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**FILED**  
**BOARD OF EXAMINERS OF**  
**MASTER PLUMBERS**  
*Lawrence D. [Signature]*  
2-24-2011

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*closed pd.*  
*(4250) - pd 5/6/11*

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

PAUL RIVERS  
License No. 11913

TO PRACTICE PLUMBING  
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE

COPY

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Paul Rivers ("respondent") is a licensed master plumber licensed in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Respondent is the bona fide representative for Rivers Plumbing, LLC ("Rivers Plumbing") and has been the bona fide representative for Rivers Plumbing at all times relevant hereto.
3. The Board received a complaint alleging respondent signed and sealed a plumbing permit for use by a person other than the State licensed master plumber to whom it was issued. Specifically, it was alleged that Jeffery Rivers Plumbing, Heating & HVAC, at the time an unlicensed plumbing contractor located in Wayne, New Jersey, was awarded a contract to perform plumbing work for consumer C.B. located at 317 Millbrook Avenue Randolph, New Jersey. Jeff Rivers was not licensed to practice plumbing in New Jersey at the relevant time hereto. In order to obtain the permits necessary to perform the plumbing work, Paul Rivers supplied a signed and sealed plumbing permit.
4. A copy of the plumbing permit for 317 Millbrook Avenue, Randolph, New Jersey, dated April 3, 2007, and a copy of the contract between Jeff Rivers and C. B. were received by the Board. The permit is signed by respondent in his capacity as bona fide representative and

indicates Paul L. Rivers is the plumbing contractor performing the plumbing work. The contract states that Jeff Rivers would operate as the plumbing contractor for the job.

5. On September 24, 2009, respondent appeared at an investigative inquiry before the Board. Respondent stated he employed Jeff Rivers between 2005 to 2007. Respondent also stated his company did not contract to perform plumbing for C.B., but that he did sign a permit to perform plumbing work. Respondent acknowledged it was a mistake to pull the permit without a contract.

#### 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(n), in that respondent has permitted an unlicensed person to perform an act for which a license is required by the Board. This action also constitutes a violation of N.J.A.C. 13:32-4.1(c), in that he allowed the use of his pressure seal by a person other than the state licensed master plumber to whom it was issued, which constitutes the use or employment of dishonesty, fraud, deception, misrepresentation and false pretense, in violation of N.J.S.A. 45:1-21(b).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on August 18, 2010. The Provisional Order reprimanded respondent and imposed a one thousand five hundred dollar (\$1,500.00) penalty for permitting an unlicensed person to perform an act for which a license is required, in violation of N.J.S.A. 45:1-21(n), and a one thousand dollar (\$1,000.00) penalty for allowing the use of his pressure seal by a person other than the state licensed master plumber to whom it was issued, in violation of N.J.A.C. 13:32-4.1(c). The Provisional Order was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for considerations and reasons therefore.

Respondent provided the Board with a response to the Provisional Order, via his attorney, Alan Rodetsky, Esq., dated September 24, 2010. In his response, respondent argued it would be unfair to impose a penalty. Respondent requested that the matter be dismissed and in the alternative, sealing any final resolution and lowering the penalty to \$250.00.

On October 28, 2010, the Board considered respondent's response to the Provisional Order. Having reviewed the entire matter, including respondent's letters to the Board dated April 18, 2008 and September 24, 2010, as well as respondent's testimony before the Board on September 24, 2009, the Board determined that the evidence does not support a finding that

respondent intended to facilitate unlicensed practice. Additionally, the Board determined that the evidence does not support a finding that respondent allowed the use of his pressure seal by a person other than the state licensed master plumber to whom it was issued. Rather, the evidence shows that respondent failed to properly track his permit and failed to withdraw it when he did not receive a signed contract for plumbing work from C.B. Respondent provided a signed and sealed permit to Jeff Rivers with the understanding that Jeff Rivers would use it to perform the plumbing work for C.B. as an employee of Rivers Plumbing, LLC. As a result, the Board finds there is a basis to modify the Provisional Order.

Therefore, the Board will finalize the Provisional Order, with a reprimand and a \$250.00 penalty, finding that respondent engaged in professional misconduct, pursuant to N.J.S.A. 45:1-21(e), by failing to properly track, and ultimately failing to withdraw the permit for C.B., when he did not receive a signed contract for plumbing work.

ACCORDINGLY, IT IS on this 24 day of FEB ORDERED that:

1. Respondent is hereby reprimanded for engaging in professional misconduct, pursuant to N.J.S.A. 45:1-21(e), by failing to properly track and withdraw the permit issued for C.B. when he did not receive a signed contract for plumbing work, thereby creating an unintended situation which allowed an unlicensed entity to use the signed and sealed permit to perform the plumbing work.

2. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-25, in the amount of two hundred and fifty dollars (\$250.00) for engaging in professional misconduct, pursuant to N.J.S.A. 45:1-21(e), by failing to properly track and withdraw the permit issued for C.B. when he did not receive a signed contract for plumbing work. Respondent shall remit payment of the civil penalty totaling two hundred and fifty dollars (\$250.00) by certified check or money order made payable to the State of New Jersey. The certified check or money order shall be delivered to Executive Director, State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, P.O. Box 45008, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry date of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF  
EXAMINERS OF MASTER PLUMBERS

By: \_\_\_\_\_

*Peter Voros*  
Peter Voros  
Board Chairman