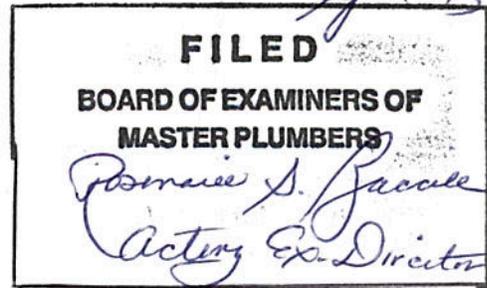


April 24, 2014



JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Examiners of Master Plumbers

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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

JOHN D. ZEIGLER, LMP
License No. 36BI01025100

TO PRACTICE PLUMBING
IN THE STATE OF NEW JERSEY

Administrative Action

PROVISIONAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("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 D. Zeigler ("respondent") is a licensed master plumber in the State of New Jersey having received his license on December 21, 1995. Respondent is registered with the Board to trade as "J. D. Zeigler Plumbing and Heating" and has been registered under that trade name at all times relevant hereto. Respondent failed to renew his license prior to its expiration on June 30, 2013. As a result, respondent's license was administratively suspended on July 31, 2013, pursuant to the provisions of N.J.S.A. 45:1-7.1(b), for failing to renew his license within 30 days of its expiration date. On September 9, 2013, respondent reinstated his plumbing license, in inactive status, pursuant to the provisions of N.J.S.A. 45:1-7.3 and N.J.A.C. 13:32-2.6(g). Respondent's license currently remains inactive. (Exhibit A, certification of Acting Executive Director Rosemarie S. Baccile, attached).

[PGS. 1-46*]

2. This matter was opened to the Board upon receipt of complaints from the Salem/Cumberland Master Plumber's Association. According to the complaints, respondent had an affiliation and involvement with an unlicensed plumbing company named "English Sewage Disposal" also doing business as "English Septic". A review of the Board's records indicates that neither "English Sewage Disposal", nor "English Septic", is licensed with the Board as a plumbing contractor in the State of New Jersey. According to the complaints, "English Sewage Disposal" and "English Septic" are advertising and engaging in the practice of plumbing by utilizing respondent's licensed master plumber number (i.e. No.36BI01025100). Included in the complaints were copies of billboard and phone book advertisements for "English Sewage Disposal" and "English Septic". (Exhibit A, certification of Acting Executive Director Rosemarie S. Baccile, attached). (Exhibit B, copy of complaints received from the Salem/Cumberland Master Plumber's Association, attached). (Exhibit C, copies of billboard and telephone book advertisements for "English Sewage Disposal" and "English Septic" utilizing respondent's licensed master plumber's number 36BI01025100, attached).

3. In response to the complaints, respondent provided a letter dated February 24, 2013. Respondent stated he was offered employment as a "plumber" by "English Sewage Disposal". The owner of the company, Paul Behrens, later proposed using respondent's plumbing license for a temporary trial period. The Board's records indicate that Paul Behrens is not licensed as a master plumber in the State of New Jersey. Respondent later learned he was not being informed of decisions made concerning advertising. According to respondent, Mr. Behrens was to inform him of all plumbing jobs and respondent was to inspect all plumbing work performed. (Exhibit D, copy of letter from respondent, dated February 24, 2013, attached). (Exhibit A, certification of Acting Executive Director Rosemarie S. Baccile, attached).

4. Respondent was eventually "laid off" from "English Sewage Disposal". Respondent placed his license "on the shelf" and informed "English Sewage Disposal" they could no longer advertise with his license unless they came to an agreement. "English Sewage Disposal" later e-mailed respondent requesting to use his license again. Respondent laid out the terms of the use of his license. After some back and forth negotiations, "English Sewage Disposal" indicated that the use of respondent's license would be only for "marketing strategies". Respondent reinstated his license believing that "English Sewage Disposal" would no longer use his license. However, respondent later learned that "English Sewage Disposal" used respondent's license number in the

Cape May County Yellow Page Book for 2012. When respondent learned this, he e-mailed Mr. Behrens. Mr. Behrens responded that there should not have been advertising in any book with respondent's license number. (Exhibit D, copy of letter from respondent, dated February 24, 2013, attached).

