you doing business here in New  
 18 Jersey currently?  
 19 A. I'm on my way to retire.  
 20 Q. You're going to retire your license?  
 21 Is that what you anticipate doing?  
 22 A. No.  
 23 Q. Keep it active?  
 24 A. Keep it active, but I'm just going to  
 25 retire.

6

1 BY MR. DONOFRIO:  
 2 Q. Mr. Opre, I'm just going to begin by  
 3 way of some background information. Can you  
 4 please tell the board your plumber license  
 5 number?  
 6 A. 7336.  
 7 Q. And what year, sir, did you receive  
 8 your license?  
 9 A. About 27 years ago.  
 10 Q. Okay.  
 11 A. I don't know exact date. I think '82,  
 12 maybe, or '80.  
 13 Q. And I believe you just gave the  
 14 stenographer your home address at 102 Redwood  
 15 Drive in Barnegat. Is that correct?  
 16 A. Yes.  
 17 Q. And how are you currently registered to  
 18 trade? What is your trade name?  
 19 A. Jay V. Opre, Incorporated.  
 20 Q. And you're the bona fide representative  
 21 for Jay V. Opre?  
 22 A. Yes.  
 23 Q. And when was the company established?  
 24 A. Oh, geez. I think it was about -- I  
 25 got incorporated with that name I guess it was

8

1 Q. When is the last time you had employees  
 2 that were working for you -- W-2 employees that  
 3 were working for you?  
 4 A. I guess about six months ago, I guess,  
 5 four months ago. Actually, my son does a lot of  
 6 work for me.  
 7 Q. And your son's name?  
 8 A. Aaron Opre.  
 9 Q. And is Aaron a licensed master plumber?  
 10 A. No. He did apply. He just got to  
 11 complete one more phase.  
 12 Q. Which phase? Has he done an  
 13 apprenticeship?  
 14 A. No, he -- he took the test -- I guess  
 15 it was about six years ago -- and he did  
 16 three-quarters of it and he didn't complete the  
 17 last part or something. He moved to Colorado and  
 18 it went by the wayside.  
 19 Q. And is the reason, sir, that you  
 20 currently don't have any employees because you're  
 21 anticipating retiring, or --  
 22 A. Yes.  
 23 Q. Okay. At the time of Mr. Cosentino's  
 24 complaint, how many employees did you have?  
 25 A. I had two, and one worked part-time

9

1 when I called him in.  
 2 Q. So two full-time employees?  
 3 A. Yeah.  
 4 Q. And one part-time employee?  
 5 A. Yeah.  
 6 Q. And the name of the full-time  
 7 employees?  
 8 A. Elliot Giles. I can't think of the  
 9 other guy. Mike -- I forget his last name.  
 10 Q. Okay. How about the part-time  
 11 employee? Do you recall his name?  
 12 A. Just I have a few of them -- Todd,  
 13 or -- Todd's one of them that come in when I need  
 14 him to backfill or something like that.  
 15 Q. So just so we're clear, at the time  
 16 of -- when you did the work for Mr. Cosentino,  
 17 you just had the three employees in addition to  
 18 yourself. You had two full-time and one  
 19 part-time; is that correct?  
 20 A. Yeah.  
 21 Q. Okay.  
 22 A. My son and myself, yeah.  
 23 Q. Oh, you didn't mention your son. Your  
 24 son was also a full-time employee at the time?  
 25 A. No, just part-time he was when I needed

10

1 him.  
 2 Q. Okay. So it's fair to say, then, at  
 3 the time of Mr. Cosentino's complaint you had two  
 4 full-time employees and two part-time employees?  
 5 A. Right, plus myself.  
 6 Q. Okay. And all your employees were W-2  
 7 employees?  
 8 A. Yes.  
 9 Q. Let's talk about the employees' level  
 10 of experience, first of all with regard to  
 11 Mr. Giles. What was his level of experience and  
 12 how would you characterize his status?  
 13 A. Master plumber.  
 14 Q. He was a master plumber?  
 15 A. Yes.  
 16 Q. He's a licensed master plumber?  
 17 A. No, he wasn't a licensed, no, but I  
 18 consider him as a master plumber. He's been all  
 19 his life, 62 years old.  
 20 Q. I know, but sir, the only consideration  
 21 in this state is a licensed master plumber.  
 22 A. Okay. I'm the only one.  
 23 Q. So you were the only licensed master  
 24 plumber associated with the company at the time  
 25 of Mr. Cosentino's complaint?

