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BOARD OF EXAMINERS OF  
MASTER PLUMBERS

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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  
  
CHARLES E. SWEETEN  
  
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 Charles E. Sweeten. ("respondent"). Respondent indicated on his application that in 1988 he was arrested and charged with two counts of sexual assault on two boys, ages eight and nine. Respondent provided a letter to the Board, explaining his arrest and conviction history. Respondent also provided court documentation.

According to respondent, the sexual assaults occurred in 1982 when respondent was eighteen years old. The boys were brothers, and respondent was residing with their family at the time of the assaults. The brothers reported the offenses to law enforcement authorities six years after the occurrence. Respondent confessed and was granted pre-trial intervention as a first time offender. He successfully completed the program and the charges were dismissed.

Respondent indicates he was an "alcoholic" during the time of the sexual assaults. He acknowledged a 1985 DUI arrest, and more recently, a 2008 DUI arrest. Since then, respondent states he has been sober.

On March 22, 2012, respondent appeared before the Board for an investigative inquiry. Respondent explained he was drinking at the time of the offenses. He had an "alcohol problem which [he] had not dealt with." He underwent counseling and sixteen weeks of Alcoholics Anonymous classes as a condition of his pre-trial intervention. Respondent was never formally diagnosed with pedophilia or a paraphilia.

Respondent began drinking at age eleven. By the time he was a teenager, he was drinking heavily. He was twenty-one when he received his first DUI. His drivers license was suspended for six months. In 2008, he received his second DUI. Respondent pled guilty and his drivers license was suspended for seven months. According to respondent, it has been four years since he had a drink. He currently attends Alcoholics Anonymous meetings once a month. Finally, respondent stated he is not required to register as a sex offender because the charges were dismissed upon completion of his pre-trial intervention.

Subsequent to his appearance before the Board, respondent submitted a letter, dated July 12, 2012, from James Gregory, MA, licensed professional counselor. According to the letter, Mr. Gregory began seeing respondent for counseling sessions. Respondent was seen for nine sessions and according to Mr. Gregory, "has worked very hard at putting his distant past behind him", and "has successfully dealt with and resolved many lingering and painful issues from his past." Mr. Gregory felt, "without reservation that respondent will be able to meet and successfully complete any and all responsibilities of his profession with the utmost conscientiousness, professionalism, and sincerity."

Having considered all of the available information, including the testimony of respondent during the investigative inquiry, as well as the letter from James Gregory, MA, 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 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 28<sup>TH</sup> DAY OF FEBRUARY, 2013,

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. Prior to receiving his license, respondent shall submit to an alcohol/substance abuse evaluation by a mental health professional, experienced in alcohol and drug evaluations, at his own expense and pre-approved by 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. By signing this order, respondent agrees in advance that he will comply with the recommendations of the alcohol and drug evaluation as a condition of being granted a license.

3. Prior to receiving his license, respondent shall submit to a psychosexual evaluation by a licensed mental health professional, either at the Joseph J. Peters Institute, located in Philadelphia, Pennsylvania or another evaluator experienced in sexual offender risk

assessment, at his own expense and pre-approved by 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 a psychosexual 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. By signing this order, respondent agrees in advance that he will comply with the recommendations of the psychosexual evaluation as a condition of being granted a license.

4. 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 and the psychosexual evaluation. Respondent agrees by his signature on this order to comply with all recommendations for treatment, therapy, limitations, conditions or restrictions on license recommended by the evaluators.

5. 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.

6. 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 relapsed into the use of alcohol or 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 whether in the State of New Jersey or elsewhere, which involves controlled dangerous substances, alcohol or other mind altering substances or commission of a sex related offense.

7. 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 of or commission of a sex related offense, 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 I. Voros  
Board Chairman

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.

Charles E. Sweeten  
Charles E. Sweeten

2/4/13  
Date

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

Seth A. Fuscellaro  
Seth A. Fuscellaro, Esq.

2/5/13  
Date