5. On June 27, 2013, respondent appeared at an investigative inquiry before the Board. Respondent stated he was a W-2 employee for "English Sewage Disposal" in 2009. Respondent was first approached by an employee of "English Sewage Disposal" and asked to sign and seal a plumbing permit for the company. Respondent agreed. Respondent testified he signed and sealed this permit as a "subcontractor". However, "English Sewage Disposal" was actually listed as the contractor on the permit application but the application was sealed by respondent. Respondent stated that a "English Sewage Disposal" employee actually performed the plumbing work. Respondent was subsequently hired by "English Sewage Disposal". (Exhibit E, copy of transcript of the June 27, 2013 investigative inquiry; pg. 13, lines 18 thru 25; pg. 14, lines 1 thru 25; pg. 15, lines 1 thru 25; pg. 16, lines 1 thru 25; pg. 17, lines 1 thru 11, attached).

6. Respondent testified that during his employment with "English Sewage Disposal" there was never a licensed master plumber with a ten percent ownership interest in the company acting as the required bona fide representative. Although there was discussion about respondent becoming the bona fide representative for "English Sewage Disposal", it never actually happened. Respondent was employed as a W-2 employee with "English Sewage Disposal" for just under a year from roughly November 2008 to October 2009. During that time period respondent admitted he signed and sealed plumbing permits for "English Sewage Disposal" on about eight or nine occasions. (Exhibit E, copy of transcript of June 27, 2013 investigative inquiry; pg. 20, lines 11 thru 25; pg. 21, lines 1 thru 25; pg. 22, lines 1 thru 10, attached).

7. Respondent was asked if he was aware of the bona fide representative requirement to legally engage in plumbing contracting in New Jersey. Respondent stated he wasn't fully sure. Respondent misstated the licensed master plumber ownership percentage as requiring "20 percent" ownership. Respondent testified he never consented to the use of his licensed master plumber number being used in advertising for "English Sewage Disposal" and "English Septic". However, respondent acknowledged he became aware of the use of his licensed master plumber number in advertising for "English Sewage Disposal" and "English Septic" during the course of his employment in 2008 to 2009. When asked if he ever made an effort to notify the Board about the

use of his licensed master plumber number respondent testified he did not. Respondent testified he did not understand his responsibilities or the impact of the use of his licensed master plumber number by "English Sewage Disposal" and "English Septic". Respondent "hoped it would all go away". (Exhibit E, copy of transcript of the June 27, 2013 investigative inquiry, pg. 23, lines 22 thru 25; pg. 24, lines 1 thru 25; pg. 25 lines 1 thru 25; pg. 26, lines 1 thru 5; pg. 27, lines 10 thru 25; pg. 28, lines 1 thru 25, attached).

8 Respondent admitted he signed and sealed a permit for "English Sewage Disposal" on one occasion after he was fired as an employee of the company. Again, "English Sewage Disposal" was listed as the contractor on the plumbing permit application, but the application was sealed by respondent. (Exhibit E, copy of transcript of the June 27, 2013 investigative inquiry, pg. 32, lines 4 thru 24, attached).