11

1 A. Yes.  
 2 Q. Okay. Let's get back to Mr. Giles.  
 3 What was his level of experience? How many years  
 4 did he have? Do you know?  
 5 A. His whole life. He just retired too.  
 6 He's 62 years old, got 30-something years.  
 7 Q. How long had he been working for you?  
 8 A. About 14.  
 9 Q. Do you know if Mr. Giles had before  
 10 completed an apprenticeship program?  
 11 A. Not to my knowledge.  
 12 Q. And the other individual that you don't  
 13 know his last name but you referred to him as  
 14 Mike, what was his level of experience?  
 15 A. He had about seven years' experience.  
 16 Q. And how long had Mike worked for you at  
 17 that time?  
 18 A. About three years.  
 19 Q. And the part-time employee, Todd, how  
 20 many years experience did Todd have? And you  
 21 don't know Todd's last name?  
 22 A. No. He just is a friend of a friend.  
 23 I just used him for backfilling. He did no -- no  
 24 plumbing work.  
 25 Q. Mr. Opre, the board had requested that

12

1 you provide W-2s for these employees. You could  
 2 do that for us?  
 3 A. A lot of them got 1099s. Is that the  
 4 same thing?  
 5 Q. Sir, I had asked you if they were W-2  
 6 employees.  
 7 A. I don't -- I gave all my employees  
 8 1099s at the end of the year.  
 9 Q. All your employees?  
 10 A. All of them.  
 11 Q. Mr. Giles got a 1099?  
 12 A. Yeah.  
 13 Q. Mike got a 1099?  
 14 A. Yeah.  
 15 Q. Todd got a 1099?  
 16 A. Actually he's not even been a year yet.  
 17 I just used him just recently.  
 18 Q. And your son Aaron was a 1099?  
 19 A. Yeah, he would get one at the end of  
 20 the year, yes.  
 21 Q. So you can provide us with those 1099s,  
 22 then?  
 23 A. Yes.  
 24 Q. Who actually performed the work for  
 25 Mr. Cosentino? Who was on that job?

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1 A. Mike and Mr. Giles, and I was there  
 2 back and forth.  
 3 Q. Before we delve into the particulars  
 4 with regard to Mr. Cosentino's work, I wanted to  
 5 ask you some additional background questions. Do  
 6 you reside full-time in New Jersey?  
 7 A. Half and half.  
 8 Q. Okay. Where else do you -- where do  
 9 you spend the other half?  
 10 A. Florida.  
 11 Q. And what months are you in Florida?  
 12 A. What I do is, believe it or not, I  
 13 travel every two weeks. I fly back --  
 14 Q. You fly back and forth?  
 15 A. Yes. I've been doing it for the last  
 16 seven years, I guess, on Spirit Airlines.  
 17 Q. Do you have a home in Florida?  
 18 A. Yes.  
 19 Q. Where in Florida?  
 20 A. Daytona Beach.  
 21 Q. What's the address?  
 22 A. 226 Venetian Way South, Daytona Beach,  
 23 32127.  
 24 Q. Thank you. How long have you resided  
 25 part-time -- I guess half a year in Florida?

