MONITORING

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

IN THE MATTER OF THE APPLICATION OF ANIBAL RIVERA, JR. 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 Anibal Rivera ("respondent"). Respondent indicated on his application he had a criminal arrest and conviction history and provided information and documentation. Specifically, respondent was arrested on February 13, 1990 and charged with Possession of Burglary Tools (N.J.S.A. 2C:5-5b). The disposition of this charge was not provided. Respondent was arrested again on May 18, 1990 and charged with two counts of Robbery (N.J.S.A. 2C: 15-1) and one count of Receiving Stolen Property (N.J.S.A. 2C:20-7). According to the information, the Receiving Stolen Property charge was "no billed". The indictment on the two counts of Robbery were dismissed.

Respondent was arrested again on October 25, 1991 and charged with four counts of Aggravated Assault (N.J.S.A. 2C:12-1b(1),(2) & (3)); one count of Possession of a Weapon for an Unlawful Purpose (N.J.S.A. 2C:39-4d) and one count of Unlawful Possession of a Weapon (N.J.S.A. 2C:39-5d). According to the Judgment of Conviction, respondent entered a plea of guilty on March 26, 1992 to one count of 3rd degree Aggravated Assault (N.J.S.A. 2C:12-1b(2). On June

3, 1992 respondent was sentenced to 364 days in county jail and five years probation. Respondent stated that his probation was violated when he gave a positive urine screen as a result of heroin use.

Respondent was arrested again on February 14, 1993 and charged with Possession/Use of CDS (N.J.S.A. 2C:35-10a(4)). According to the information, respondent entered into a diversionary program for two years. Respondent was arrested again on April 27, 1994 and again charged with Possession/Use of CDS (N.J.S.A. 2C:35-10a(4)). The disposition of this charge was not provided.

Respondent was arrested again on September 30, 1998 and charged with one count of Theft (N.J.S.A. 2C:20-3); one count of Forgery (N.J.S.A. 2C:21-1); one count of Bail Jumping (N.J.S.A. 2C:29-7) and one count of Loitering to Obtain/Sell CDS in Public (N.J.S.A. 2C:33-2.1). It appears from the information received that all charges were dismissed. Respondent was arrested again on January 6, 2000 and charged with Possession of CDS Heroin (N.J.S.A. 2C:35-10). On March 16, 2001, respondent pled guilty and was sentenced to 5 years probation. According to the Judgment of Conviction, respondent was to submit to random urine monitoring and enter a long-term inpatient drug program as a condition of probation.

Finally, respondent was arrested on April 18, 2007 and charged with Recklessly Endangering Another Person (N.J.S.A. 2C:12-2) and Contempt of a Court Order (N.J.S.A. 2C:29-9b). The disposition of this charge was not provided.

Respondent provided a letter to the Board explaining his criminal arrest and conviction history. Respondent also appeared before the Board on February 24, 2011. With regard to the February 13, 1990 arrest, respondent stated that he was in a car with a friend and intended to steal a car. He pled guilty. He was 20 years old at the time of the offense. With regard to the May 18, 1990 arrest, respondent stated he was with friends and they robbed someone. However, the charge was dismissed when the victim did not identify respondent.

Concerning the October 25, 1991 arrest, respondent stated he was selling drugs when someone attempted to rob him. Respondent stabbed the individual. He served time at a youth correctional facility and also received probation. However, his probation was violated when he tested positive for heroin.

Respondent acknowledged his February 14, 1993 arrest for marijuana possession. He served two years in the Pre-Trial Intervention Program. With regard to the September 20, 1998 arrest for Loitering and Bail jumping, respondent testified those charges were dismissed. Respondent also confirmed his January 6, 2000 arrest and conviction for possession of heroin. Respondent stated that the charges of Recklessly Endangering Another Person and Contempt of a Court Order were related to being in arrears on his child support. However, respondent paid the balance in full and the charges were dismissed.

Respondent acknowledged making mistakes when he was in his twenties while under the influence of drugs. However, respondent believes he is now a "responsible and productive" member of society. Respondent is married and has a child. He is actively involved in Narcotics Anonymous. Respondent credits his voluntary involvement with an inpatient rehabilitation treatment facility, and being involved with Narcotics Anonymous, with "turning his life around."