CONCLUSIONS OF LAW

1. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(b), in that respondent secured a plumbing permit for an unlicensed person which is deemed to be the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense in contravention of N.J.A.C. 13:32-4.1(c). Additionally, the above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(h), in that respondent has violated and failed to comply with the provisions of a Board regulation, specifically N.J.A.C. 13:32-4.1(b), by permitting his license and seal to be used by a person other than exclusively by the licensed master plumber in the conduct of his plumbing practice. Additionally, the above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(h), in that respondent has violated and failed to comply with the provisions of a Board regulation, specifically N.J.A.C. 13:32-4.1(d), in that respondent willfully and negligently allowed an unlicensed or unauthorized person to use his licensed master plumber number in multiple advertisements. N.J.A.C. 13:32-3.1(d) provides that every State-licensed master plumber whose name, New Jersey office address, place of practice or license number appears or is mentioned in any advertisement of any kind or character shall be presumed to have caused, permitted, or approved the advertising and shall be personally responsible for its content and character. Also, the above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to

N.J.S.A. 45:1-21(h), in that respondent has violated and failed to comply with the provisions of a Board regulation, specifically N.J.A.C. 13:32-3.4, in that any plumbing work that a licensed master plumber agrees to perform, that has not been subcontracted to another licensed master plumber, shall be performed only by the licensed master plumber or the employees of the licensed master plumber or the plumbing contractor. Finally, the above preliminary findings of fact provide grounds for disciplinary action, pursuant to N.J.S.A. 45:1-21(n), in that respondent permitted or aided and abetted an unlicensed person or entity to perform an act for which a license is required.

ACCORDINGLY, IT IS on this *24th* day of *April* 2014,

ORDERED that:

1. Respondent is hereby provisionally reprimanded for violating N.J.S.A. 45:1-21(b), N.J.S.A. 45:1-21(h) and N.J.S.A. 45:1-21(n) as outlined above.

2. Respondent's license to practice as a plumbing contractor in the State of New Jersey is hereby provisionally suspended until such time as he completes five (5) hours of remedial continuing education, pursuant to N.J.S.A. 45:1-22(g), pertaining to the bona fide representatives responsibilities and obligations in accordance with N.J.S.A. 45:14C-1 et seq. and N.J.A.C. 13:32-1.1 et seq. Respondent shall obtain the Board's approval of the course prior to the start of the remedial education work. Prior to reinstatement of his license, respondent shall submit a course completion certificate from the provider of the remedial continuing education, to the Board, demonstrating compliance. The five (5) hours of remedial continuing education shall not be used by respondent to satisfy the minimum biennial continuing education requirements of N.J.A.C. 13:32-6.1.

3. Respondent is hereby provisionally assessed a civil penalty in the aggregate amount of two thousand-five hundred dollars (\$2,500), consisting of a five hundred dollar (\$500) penalty for securing a plumbing permit for an unlicensed person in contravention of N.J.A.C. 13:32-4.1(c); a five hundred dollar (\$500) penalty for permitting his license and seal to be used by another person in contravention of N.J.A.C. 13:32-4.1(b); a five hundred dollar (\$500) penalty for willfully and negligently allowing an unlicensed person to use respondent's licensed master plumbing number in multiple advertisements in contravention of N.J.A.C. 13:32-4.1(d); a five hundred dollar (\$500) penalty for allowing employees of an unlicensed entity to perform plumbing work under a permit sealed by respondent in contravention of N.J.A.C. 13:32-3.4 and finally, a five hundred dollar (\$500) penalty for aiding or abetting unlicensed practice in contravention of N.J.S.A. 45:1-21(n).

Payment shall be made no later than thirty (30) days from entry of a final order, by certified check or money order made payable to the State of New Jersey and shall be sent to Rosemarie Baccile, Acting Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

4. Respondent shall cease and desist from the violations described herein. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

5. Failure to comply with any of the terms of a Final Order in this matter may constitute the basis for further disciplinary action by the Board, including but not limited to, suspension or revocation of respondent's master plumber's license and imposition of monetary penalties. Failure to remit any and all payment required by a Final Order in this matter will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an order of the Board.

6. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Rosemarie Baccile, Acting Executive Director, State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, P.O. Box 45008, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

7. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

8. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding.