1 schedule with these water services, I mean, we  
 2 know where we're going and what we do so I just  
 3 stamp them all out because we do sometimes like  
 4 four or five a day, you know, so I know where  
 5 we're going and the township provided me with all  
 6 the paperwork on the sections that are going to  
 7 be done and stuff like that.  
 8 Q. You had indicated that you're in  
 9 consistent contact with your workers on a job  
 10 even when you're in Florida.  
 11 A. Sure.  
 12 Q. Is that correct?  
 13 A. Yes.  
 14 Q. You're aware of the regulatory  
 15 requirement that you document all of those  
 16 contacts in a file pertaining to that particular  
 17 job. Have you done that?  
 18 A. I don't understand what you mean.  
 19 Q. Do you make a record of your contacts  
 20 with your workers that you include as part of the  
 21 file for every job that you undertake?  
 22 A. Yeah, well, I get all the invoices,  
 23 sure.  
 24 Q. Just invoices. You don't record your  
 25 daily contacts, for instance, you know, March 3,

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1 A. Last seven years, eight years.  
 2 Q. You're familiar with the bona fide  
 3 representative responsibilities with regard to  
 4 supervision of plumbing jobs?  
 5 A. Yes.  
 6 Q. Okay. If you spent half your time in  
 7 Florida, how were you able to satisfy those  
 8 supervisory responsibilities?  
 9 A. I have a phone and my two employees  
 10 that I had have phones and I take all my business  
 11 calls right here even when I'm in Florida.  
 12 Q. Okay. You're referring to your cell  
 13 phone?  
 14 A. Excuse me?  
 15 Q. You made a motion.  
 16 A. Yeah, my cell phone. I take all my  
 17 company's calls right here no matter where I'm at  
 18 and I just return the phone calls back to New  
 19 Jersey or whatever has to be done. If I need to  
 20 come back, then I come back.  
 21 Q. If you're in Florida, how do you sign  
 22 and seal permits that need to be signed for a  
 23 particular job?  
 24 A. I stamp them. I stamp them before I  
 25 leave and I fill them out. We have a, like, a

1 2008 --  
 2 A. No.  
 3 Q. -- I spoke with Elliot with regard --  
 4 A. No.  
 5 Q. You don't do that?  
 6 A. No. All I do is we put down where we  
 7 have to go next and stuff like that, what we need  
 8 on a job.  
 9 Q. If you're in Florida and a job is ready  
 10 for final inspection, obviously it requires you  
 11 to be there; correct?  
 12 A. It does.  
 13 Q. But it may depending on who did the  
 14 job, certainly?  
 15 A. No, I'm not there for final inspection,  
 16 no. Certain times -- sometimes I am, sometimes  
 17 I'm not.  
 18 Q. Who enters into the contracts with the  
 19 consumers?  
 20 A. Who enters in the contracts?  
 21 Q. Right.  
 22 A. I do and my son. We write them up.  
 23 Q. Is there ever a situation where you  
 24 might be in Florida and your son enters into a  
 25 contract and then just begins work without you

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1 having visited the job initially?  
 2 A. No.  
 3 Q. So is it your testimony that you visit  
 4 every job prior to undertaking work?  
 5 A. Yeah, because I got to see how we're  
 6 going to run the line, you know, if I'm not  
 7 there, then my son is there. He knows how we're  
 8 going to run the line, I mean, on the property,  
 9 plus, before we start, we have to go and mark it  
 10 out for the township or for the contractors to  
 11 where they're going to put the meter pit in front  
 12 of the house, so like I say, we know our  
 13 customers and we know where we're going.  
 14 Q. Did your company or do you currently  
 15 have trucks or other vehicles associated with the  
 16 company, company trucks, vans?  
 17 A. Yes.  
 18 Q. And where are those vehicles  
 19 registered, here in New Jersey?  
 20 A. No, registered in Florida. They've  
 21 been registered in Florida for the last eight  
 22 years.  
 23 Q. Can I ask why you registered them in  
 24 Florida?  
 25 A. Cheaper. Cheaper insurance, plus

1 A. Manahawkin, Long Beach Island vicinity,  
 2 Toms River.  
 3 Q. Mr. Opre, let's talk about the  
 4 complaint we received from Mr. Cosentino.  
 5 A. Sure.  
 6 Q. Now, what exactly was your company  
 7 contracted to do for Mr. Cosentino?  
 8 A. To run a water service in his house and  
 9 convert his well to city water.  
 10 Q. What was your involvement with that  
 11 job? Did you visit the job site prior to  
 12 undertaking the work, throughout the course of  
 13 the work? Tell us about how you --  
 14 A. I know Mr. Cosentino. We're friends.  
 15 We were friends and he asked me to do it when I  
 16 got time so I went over there and marked out what  
 17 we had to do and relayed the message to my son  
 18 and whoever, you know, this is where we're going  
 19 to go in, this is what we're doing.  
 20 Q. You personally marked it out?  
 21 A. Yes.  
 22 Q. And how long did the job take?  
 23 A. Well, what we do is we go in -- after  
 24 we get the permit, we go in, we -- and he wanted  
 25 a dry line first so what we do is we put a -- we