Finally, respondent began working as a "plumber's helper" in 1997. In 2003, he joined Plumber's Union Local No. 24 as an apprentice. In support of his request to sit for the examination, respondent provided a letter from Eric Boyce, the business manager for Plumber's Union Local No. 24. The letter confirmed that respondent has been a member of the union in good standing since September 1, 2003. However, due to the economy, respondent, as well as many other union members were laid-off.

Having reviewed the entire record, including the testimony of respondent, the Board has determined respondent may be permitted to sit for the examination for licensure, and upon proof of passage of the examination, will be granted a license subject to the conditions outlined in this order. Respondent appears to be doing well in recovery at this time. However, the Board is keenly

aware of respondent's lengthy criminal and substance abuse history and therefore any deviation from the terms of this order will result in immediate suspension of license. The Board finds that such a provision, coupled with the restrictions placed on respondent's license by this order, are 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 22 DAY OF MARCH ,2012

HEREBY ORDERED AND AGREED THAT:

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

2. Respondent shall abstain from any and all mood altering or intoxicating substances, including, but not limited to, alcohol, as well as any controlled dangerous substance except pursuant to a bona fide prescription written by a physician, dentist or other prescriber for good medical or dental cause in his own treatment. In addition, respondent shall advise any and all treating prescribers, of his history of substance abuse. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided no later than two (2) days subsequent to the prescription.

3. Respondent shall submit to a substance abuse evaluation, at his own expense, with a program or evaluator pre-approved by the Board. Respondent shall follow all of the evaluator's recommendations for treatment and counseling, including but not limited to, attending support groups, including NA or AA, and urine screen monitoring. Respondent shall fully cooperate in the evaluation process and agree in advance 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. Respondent shall supply a waiver of confidentiality to the evaluator and the Board sufficient to permit the evaluator to provide a full report to the Board.

Respondent agrees by his signature on this order that the evaluator may communicate all of his/her review and conclusions to the Board both orally and in writing, and that the Board may utilize any information and reports from the evaluator in any licensing proceedings. Upon completion of the evaluation, the evaluator shall forward a full report to the Board, consisting of, but not limited to, the evaluator's conclusions relating to respondent's fitness to practice plumbing, and including any recommendations by the evaluator as to any treatment that may be warranted.

4. Respondent shall continue to participate with Narcotics Anonymous a minimum of one meeting per week. Prior to examination and then prior to and subsequent to his licensure, respondent shall provide proof of attendance at Narcotics Anonymous, as well as reports from each and every mental health professional (including but not limited to psychologists, counselors, therapists, psychiatrists) who are participating in respondent's care and/or treatment. This information shall be provided directly to the Board on a quarterly basis. For purposes of this order, the first submitted quarterly proofs of attendance shall be due April 1, 2012 for Narcotics Anonymous for the months of January, February and March of 2012. The next quarterly proofs shall be due on June 30, 2012 for the months of April, May and June of 2012, and then quarterly thereafter. If respondent discontinues participation with Narcotics Anonymous, without first obtaining approval of the Board, he shall be deemed in violation of this order.

5. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treatment or other program he participates in or as may be required in the future, in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Via his signature on this order, respondent agrees that the Board may utilize any information received in connection with any proceeding regarding licensure.

6. Respondent may seek modification of the terms of this order not sooner than April 1, 2013. Prior to any modification or removal of restrictions set forth in this order, respondent shall:

(a) Appear before the Board to discuss his recovery and to demonstrate to the

satisfaction of the Board that he is not then suffering from any impairment or limitation resulting from the use of any mind altering or intoxicating substance, whether legal or illegal, which could affect his practice;

7. Respondent hereby consents to the entry of an order of automatic suspension of license without notice, upon the Board's receipt of information, which the Board in its sole discretion deems reliable, demonstrating that respondent has had a relapse or recurrence of drug or alcohol abuse; an arrest or conviction for any crime or offense of moral turpitude or which relates adversely to practice as a master plumber; or is not capable of carrying out the functions of a licensee consistent with the public health, safety, or welfare; or that respondent has failed to comply with any of the conditions set forth in this Consent Order.

8. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the evidence of a relapse or recurrence of drug or alcohol abuse or other information submitted was false.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: Peter I. Voros
Peter I. Voros
Board Chairman

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Anibal Rivera, Jr.
Anibal Rivera, Jr.

3/8/12
Date