Additionally, if further proceedings are ordered, the Board may seek to recoup the costs of such proceedings from respondent, in addition to the sanctions and penalties stated above.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: 
Peter I. Voros
Board Chairman

EXHIBIT A

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

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE	:	Administrative Action
	:	
JOHN D. ZEIGLER, LMP	:	Certification of
License No. 36BI01025100	:	Rosemarie S. Baccile
	:	
TO PRACTICE PLUMBING	:	
IN THE STATE OF NEW JERSEY	:	

I, Rosemarie S. Baccile, being of full age, hereby certify:

1. I am the Acting Executive Director for the New Jersey State Board of Examiners of Master Plumbers, Division of Consumer Affairs, Department of Law and Public Safety. As such, I am a custodian of the records for the Board.

2. A search of the Board's records reveals that John D. Zeigler is licensed as a master plumber in the State of New Jersey, having received his license on December 21, 1995. Mr. Zeigler failed to renew his license prior to its expiration on June 30, 2013. As a result, Mr. Zeigler's license was administratively suspended on July 31, 2013, pursuant to the provisions of N.J.S.A. 45:1-7.1(b), for failing to renew his license within 30 days of its expiration date.

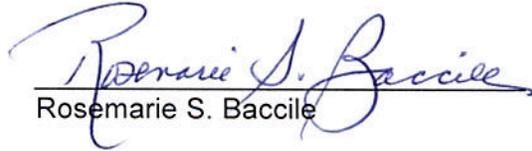
3. On September 9, 2013, Mr. Zeigler reinstated his plumbing license, in inactive status, pursuant to the provisions of N.J.S.A. 45:1-7.3 and N.J.A.C. 13:32-2.6(g). Mr. Zeigler's plumbing license currently remains in inactive status.

4. A review of the Board's records indicates that "English Sewage Disposal" is not licensed with the Board as a plumbing contractor in the State of New Jersey. Additionally, a review of the Board's records indicates that "English Septic" is not licensed with the Board as a plumbing contractor in the State of New Jersey.

5. A review of the Board's records does not reveal that anyone with the name "Paul

Behrens" is licensed as a master plumber by the Board.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.


Rosemarie S. Baccile

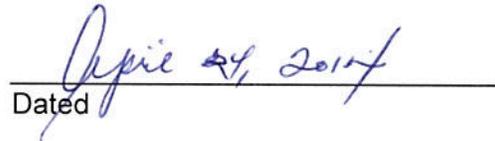

Dated

EXHIBIT B



New Jersey Office of the Attorney General
 Division of Consumer Affairs
 State Board of Examiners of Master Plumbers
 124 Halsey Street, 6th Floor, P.O. Box 45008
 Newark, New Jersey 07101
 (973) 504-6420

Complaint Form

Please print clearly.

Please be advised that any information you supply on this complaint form may be subject to public disclosure. If an investigation into the matter is conducted, the information is subject to public disclosure only after the completion of the investigation. You are also advised that the completed complaint form is a "government record," which the Board may be obligated to provide to anyone making a request pursuant to the Open Public Records Act (OPRA).

Consumer Information

Complaint Reported Against

NAME: Salem Cumberland Plumbers Assoc.
 ADDRESS: 17 River Road
 CITY: Bridgeton
 STATE: NJ ZIP CODE: 08302
 HOME TELEPHONE NUMBER: _____
(include area code)
 WORK TELEPHONE NUMBER: 856-297-2660
(include area code)
 FAX NUMBER: 856-455-0808
 E-MAIL ADDRESS: PLEC-SALEM-CUMB@comcast.net
 DATE: 11/14/11

NAME: Paul Behrens
 BUSINESS NAME: English Sewage Disposal
 ADDRESS: 1082 Parsonage Road
 CITY: Seabrook
 STATE: NJ ZIP CODE: 08302
 TELEPHONE NUMBER: 1-888-757-8671
(include area code)
 TITLE: _____
 LICENSE NUMBER (IF KNOWN): _____
 DATES OF TREATMENT/SERVICE: _____
 FROM: _____ TO: _____

1. What is the relationship between the complainant and the consumer or patient?

- | | |
|---|--|
| <input type="checkbox"/> Self | <input type="checkbox"/> Spouse |
| <input type="checkbox"/> Parent | <input type="checkbox"/> Son/Daughter |
| <input type="checkbox"/> Friend | <input type="checkbox"/> Brother/Sister |
| <input type="checkbox"/> Legal Guardian | <input checked="" type="checkbox"/> Other (please specify) <u>None</u> |

2. Please provide the following information about the consumer or patient if he or she is someone other than the complainant.

