

Internal

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BOARD OF EXAMINERS OF
MASTER PLUMBERS
Thomas S. Baccini
Acting Executive Director

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY *Doc. / 4/25/13*
DIVISION OF CONSUMER AFFAIRS *Intent:*
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF THE APPLICATION :
FOR REINSTATEMENT OF :
:
JOSEPH C. GINELLI :
License No. 36BI01185600 :
:
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 reinstatement of a plumbing license from Joseph C. Ginelli ("respondent"). Respondent's license to practice plumbing expired on June 30, 2007. As a result, respondent's plumbing license became automatically suspended by application of N.J.S.A.45:1-7.1(b) for failing to renew within thirty days of the expiration date of the license.

Respondent indicated on his application for reinstatement that he was convicted of several criminal offenses. Specifically, respondent was sentenced to three years probation for Possession of Controlled Dangerous Substance (N.J.S.A. 2C:35-10a(1)) and Hindering Apprehension (N.J.S.A. 2C:29-3a(4)), in Ocean County, New Jersey on May 9, 2008. Respondent was also convicted of Conspiracy (N.J.S.A. 2C:5-2) and Possession of Schedule I,II,III, and IV Controlled Dangerous Substances (N.J.S.A. 2C:35-10a(1)), in Monmouth County, on January 14, 2011. Respondent was ordered to serve 364 days in prison. Finally, respondent was convicted of Conspiracy (N.J.S.A. 2C:5-2) and Possession of Schedule I,II,III, and IV Controlled Dangerous Substances (N.J.S.A.

20:35-10a(1)), in Middlesex County, on March 18, 2011. Respondent was ordered to serve one year in prison concurrent with the sentence he was then serving.

Respondent also submitted a letter to the Board in conjunction with his application for reinstatement. Respondent explained that he let his plumbing license lapse because he "fell on hard times due to a drug addiction". He stated he spent the last two years successfully recovering through sponsorship and a twelve step program. Respondent claimed he was now ready to continue with his career.

On April 26, 2012, respondent appeared at an investigative inquiry into the matter held by the Board. Respondent explained that his addiction began in 2007. He was arrested in Somerset County for possession of Controlled Dangerous Substance, successfully completed Pre-Trial Intervention and the charges were dismissed. Concerning the other three convictions, respondent explained he was actively using drugs and continued to "hang out with the wrong people".

Respondent explained he is currently participating in the Intensive Supervision Program. He provided a letter from his Intensive Supervision Program Officer indicating respondent was released from prison on June 2, 2011, is currently participating in the program and is in full compliance with the rules and regulations of the program. Respondent is randomly drug tested twice a week as part of the program. His participation in the Intensive Supervision Program was scheduled to end in October 2012. Respondent states he is committed to staying in recovery for the rest of his life.

Having reviewed the entire record, including the records pertaining to respondent's compliance with the Intensive Supervision Program, the Board has determined that respondent's license to practice plumbing may be reinstated 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 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 ON THIS 25 DAY OF APRIL, 2013

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice plumbing in the State of New Jersey shall be reinstated subject to the restrictions and conditions in this Order.

2. Respondent shall provide documentary proof to the Board indicating that he successfully completed the Intensive Supervision Program. The documentary proof shall be provided to the Board no later than twenty (20) days from the entry date of this consent order. The documentary proof shall be provided to Rosemarie Baccile, Acting Executive Director of the Board, 124 Halsey Street, 6th Floor, Newark, NJ 07101.

3. 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 or dentist for good medical or dental cause in his own treatment. In addition, respondent shall advise any and all treating physicians and/or dentists, 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.

4. Respondent shall continue in treatment with Narcotics Anonymous. 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 monthly basis. For purposes of this order, the first submitted monthly proofs of attendance shall be due on March 1, 2013 for the month of February 2013. The next monthly proofs shall be due on April 1, 2013 for the month of March 2013 and then monthly

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. (a) Respondent shall submit to random urine screens a minimum of once per month. The urine screen monitoring program, as well as the laboratory facility conducting the urine testing, must be approved by the Board. The Board shall provide respondent with specific directions for the protocol of the testing procedure. All urine screens must be directly observed and respondent shall comply with additional urine screen procedures and protocols outlined and prescribed by the Board. The urine screen requirement shall continue until further order of the Board expressly reducing or discontinuing testing. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests shall be performed by gas/chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge. The Board may, in its sole discretion modify the frequency of testing or method of testing during the monitoring period.

(b) All test results shall be provided to Rosemarie Baccile, Acting Executive Director of the Board, or the Acting Executive Director's designee in the event the Acting Executive Director is unavailable. The Board retains sole discretion to modify the manner and the extent of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

(c) Any failure by respondent to submit or provide a urine screen within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from the Acting Executive Director or the Acting Executive Director's designee. Personnel at the lab facility shall not be authorized to waive a urine test. In addition, respondent must provide the Board with written

substantiation of his inability to appear for a test within two (2) days, e.g. a physician's report attesting that respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

(d) In the event respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing.

(e) Any urine test result showing creatinine levels below 20 mg/dL and a specific gravity below 1.003 shall be deemed dilute and a presumption of a confirmed positive urine test shall arise requiring a confirming test by hair analysis or other appropriate means.

(f) Respondent shall familiarize himself with all foods, food additives, or other products (such as poppy seeds) which may affect the validity of urine screens, be presumed to possess that knowledge, and shall refrain from the use of such substances. Ingestion of such substances shall not be an acceptable reason for positive urine screen and/or failure to comply with the urine monitoring program.

6. Respondent may seek modification of the terms of this order not sooner than February 1, 2014. 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 any psychiatric condition or the use of any mind altering or intoxicating substance, whether legal or illegal, which could affect his practice;

(b) Prior to his appearance, the Board may require receipt of a report of an independent psychiatric evaluation with a Board approved psychiatrist.

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 or a positive urine result 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 that other information submitted was false.

9. Respondent shall provide an affidavit from a responsible bona fide representative in the event respondent is unable to fulfill his responsibilities as a reinstated master plumber.

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.

[Signature]
Joseph C. Ginelli

2/1/2013
Date