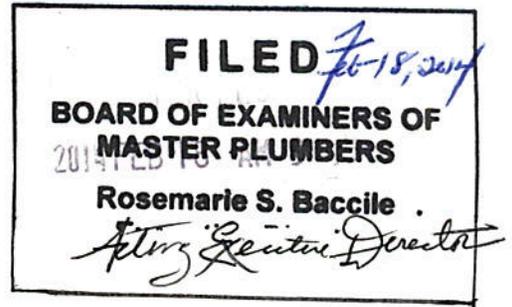


JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Examiners of Master Plumbers



By: Joseph Donofrio  
Deputy Attorney General  
(973) 648-2436

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, 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). 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 and denied being under the influence of a controlled dangerous substance, however respondent plead guilty to being under the influence of drugs or alcohol.

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. At the time of the inquiry, respondent was not involved in any type of recovery program. Respondent claimed he has been sober for more than

(1-6)

two years, however respondent plead guilty to the aforesaid charges only seven months prior to the inquiry.

Respondent entered into a consent order with the Board filed on September 26, 2013 whereby respondent's license to practice plumbing in the State of New Jersey was renewed subject to restrictions. Among other provisions, respondent was to submit to a substance abuse evaluation, at his own expense, with a program or evaluator pre-approved by the Board. Upon completion of the evaluation, the evaluator was to 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. Respondent is required to 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.

On October 16, 2013, respondent was assessed and evaluated at Diamond Counseling, L.L.C. by Daniel Chabarek, LCSW, SAP. It was recommended that respondent complete ten (10) outpatient substance abuse individual counseling sessions and twenty (20) verifiable supportive recovery meetings, either Alcoholics Anonymous or Narcotics Anonymous and attend counseling two (2) times weekly. A follow-up assessment and evaluation can occur after completion of ten (10) counseling sessions and twenty (20) supportive recovery meetings. Additionally, it was recommended that respondent submit an independent negative drug and alcohol screening prior to his follow-up.

Having reviewed the entire record, including the assessment and evaluation of respondent, 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 and automatic 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 appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS THEREFORE ON THIS 18<sup>th</sup> DAY OF February, 2014  
ORDERED AND AGREED THAT:

1. Respondent's license to practice plumbing in the State of New Jersey shall be renewed subject to the conditions below 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. Respondent shall advise any physician or dentist who prescribes medication which is a controlled dangerous substance of his history of substance abuse and shall cause such physician or dentist 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, 6<sup>th</sup> Floor, Newark, NJ 07101.

3. Respondent shall engage in outpatient substance abuse individual counseling sessions with one of the following licensed clinical social workers recommended in the evaluation report of October 18, 2013:

- 1) Anne Allen, LCSW, East Windsor, NJ
- 2) Thomas Lynch, LCSW, Heightstown, NJ
- 3) William Rhodes, LCSW, LMFT, Heightstown, NJ

Respondent shall attend substance abuse individual counseling sessions a minimum of one meeting per week with a maximum of two counseling sessions per week.

4. Respondent shall engage in treatment with Narcotics Anonymous or Alcoholics Anonymous a minimum of one meeting per week.

5. Respondent shall provide proof of attendance at Alcoholics Anonymous or Narcotics Anonymous, as well as reports from his substance abuse individual counseling sessions, and from each and every mental health professional (including but not limited to psychologists, counselors, therapists, psychiatrists) who participate 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 proofs of attendance shall be due on March 31, 2014 for the months of January and

February 2014 and then monthly thereafter. The monthly proofs shall be sent to the address outlined in paragraph #2.

6. If respondent discontinues participation with Narcotics Anonymous or Alcoholics Anonymous or his substance abuse individual counseling sessions, without first obtaining approval of the Board, he shall be deemed in violation of this order.

7. (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 test results shall be provided on a monthly basis. For purposes of this order, the first submitted monthly urine screen test results shall be due on March 31, 2014 for the months of January and February 2014 and then monthly thereafter. 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.

8. The Board reserves the right to enter a subsequent order, with additional restrictions, based on the reports and recommendations of respondent's individual substance abuse counselor.

9. Prior to seeking any modification or termination of the terms of this order, respondent shall:

(a) Demonstrate to the satisfaction of the Board that he has attended, and successfully completed, ten (10) substance abuse individual counseling sessions and twenty (20) verifiable supportive recovery meetings (i.e. Alcoholics Anonymous or Narcotics Anonymous) consistent with the recommendations outlined in the evaluation report. Additionally, respondent shall submit to a follow-up assessment and evaluation conducted by Daniel Chabarek, LCSW, SAP who shall provide the Board with a written report concerning the follow-up assessment and evaluation.

(b) 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.

10. 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 has been arrested or convicted related to the use of alcohol or other intoxicating substances, or that respondent is not capable of carrying out the functions of a licensee consistent with the public health, safety, or welfare or has failed to comply with any of the conditions set forth in this Order.

11. 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.

Thomas J. Orlando  
Thomas J. Orlando

2/11/14  
Date