Name: _____ Date of birth: _____
Month Day Year

Address: _____
Street address City State ZIP code

Home telephone number: _____ Work telephone number: _____
(include area code) (include area code)

3. Please provide the following information about any other practitioner or licensee involved in the matter about which you are filing a complaint.

Name: _____

Title: _____ License number: _____

Address: _____
Street address City State ZIP code

Telephone number: _____
(include area code)

Name: _____

Title: _____ License number: _____

Address: _____
Street address City State ZIP code

Telephone number: _____
(include area code)

4. Please provide the following about anyone who was a witness to the matter about which you are filing a complaint.

Name: William White NJ Plumber Lic. #36 B101000844300

Address: 17 River Road Bridgeton NJ 08302
Street address City State ZIP code

Daytime telephone number: 856-297-2660 Evening telephone number: 856-297-2660
(include area code) (include area code)

Name: _____

Address: _____
Street address City State ZIP code

Daytime telephone number: _____ Evening telephone number: _____
(include area code) (include area code)

5. What is the nature of the complaint? (Please check all that apply and provide any additional comments on a separate sheet of paper.)

- | | | |
|---|---|---|
| <input type="checkbox"/> Administrative/Recordkeeping | <input checked="" type="checkbox"/> Advertising | <input type="checkbox"/> Fees/Billing Practices |
| <input type="checkbox"/> Fraud | <input type="checkbox"/> Incompetence | <input type="checkbox"/> Insurance Fraud |
| <input type="checkbox"/> Professional/Occupational Misconduct | <input type="checkbox"/> Sexual Misconduct | <input type="checkbox"/> Substance Abuse/Impairment |
| <input type="checkbox"/> Unlicensed Practice | <input type="checkbox"/> Briefly explain the problem if it is not listed above: _____ | |

6. Please describe the facts of your complaint in the order in which they happened. Please print clearly. You may use additional sheets of paper if they are needed.

English Sewerage owned by Paul Behrens has used and still uses John D. Ziegler's
License # on his advertisements when this was brought to the attention
of Wayne Shetton, Plumbing Inspector of Bridgeton. Mr. Shetton was told
that English Sewerage was using John Ziegler's License and the work they
were doing was covered under his License. Mr. Ziegler's License
is inactive and Mr. Ziegler does not live in New Jersey.

7. Please describe any action taken to resolve this matter prior to contacting the Board. Please print clearly. You may use additional sheets of paper if they are needed.

No Action Taken

All complaints must be accompanied by readable copies (NO ORIGINALS) of any complaint-related contracts, bills, receipts, canceled checks, correspondence or any other documents you feel are related to your complaint.

8. I certify that the statements made by me in this complaint are true and any documents attached are true copies. I am aware that if any statements made by me are willfully false, I am subject to punishment.

With White NJ Plumber Lic. #
Secretary Signature* 36BIO1000844300
Salern/Cumberland Master Plumbers Assoc.

11/16/11
Date

Return to:

Division of Consumer Affairs
State Board of Examiners of Master Plumbers
P.O. Box 45008
Newark, NJ 07101

* This certification must be signed by the person who has completed this form.

