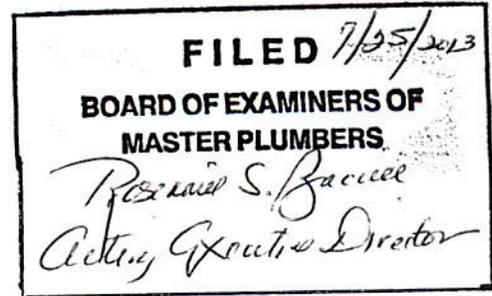


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER
PLUMBERS

IN THE MATTER OF THE :
APPLICATION OF :
:
JOHN J. THEODORA :
:
TO BE CERTIFIED AS A MEDICAL :
GAS PIPING INSTALLER IN THE :
STATE OF NEW JERSEY :
_____ :

Administrative Order

FINAL ORDER
OF DENIAL OF CERTIFICATION

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

FINDINGS OF FACT

1. John J. Theodora ("respondent") applied to the Board to be certified as a medical gas piping installer in the State of New Jersey. Respondent indicated on his application that he had three convictions for driving while intoxicated. In addition to his application, respondent provided a written explanation concerning the offenses as well as other information.

2. According to the information provided by respondent, he was arrested on June 5, 1998 in Franklin Lakes Boro, NJ. He was at a bar, had too much to drink, following which he drove a car and was pulled over for speeding. Respondent pled guilty to driving under the influence on August 13, 1998. He lost his driving privileges for six months and attended the Intoxicated Driver Resource Center Program.

3. Respondent's second driving while intoxicated arrest occurred on September 2, 2000 in Jefferson Township, NJ. Respondent indicated he had been drinking, drove a car, and was pulled over for speeding. He refused to submit to a breathalyzer examination. He pled guilty on October 26, 2000. Respondent's driving privileges were again suspended.

4. Finally, respondent was arrested on March 3, 2002 in Jefferson Township, NJ. He was again charged with driving while intoxicated. Respondent indicated he had been drinking just prior to riding his motor cycle. He pled guilty on June 27, 2002 to driving under the influence. Respondent lost his driving privileges for ten (10) years, was required to participate in the S.L.A.P. program ("Sheriff's Labor Assistance Program") for ninety days, and was court ordered to attend a rehabilitation facility for forty-five days. Respondent was not scheduled to regain his driving privileges until 2013.

5. Respondent appeared before the Board for an investigative inquiry. Respondent acknowledged he is not a licensed master plumber, but otherwise meets the qualifications for certification as a Medical Gas Piping Installer pursuant to N.J.A.C. 13:32-7.3.

6. Respondent acknowledged he is a recovering alcoholic and admitted to having a problem with alcohol. When asked whether he currently attends Alcoholics Anonymous respondent replied "not really". Respondent stated he does not currently have a sponsor. When asked what prevention techniques respondent currently employs to prevent relapse respondent replied there is a book he reads when things start bothering him and he will go to Alcoholics Anonymous "once in a while" but that it was not a "regular thing".

CONCLUSIONS OF LAW

1. The above preliminary findings of fact provide grounds for denying respondent's application for certification as a medical gas piping installer in New Jersey, pursuant to N.J.S.A. 45:1-21(l), in that respondent's lack of participation in Alcoholic's Anonymous, or other similar

recovery program, currently renders respondent incapable of discharging the functions of a certification holder in a manner consistent with the public's health, safety and welfare.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Certification was entered on April 23, 2013. A copy of the Order was forwarded to respondent's last known address on file with the Board, via United Parcel Service 2nd Day Air Service. The Board obtained a copy of the United Parcel Service delivery sheet confirming delivery of the Provisional Order of Denial to the respondent's last known address on file with the Board. The Provisional Order of Denial was subject to finalization by the Board at 5:00 p.m. on the 30th business day following its entry unless respondent requested a modification or dismissal of the above 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 not be modified or dismissed, and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Respondent failed to reply to the Provisional Order of Denial. Since the Provisional Order of Denial was served at respondent's last known address on file with the Board, the Board deems service to be effected. As such, the Board determined that the Provisional Order of Denial of Certification, entered on April 23, 2013, is to be finalized as written.

ACCORDINGLY, IT IS on this 25th day of JULY, 2013,

ORDERED that:

1. Respondent's application for certification as a medical gas piping installer in the State of New Jersey is hereby denied.

2. Respondent may reapply for certification as a medical gas piping installer upon

successful demonstration to the Board's satisfaction that respondent is participating in a recovery program and is otherwise maintaining sobriety. Prior to any consideration of respondent's re-application for certification as a medical piping installer respondent shall:

a. Appear before the Board, or a committee of the Board, to demonstrate that he is physically and psychologically fit and that he is capable of discharging the functions of a medical gas piping installer in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from any psychological condition or use of any substance, including but not limited to alcohol, which could affect his ability to safely practice;

b. Provide the Board with evidence that he is not presently engaged in alcohol use that is likely to impair his ability to practice with reasonable skill and safety in violation of N.J.S.A. 45:1-21(l).

NEW JERSEY STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS

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