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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
FOR THE RENEWAL OF

THOMAS J. ORLANDO
License No. 36BI01217900

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 renewal of a plumbing license from Thomas J. Orlando ("respondent"). Respondent received his New Jersey Master Plumber's license on August 17, 2004 and has been licensed at all times relevant hereto. Respondent answered "yes" on his 2013-2015 license renewal application to the question relating to "being arrested, charged, or convicted of any crime or offense since the last renewal."

Specifically, respondent was arrested in Monroe Township, New Jersey on June 28, 2012 and charged with Driving Under the Influence (N.J.S.A. 39:4-50) and Use/Under the Influence of a Controlled Dangerous Substance (N.J.S.A. 2C:35-10b).

On June 28, 2012, the police observed respondent's vehicle driving erratically and he was pulled over. A Drug Influence Evaluation performed concluded that respondent was "under the influence of a CNS Stimulant and Narcotic Analgesic and unable to operate a vehicle safely." On January 10, 2013, respondent pled guilty in Monroe Township to Driving Under the Influence of Liquor or Drugs (N.J.S.A. 39:4-50). The remaining charges were dismissed. Respondent lost his

driving privileges for seven months, paid a fine and completed a 12 hour Intoxicated Driver Resource Class.

On July 25, 2013, respondent appeared at an investigative inquiry into the matter held by the Board. Respondent denied being under the influence of any illegal drug at the time he was arrested. Respondent claimed he took allergy medication but denied being under the influence of a controlled dangerous substance.

Respondent did admit having a prior history of substance abuse which began at age sixteen. Specifically, respondent used marijuana and snorted heroin and cocaine. He was involved in a methadone program from 1997 thru 1999. Respondent is not currently involved in any type of recovery program. Respondent claimed he has been sober for more than two years. However, respondent plead guilty to the aforesaid charges involving use of a CNS stimulant drug and driving under the influence in only a little over a year ago.

Having reviewed the entire record, including respondent's testimony during the investigative inquiry, the Board has determined that respondent's license to practice plumbing may be renewed subject to the conditions outlined in this order. 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 THEREFORE ON THIS 26-DAY OF *September*, 2013

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice plumbing in the State of New Jersey shall be renewed subject to the 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 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 and shall be sent to Rosemarie Baccile, Acting Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, 6th Floor, Newark, NJ 07101.

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 engage in treatment with Narcotics Anonymous a minimum of one meeting per week. 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 monthly proofs of attendance shall be due on November 30, 2013 for the months of August, September and October 2013. The next quarterly proofs shall

be due on February 28, 2014 for the months of November and December 2013 and January 2014 and then quarterly thereafter. The quarterly proofs shall be sent to the address outlined in paragraph #2. 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. The Board reserves the right to enter a subsequent order, with additional restrictions, based on the report and recommendations of the substance abuse evaluation.

7. Respondent may seek modification of the terms of this order not sooner than September 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 medical condition or the use of any mind altering or intoxicating substance, whether legal or illegal, which could affect his practice.

8. 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 substance abuse, has driven a motor vehicle without restored driving privileges, or an arrest or conviction related to the use of alcohol or other intoxicating substances, 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.

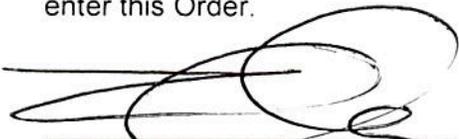
9. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the evidence of a relapse or recurrence of drug or alcohol abuse, or other information submitted, was false.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: 

Peter I. Voros
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.



Thomas J. Orlando

8/22/13
Date