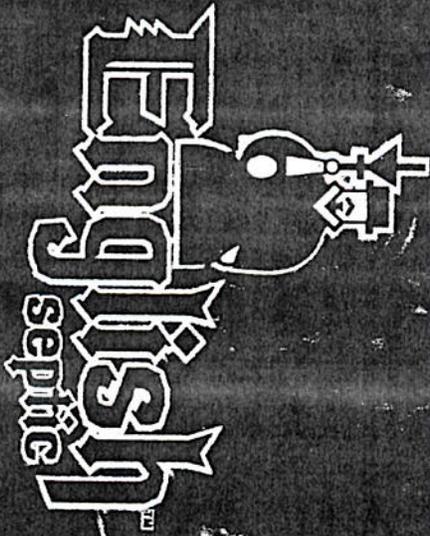
English Septic 1082 W. Parsonage Rd. Bridgeton, NJ 08302

When Your Lawn Starts To Bubble, You're In Trouble.



Superior Marketing
1082 W. Parsonage Rd.
Bridgeton, NJ 08302

Call English Septic to make sure your Septic System is pumped out and working properly! - (856) 358-2518.



2200 W. Airfield Dr. PO Box 619810 DFW Airport, TX 75261
MR WILLIAM WHITE
OR CURRENT RESIDENT
17 RIVER RD
BRIDGETON NJ 08302-5822

41646 ... 3 T68 P4

PRESORTED
STD
U.S. POSTAGE
PAID
SUPERMEDIA



LOG: # 83915



New Jersey Office of the Attorney General
Division of Consumer Affairs
State Board of Examiners of Master Plumbers
124 Halsey Street, 6th Floor, P.O. Box 45008
Newark, New Jersey 07101
(973) 504-6420

LMP# 10251 (A)
INACTIVE
John Zeigler
24667 State
Route 7
Crown City NJ
07023
T call 10/12
dis document

Complaint Form
Please print clearly.

Please be advised that any information you supply on this complaint form may be subject to public disclosure. If an investigation into the matter is conducted, the information is subject to public disclosure only after the completion of the investigation. You are also advised that the completed complaint form is a "government record," which the Board may be obligated to provide to anyone making a request pursuant to the Open Public Records Act (OPRA).

Consumer Information

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WORK TELEPHONE NUMBER: 856-297-2660
(include area code)
FAX NUMBER: 856-455-0808
E-MAIL ADDRESS: PLEC-SALEM-CUMB@comcast.net
DATE: 1/23/12

NAME: Paul Behrens
BUSINESS NAME: English Sewage Disposal
ADDRESS: 1082 Pausonage Road
CITY: Seabrook
STATE: NJ ZIP CODE: 08302
TELEPHONE NUMBER: 856-358-4771
(include area code)
TITLE: _____
LICENSE NUMBER (IF KNOWN): _____
DATES OF TREATMENT/SERVICE:
FROM: _____ TO: _____

1. What is the relationship between the complainant and the consumer or patient?

- Self
- Parent
- Friend
- Legal Guardian
- Spouse
- Son/Daughter
- Brother/Sister
- Other (please specify) None

2. Please provide the following information about the consumer or patient if he or she is someone other than the complainant.

Name: _____ Date of birth: _____
Month Day Year
Address: _____
Street address City State ZIP code
Home telephone number: _____ Work telephone number: _____
(include area code) (include area code)

3. Please provide the following information about any other practitioner or licensee involved in the matter about which you are filing a complaint.

Name: _____

Title: _____ License number: _____

Address: _____
Street address City State ZIP code

Telephone number: _____
(include area code)

Name: _____

Title: _____ License number: _____

Address: _____
Street address City State ZIP code

Telephone number: _____
(include area code)

4. Please provide the following about anyone who was a witness to the matter about which you are filing a complaint.

Name: William White NJ Plumber Lic. # 36 BI01000844300

Address: 17 River Road Bridgeton NJ 08302
Street address City State ZIP code

Daytime telephone number: 856-297-2660 Evening telephone number: 856-297-2660
(include area code) (include area code)

Name: _____

Address: _____
Street address City State ZIP code

Daytime telephone number: _____ Evening telephone number: _____
(include area code) (include area code)

5. What is the nature of the complaint? (Please check all that apply and provide any additional comments on a separate sheet of paper.)