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20

1 sometimes when I go down there I do a little  
 2 putzing around myself. I might take a truck  
 3 down.  
 4 Q. So you have -- how many company  
 5 vehicles do you have?  
 6 A. Right now, just two.  
 7 Q. And both are registered in Florida?  
 8 A. Yeah.  
 9 Q. Do you have a New Jersey or Florida  
 10 driver's license?  
 11 A. Both.  
 12 Q. You have both. Okay.  
 13 A. Because I'm a Florida resident, they  
 14 give you a Florida only driver's license.  
 15 Q. So just so we're clear, you have two  
 16 company vehicles, both of which are utilized  
 17 primarily here in New Jersey for jobs, correct,  
 18 but they're registered in Florida?  
 19 A. Yeah. I take them back and forth, yes.  
 20 Q. So they have Florida license plates as  
 21 well?  
 22 A. Oh, yes, sure.  
 23 Q. What area of the state did your company  
 24 service; primarily North Jersey, Central Jersey,  
 25 South Jersey?

1 mole it in. We dig a hole in the street, dig a  
 2 hole in front of the house and mole under the  
 3 ground, drill a hole through his wall which is  
 4 solid poured concrete. We put the pipe in there,  
 5 seal it, and wait for the next -- for the  
 6 contractor to put the mains down the street.  
 7 That takes -- that takes maybe three hours,  
 8 depending on the soil. If it's tough soil the  
 9 mole won't go through. Do you know what I mean  
 10 by mole?  
 11 Q. No, but I'm sure the board members do.  
 12 A. Okay. We jet it underground, yeah.  
 13 Q. And I think you had indicated  
 14 previously that it was Elliot Giles and Mike that  
 15 was primarily on this job.  
 16 A. No, I was there too.  
 17 Q. How many days was your company actually  
 18 on the site?  
 19 A. Three hours.  
 20 Q. Just one day three hours, that's it?  
 21 A. That's all it takes.  
 22 Q. Okay.  
 23 A. It's an easy job.  
 24 Q. And you were there throughout the whole  
 25 time, the whole three hours?

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1 A. No, I wasn't. I probably was out  
2 giving estimates or writing contracts up. This  
3 is a five-year job here in Manahawkin that we're  
4 doing. It's not just two weeks. It was five  
5 years we've been doing this.

6 Q. Involving different residences?

7 A. Yeah. The Ocean Acre development. I  
8 don't know, 2,000 houses or something and we're  
9 converting the whole thing, so, I mean, everybody  
10 was in there.

11 Q. And what was the total contract price  
12 that Mr. Cosentino was to pay you?

13 A. I think it was 1,400. I'm not sure. I  
14 don't have the paper in front of me. I think it  
15 was \$1,400.

16 Q. We have paperwork indicating 1,300.

17 A. Yeah. I give different prices for  
18 different people. You know, if people can't  
19 afford it then I give them a break, or people  
20 that the state is paying for it, then I go and do  
21 what I have to do with paperwork for the state.

22 Q. Okay. The paperwork that we have also  
23 indicates that Mr. Cosentino made an initial  
24 payment on October 20th of 2008 of \$600 which  
25 left a balance of \$700 due upon completion. Is

1 have so many jobs, so many holes, so many  
2 backfills, you know, it's a lot of work.

3 Q. Okay. The essence of Mr. Cosentino's  
4 complaint is as a result of your company's  
5 failure to cover trenches that were done I guess  
6 for the laying of the waterline that the  
7 excessive rain caused the trenches to collapse on  
8 three different occasions and it resulted in  
9 damage to his property. Can you respond to that  
10 allegation?

