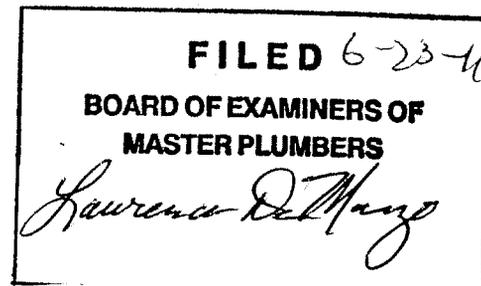


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER
PLUMBERS

IN THE MATTER OF THE
APPLICATION OF

JASON PENTA

FOR A PLUMBING LICENSE
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of an application for examination for a plumbing license from Jason Penta ("respondent"). Respondent indicated on his application he had been convicted of criminal offenses. Respondent provided information and documentation concerning his criminal history. Specifically, respondent was arrested on April 18, 2001 and charged with one count of Terroristic Threats in the 3rd degree (N.J.S.A. 2C:12-3A), two counts of Harassment in the 4th degree (N.J.S.A. 2C:35-4D), one count of the disorderly persons offense of Possession of CDS under 50 grams (N.J.S.A. 2C35-10A(4)) and two counts of the disorderly persons offense of Possession of Drug Paraphernalia (N.J.S.A. 2C:36-2). Respondent was sentenced on January 18, 2002 after pleading guilty to one count of 3rd degree Terroristic Threats (N.J.S.A. 2C:12-3A) and one count of Possession of CDS (marijuana) under 50 grams, a disorderly persons offense. Respondent was sentenced to three (3) years probation.

Subsequently, respondent was convicted of a crime whereby he was paid to carry money to another state. Respondent did not provide any documentation regarding this conviction, but simply noted it in his letter to the Board. Respondent listed the date of conviction as June 20, 2003.

Additionally, respondent was arrested on November 24, 2002 and charged with two counts of Aggravated Assault on a Police Officer in the 3rd degree (N.J.S.A. 2C:12-1b(5)(a)), two counts of Aggravated Assault in the 3rd degree (N.J.S.A. 2C:12-1b(7)) and one count of Resisting Arrest in the 3rd degree (N.J.S.A. 2C:29-2a). Respondent was convicted on January 16, 2004, after a jury trial, of one count of Resisting Arrest in the 3rd degree (N.J.S.A. 2C:29-2a). As a result of the conviction, respondent's probation was terminated and he was sentenced to three years in prison.

Finally, respondent was convicted on April 30, 2009 of driving while intoxicated. Respondent did not provide any documentation regarding this conviction, but stated in his letter to the Board that he had a few glasses of wine while out for dinner and should not have been driving home.

Subsequent to receipt and consideration of respondent's criminal record, as well as respondent's written explanations concerning the circumstances behind the arrests and convictions, respondent appeared at an investigative inquiry into the matter held by the Board. Respondent was represented by Albert Rescinio, Esq.

Regarding the January 18, 2002 conviction, respondent indicated that he and his brother were riding a motorcycle down the street and the police stopped them. An altercation ensued between respondent and one of the police officers. Respondent acknowledged he had been drinking prior to the altercation, but denied he was intoxicated. The altercation was strictly verbal, not physical. Respondent admitted he was wrong for the way he acted. Respondent received three years probation, attended anger management classes and provided urine screens as a condition of probation.

Regarding the June 20, 2003 conviction, respondent indicated he was helping a friend who sold drugs. Respondent carried money to Arizona for the friend so the friend could purchase a large quantity of marijuana. Respondent was implicated because the friend purchased the airline ticket for respondent.

Regarding the January 16, 2004 conviction, respondent indicated he and his friends got into an argument with some college kids in the parking lot of a diner. Respondent acknowledged he had been drinking prior to this incident. Undercover police officers responded and respondent got into a fight with one of the officers. Respondent was acquitted of the Aggravated Assault charges, but was convicted of the Resisting Arrest charge. Respondent's probation for both prior convictions was violated. He was sentenced to three years in prison. He actually spent one year in prison and served the remaining six months in a halfway house. Respondent stated he received counseling and treatment for anger management while in the halfway house.

Finally, respondent discussed his April 30, 2009 DWI conviction. Respondent testified he and his wife were out for dinner. He had a couple of glasses of wine, but respondent did not think he was intoxicated. On the way home he was pulled over by the police and subsequently failed a breathalyzer. Respondent lost his license for seven months.

Respondent denied having a problem with drugs or alcohol. He stated he has not improperly taken drugs in over eight years. He feels he has changed. He now has a wife and children that depend on him for support. Respondent also provided two letters of recommendation. One letter was from his current employer, and the second letter was from a customer. Both letters attested to respondent's professionalism, as well as his courteous and respectful demeanor when dealing with customers.

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

IT IS THEREFORE ON THIS 23 DAY OF JUNE, 2011,

HEREBY ORDERED AND AGREED THAT:

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

2. Respondent shall submit to an alcohol/substance abuse evaluation by a licensed alcohol and drug counselor at his own expense. The licensed alcohol and drug counselor shall receive prior approval from the Board. Respondent shall fully cooperate in the evaluation process and agree in advance to permit the evaluator to release any and all documents to the Board for use in any licensing proceeding and agree to comply with all recommendations. Respondent shall notify the Board of the evaluator selected so that the Board may forward information from its files to the evaluator prior to the evaluation. Upon completion of the evaluation, the evaluator shall forward a full report to the Board, consisting of an alcohol/substance abuse evaluation and including, but not limited to, the evaluator's conclusions relating to respondent's fitness to engage in the practice of plumbing, and including any recommendations by the evaluator as to any treatment or counseling that may be warranted.

3. The Board reserves the right to enter a subsequent order, with additional restrictions, based on the report and recommendations of the alcohol/substance abuse evaluation.

4. Respondent shall obey all of the laws of the State of New Jersey, the United States and their political subdivisions, as well as all regulations, rules or laws pertaining to the practice of plumbing in this State or any other State.

5. Respondent hereby consents to the entry of an Order of automatic suspension of license, without prior notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable demonstrating that respondent has violated this order or has engaged in acts constituting, or has been convicted of any petty disorderly person's offense, disorderly person's offense or crime in the State of New Jersey, the United States or their political subdivisions which involves controlled dangerous substances, alcohol or other mind altering

substances or the use of or commission of violence or the involvement of anger management related issues.

6. Respondent shall have the right to apply for a hearing regarding removal of the automatic suspension on five (5) days notice, but in such event shall be limited to a showing that he has not violated this order or allegations that he engaged in acts constituting, or has been convicted, of any offense or crime in the State of New Jersey, the United States or their political subdivisions which involves controlled dangerous substances, alcohol or other mind altering substances or the use or commission of violence or the involvement of anger management related issues, that he did not engage in such acts or was not convicted, as applicable.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By: Peter I Voros
Peter Voros
Board President

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

Jason Penta
Jason Penta
1/28/11

Date

I hereby consent to the entry of this order as to form.

Albert J. Rescinio
Albert J. Rescinio, Esq.
1/28/11

Date