- | | | |
|---|---|---|
| <input type="checkbox"/> Administrative/Recordkeeping | <input checked="" type="checkbox"/> Advertising | <input type="checkbox"/> Fees/Billing Practices |
| <input type="checkbox"/> Fraud | <input type="checkbox"/> Incompetence | <input type="checkbox"/> Insurance Fraud |
| <input type="checkbox"/> Professional/Occupational Misconduct | <input type="checkbox"/> Sexual Misconduct | <input type="checkbox"/> Substance Abuse/Impairment |
| <input type="checkbox"/> Unlicensed Practice | <input type="checkbox"/> Briefly explain the problem if it is not listed above: _____ | |

6. Please describe the facts of your complaint in the order in which they happened. Please print clearly. You may use additional sheets of paper if they are needed.

English Sewage Disposal did advertise plumbing on a billboard located on Back Neck Road (between Fairton and Cedarville) while he and his company are not licensed or registered with the NJ Board of Examiners of Master Plumbers

Also fraudulently using a plumbing license that had been shelved

7. Please describe any action taken to resolve this matter prior to contacting the Board. Please print clearly. You may use additional sheets of paper if they are needed.

No Action Taken

All complaints must be accompanied by **readable copies** (NO ORIGINALS) of any complaint-related contracts, bills, receipts, canceled checks, correspondence or any other documents you feel are related to your complaint.

8. I certify that the statements made by me in this complaint are true and any documents attached are true copies. I am aware that if any statements made by me are willfully false, I am subject to punishment.

William Cullis NJ Plumber Lic #
Secretary Signature* 36BIO1000844300
Salem/Cumberland Master Plumbers Assoc.

1/23/12
Date

Return to:

Division of Consumer Affairs
State Board of Examiners of Master Plumbers
P.O. Box 45008
Newark, NJ 07101

* This certification must be signed by the person who has completed this form.

EXHIBIT C

ENGLISH SEWAGE DISPOSAL

PLUMBING DRAIN CLEANING & HVAC

**NOW
HIRING**

1-877-PORTAPOT **Commercial** **7**
ENGLISHSEWAGE.COM **Residential** **DAY**
Municipal SERVICE

HOME IMPROVEMENT CONTRACTOR LIC# 12VH900181200
MASTER PLUMBER LIC# 389101025100

ASTRO

04978

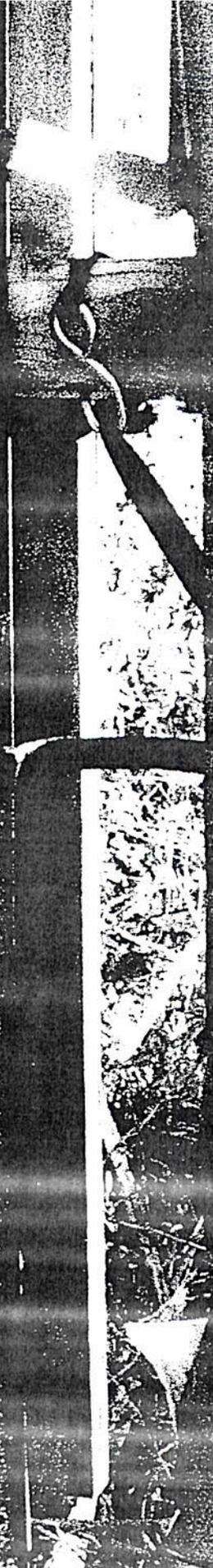
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EXHIBIT