11 A. He's got no damage.

12 Q. He did sue you in superior court in  
13 Ocean County; did he not?

14 A. Can I speak on that?

15 Q. Absolutely.

16 A. I never got nothing to go to court. I  
17 never got a registered letter, the sheriff never  
18 came to see me, nothing. He pulled up in his  
19 truck one day and says, "How come you weren't in  
20 court?" I says, "What do you mean, how come I  
21 wasn't in court? I got nothing."

22 Q. Well, I will tell you, though, that  
23 there is a judgment against you -- a default  
24 judgment -- and typically prior to the default  
25 judgment the judge has to make a finding that

22

24

1 that your recollection of the terms?

2 A. Yes, that's how we do it, half down and  
3 half when we're done.

4 Q. So how much did you collect totally  
5 from Mr. Cosentino from the job? Did he ever pay  
6 the \$700 balance?

7 A. No, no, no, we never finished.

8 Q. When you say you never finished it, you  
9 mean you never finished the job?

10 A. I refused to go back, yeah.

11 Q. Was there ever a final inspection?

12 A. Final -- he's not done yet, no, he's  
13 not completed.

14 Q. Is your permit still open?

15 A. I'm not aware. I don't think it is,  
16 but he's got to get it updated, whoever's going  
17 to finish the job.

18 Q. If you're off the job have you made any  
19 efforts to pull your permit, retract your permit  
20 from the township?

21 A. Not yet, no, I haven't.

22 Q. Why not?

23 A. I'm down there every day, sometimes  
4 twice a day. I just never gave it a thought, you  
25 know, so much going through your mind when you

1 there was an effort to properly serve. So I'm  
2 surprised that the judge would enter a default  
3 judgment if in fact you were never served in the  
4 process.

5 A. Never got nothing. Never got nothing.

6 Q. But you do acknowledge that there is a  
7 current judgment against you I think in the  
8 amount of \$6,557?

9 A. Yeah. The reason I know that is  
10 because the bank called me up and says, "There's  
11 a lien on your account." I says, "For what?" and  
12 she told me; so . . .

13 Q. What efforts have you made to pay  
14 Mr. Cosentino on that judgment?

15 A. Nothing.

16 Q. What efforts do you plan to take to pay  
17 Mr. Cosentino?

18 A. Nothing. He's a thief.

19 Q. Well, sir, you're a licensee of this  
20 board. A consumer has a judgment against you --

21 A. I know.

22 Q. -- a valid judgment.

23 A. I know.

24 Q. Okay. And you can dispute whether or  
25 not you were properly served with process, but,

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25

1 you know, a superior court judge did enter a  
 2 default judgment, and now we're stuck with a  
 3 situation where a consumer has an outstanding  
 4 judgment against one of our licensees who's now  
 5 indicated he has no intention to pay that  
 6 judgment.  
 7 A. Right.  
 8 Q. That's your intention going forward?  
 9 You have absolutely no intention of paying that  
 10 judgment?  
 11 A. No, I'm not paying the judgment, no.  
 12 Q. You're aware that he can then, you  
 13 know, maintain a lien against your property, he  
 14 can seek to --  
 15 A. He can do whatever he wants to do.  
 16 Q. Okay. He could levy on your assets.  
 17 You're okay with that?  
 18 A. Yeah.  
 19 Q. Okay.  
 20 A. Like I say, if I were to known I had to  
 21 go to court I would have went to court and  
 22 settled it, but I never was served. I mean, and  
 23 I even seen the copy where it says the policeman  
 24 served me. I never got served with nothing.  
 25 They know where I live.

26

1 Q. In addition to making a determination  
 2 whether service was effected, the judge also has  
 3 to find proof in fact that there was damage to  
 4 Mr. Cosentino's property, so presumably he did  
 5 find that as a result of your plumbing work there  
 6 was damage caused to his property.  
 7 A. Oh, he had a Rolls Royce in his  
 8 basement, right? I know this Brian. When I was  
 9 in his basement there was nothing in there,  
 10 nothing to -- any damage of anything at all in  
 11 his basement. Now all of a sudden he's got this  
 12 big claim.  
 13 Q. Your bond with the board is active, a  
 14 \$2,000 bond; is that correct?  
 15 A. Mmm-hmm.  
 16 Q. Is that a yes?  
 17 A. Yes.  
 18 Q. Okay.  
 19 MR. DONOFRIO: I have nothing further,  
 20 Mr. Chairman.  
 21 BY MR. VOROS:  
 22 Q. Do you recall who you took your  
 23 continuing education with?  
 24 A. Dale and his brother -- the brothers,  
 25 yeah, I take it with them, yes, in Toms River.

27

1 Q. And do you recall then going over the  
 2 procedures for doing work in New Jersey and not  
 3 being here with your supervisory journeyman? Do  
 4 you recall what was required by the statutes?  
 5 A. No, I don't.  
 6 Q. It says here in your letter that you  
 7 wrote to us that this gentleman threw you off the  
 8 property?  
 9 A. Yeah.  
 10 Q. Would not allow you to finish it. It  
 11 says here that he pulled the line out because he  
 12 didn't like the seal in the wall?  
 13 A. Yeah. He created his own problems.  
 14 After my job was past inspection, this man pulled  
 15 the work out and continued to do it himself, so  
 16 how can I be responsible for something like that?  
 17 BY MR. MALONEY:  
 18 Q. The permit's still out in your name,  
 19 that's why.  
 20 A. I understand that, but it was  
 21 inspected. The first phase was --  
 22 Q. I know, but the permit's still out in  
 23 your name. That's how you're responsible.  
 24 A. Oh, okay. I see what you're saying,  
 25 yeah.

28

1 BY MR. VOROS:  
 2 Q. Can you talk about the foam seal that  
 3 you used?  
 4 A. Yeah, but that was one phase. That  
 5 permit's done. We pull another permit out when  
 6 we do the tying in of his house, so an inspector  
 7 came, he inspected it, it was fine, and we came  
 8 back that day to backfill it. That's when he  
 9 said, "I don't want you on my property." I said,  
 10 "Why?" He said, "I don't want you on my  
 11 property," so I called the police because I know  
 12 what he's up to and the policeman came and said,  
 13 "If he doesn't want you on his property, then you  
 14 can't go on it." I said, "Fine." I deal with  
 15 customers all the time.  
 16 So he told me he's going to pull it  
 17 out. I said, "Don't pull it. What are you going  
 18 to pull it out for?" He pulled it out and he  
 19 caused his own damage. I don't even know the  
 20 damage he caused.  
 21 Q. Can you tell me about the foam that you  
 22 used?  
 23 A. It's right here. I got a little  
 24 demonstration for you.  
 25 Q. You don't have to demonstrate it.

29

1 A. No, no, no. I want to show you. He  
 2 wanted us to use concrete.  
 3 Q. I understand.  
 4 A. You can't use concrete.  
 5 Q. Right.  
 6 A. Okay. This is what we do. Here's the  
 7 wall. This is the wall. It's solid concrete  
 8 now. We drill a two-line 16 bit through it. We  
 9 put the sleeve through this, okay, through the  
 10 wall, then we put the water service pipe in the  
 11 sleeve, okay, then we foam around here and all  
 12 around here, all around here and around there.  
 13 Now, I don't know how you're going to get  
 14 concrete in this joint.  
 15 Q. No, I understand that, but what I'm  
 16 looking to find is this foam on the can, does it  
 17 say that it's good for --  
 18 A. It's right here, indoor/outdoor.  
 19 Q. Can we see that?  
 20 A. Sure. It's right here.  
 21 MR. DONOFRIO: I'll take it from you.  
 22 A. It's always been -- it's all we ever  
 23 used.  
 24 Q. So just reviewing back on this, you dug  
 25 the service line, you installed it, it was

30

1 inspected and passed, and then you came to finish  
 2 it and the homeowner confronted you saying he  
 3 doesn't like this seal and he pulled the water  
 4 main out and told you you can't come on his  
 5 property?  
 6 A. Exactly.  
 7 Q. And you have the police to back you up  
 8 on this?  
 9 A. Yes, I do.  
 10 MR. DONOFRIO: Just for the record so  
 11 we can identify the sealant that was  
 12 provided by Mr. Opre, it's called Great  
 13 Stuff, it's by Dow, insulating foam sealant  
 14 gaps and cracks, for the record.  
 15 MR. VOROS: And just enter into the  
 16 record under the code that you cannot use  
 17 concrete between the two plastics. It has  
 18 to be a pliable seal.  
 19 A. There's no way to get it in there.  
 20 MR. VOROS: Anybody else have any  
 21 other questions on the board?  
 22 A. Can I say something else?  
 23 Q. Sure.  
 24 A. So when he went down to the township  
 25 board and he complained about that and we were

31

1 forced not to use that no more, we had to use  
 2 concrete. So we concreted this up. I got about  
 3 50 of them that are leaking so I went back to the  
 4 township and I said, "Now what do we do now with  
 5 this?" and he says, "Well, now you got to tar it  
 6 too," so now I got to go back, dig it all up and  
 7 re-foam it because we're allowed to use that  
 8 again.  
 9 MR. VOROS: I just want to enter into  
 10 the record the can says where to use this  
 11 and it says for plumbing penetrations  
 12 exterior and interior uses.  
 13 A. And when that goes into the hole it  
 14 expands. It goes all the way around, you know,  
 15 it expands, seals it up. Like I say, I mean, I  
 16 can't be responsible for what he does, I mean, it  
 17 was done and it passed inspection.  
 18 Q. Well, it would be hard to do something  
 19 if he wouldn't allow you on his property.  
 20 A. Well, we were just going in to  
 21 backfill. That's all we were going to do and he  
 22 did the rest on his own.  
 23 Q. So when he threw you off the property,  
 24 then it proceeded to rain?  
 25 A. Yeah. Well, it still was raining,

32

1 yeah.  
 2 Q. It says rained three days, flooded his  
 3 basement, collapsed the ditch, his flower bed,  
 4 and his sprinkler piping broken.  
 5 A. That's all on -- he took it upon  
 6 himself to keep the ditch open for a longer time  
 7 so he can perform this miracle, whatever he's  
 8 doing. Like I say, I didn't get involved. I  
 9 just went on to my next job.  
 10 Q. Now, you say you're doing -- you're in  
 11 process of doing 500 of these water services?  
 12 A. Well, as many customers as we get.  
 13 There's about four companies in there doing them.  
 14 Q. How often do you fail inspection?  
 15 A. Guys forget to put the non-portable  
 16 water stickers over the faucets or vacuum rigger  
 17 here, that's about it.  
 18 Q. Because we do have documentation from  
 19 the town that you've had quite a few failures of  
 20 inspections.  
 21 A. How many jobs do we do, you know, how  
 22 many jobs do we do?  
 23 Q. Well, that's why I asked you how many  
 24 did you do.  
 25 A. I don't know. 2, 300 of them, at

33

35

1 least, you know.  
 2 Q. And how's your relationship with the  
 3 plumbing inspector?  
 4 A. Good. I get along with both of them.  
 5 As a matter of fact, I even do work for the  
 6 township. They call me a lot to do their work.  
 7 MR. VOROS: Does anybody else have any  
 8 other questions?  
 9 A. Can I also say something?  
 10 Q. Oh, absolutely.  
 11 A. When this all happened, Mr. Cosentino,  
 12 Brian, he called me up and -- he met me on the  
 13 road and he goes, "Hey, listen. I need your  
 14 business insurance." I says, "For what?" He  
 15 says, "I want to put a claim in." I says, "Claim  
 16 for what? There ain't no damage." And he goes,  
 17 "Oh, come on. Give me a" -- I says, "No, I'm not  
 18 doing it." So he got mad at me, you know. I  
 19 says, "Brian, if you have a claim, give me your  
 20 claim, your receipts, whatever damage there is,  
 21 and I'll be glad to submit it to my insurance  
 22 company."  
 23 I got business insurance. That's what  
 24 it's for. But he's not getting over on me. I'm  
 25 sorry. We got to draw the line somewhere with

1 saying. When you get a court judgment against  
 2 you as a business person in the State of New  
 3 Jersey, you have to properly address it if you're  
 4 going to conduct business within New Jersey. And  
 5 for you to say that you're not going to -- I  
 6 mean, I'm not giving you legal advice, but I'm  
 7 just saying we got to reflect on all the  
 8 licensees in the State of New Jersey.  
 9 A. I mean, if I have to I'll turn it to my  
 10 insurance company.  
 11 Q. I'm not advising you to do that.  
 12 A. I'm just saying if it comes to that --  
 13 Q. You got to understand we got to have it  
 14 projected that we're protecting consumers and  
 15 that right or wrong, whether he's right or wrong  
 16 or you're right or wrong, you have to conduct  
 17 business properly in the State of New Jersey and  
 18 by ignoring a judgment from a court -- and I know  
 19 you have issues with that -- there's venues that  
 20 you can go down and you can address that  
 21 situation.  
 22 A. Okay.  
 23 BY MR. DONOFRIO:  
 24 Q. Along those same lines, Mr. Opre, have  
 25 you even considered maybe trying to file a motion

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36

1 guys like this. I mean, I wouldn't be here  
 2 today. I could have just gave my business  
 3 insurance and he would file the \$6,000 or  
 4 whatever ridiculous lawsuit against me and it  
 5 would have been done. No. I said no, no, no,  
 6 no. That's why I -- I -- I took it -- I'm here  
 7 because I took it upon myself to stop people like  
 8 him, period. Like I say, I'm a nice guy. I'll  
 9 be the first one to compensate him for whatever  
 10 he wanted, but not when he does this.  
 11 Q. You have to understand that we're  
 12 charged by the State of New Jersey to make sure  
 13 that people who we license conduct business in a  
 14 businesslike manner and take care of the  
 15 consumers, and by ignoring a court judgment, that  
 16 might not be a proper way to handle anything. I  
 17 mean, I can't give you any legal advice, but it  
 18 doesn't shed a good light on the licensed plumber  
 19 if we have situations like yours that aren't  
 20 addressed properly.  
 21 A. I understand. Like I say, I don't even  
 22 know how I -- I didn't get nothing to be to court  
 23 or I would have been there. I could have told  
 24 the judge.  
 25 Q. You might be misunderstanding what I'm

1 to overturn the judgment because you weren't  
 2 properly served?  
 3 A. Not yet I haven't, no. I just didn't  
 4 know how far this was going to go, you know, I  
 5 mean, I'd get a lawyer and do whatever I have to  
 6 do, but I said this came from a mountain -- made  
 7 a mountain out of a molehill, as far as I'm  
 8 concerned, you know, like I say, when he passed  
 9 inspection and I'm done on the job and he goes  
 10 and pulls it out, that's his prerogative.  
 11 BY MR. VOROS:  
 12 Q. Is there any closing statement you'd  
 13 like to make?  
 14 A. No.  
 15 Q. I'd just like to say that I would urge  
 16 you to look at the plumbing law if you're going  
 17 to continue to do business out of state with  
 18 having a supervisory journeyman running your  
 19 business here and also your practices of having  
 20 1099 employees over W-2 employees.  
 21 A. Okay.  
 22 MR. VOROS: And we'll get back to him  
 23 in two weeks?  
 24 BY MR. DONOFRIO:  
 25 Q. Mr. Opre, when do you plan on going

37

1 back to Florida? Any time soon? What are your  
2 plans?  
3 A. Yeah. As a matter of fact, what's  
4 today? Today is Thursday. Probably Monday. I'm  
5 driving back and I'm pulling a boat back to  
6 Florida. Like I say, I'm retiring.  
7 Q. The board will be able to reach you,  
8 though?  
9 A. Oh, yeah, yeah, yeah. You just call my  
10 business.  
11 MR. VOROS: We'll contact you, then.  
12 A. You just call my business and I'll get  
13 it.  
14 Q. Okay. Thank you for coming in.  
15 A. Thank you.  
16 (Proceedings adjourned at 10:32 a.m.)  
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