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6/27/13
S-1
PC

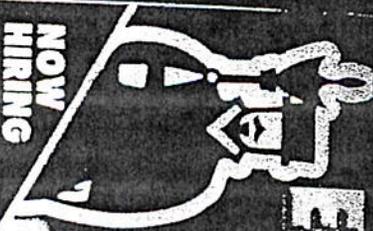
MULTI-GIPSA

HOME IMPROVEMENT COMPANY



01/18/2012 23:40

tabbles
EXHIBIT
S-2
6/27/13
Ae



**NOW
HIRING**

**ENGLISH
SEWAGE
DISPOSAL**

HOME IMPROVEMENT CONTRACTOR LIC# 12YH00033170
MASTER PLUMBER LIC# JAR01028100

**Commercial
Residential
Municipal**

**PLUMBING
DRAIN CLEANING
& HVAC**

1-877-PORTAPOT SERVICE

ENGLISHSEWAGE.COM

7 DAY

ASTRO

ESTD

tabbles
EXHIBIT
S-3
12/13
12

01/04/2012 04:02

verizon

EXHIBIT
5-4
6/27/13 PE

South Jersey Center For Bariatric Excellence
& Weight Loss Management

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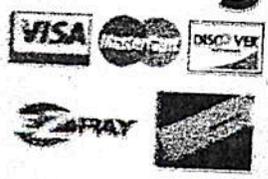
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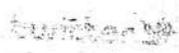
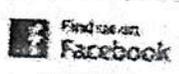


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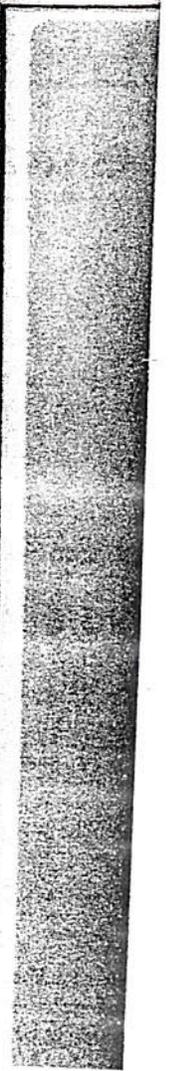
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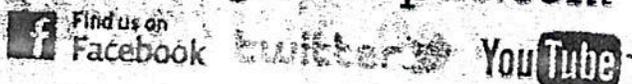
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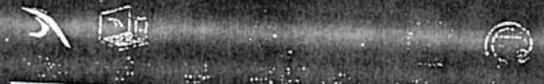
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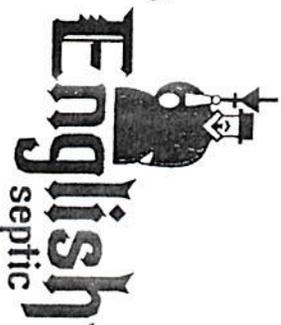


EXHIBIT D

BOARD OF EXAMINERS
OF MASTER PLUMBERS
2013
17

John D. Zeigler
200 West Saint Johns Avenue
Unit 4
Villas, NJ 08251
February 24, 2013

Board of Examiners of Master Plumber
P.O. Box 45008
Newark, NJ 07101

Dear Board of Examiners of Master Plumber:

I received the enclosed letter and called to notify the board that I was not inactive and I found that there was another issue pending. I talked with Rosemarie S. Baccile who informed me that English Sewage was advertising with My License, as Per your request, I am enclosing my statement on this matter.

English Sewage offered me employment as a Plumber in his company at 16.00 per hour, He (Paul Behrens) Later offered me the idea that I could use my license in his employment for a temporary trial period to see if it would be profitable for the both of us. I thought that it was a good idea, but later found out that I was not being informed of decisions made with advertising, or how I was to merge into the company.

I was to be informed of all plumbing jobs and it stated to Him that I was to inspect all work done by anyone other than myself, in the event I was not there at the time the job came in.

I was later laid off with basically no warning from English, and I nearly lost everything that I owned which included my house, car and furniture. I moved my family to Ohio where my sister gave my family a place to live. I placed my license on the shelf and informed English that they could no longer advertise with my license unless we could come to a deal. Later a representative from English emailed me with the request to use my license again, I then laid out the basic terms I wanted to begin talks for the use of my license, after some back and forth negotiations with English's representative they came back with the remark that My license was only for a Marketing strategies.

I returned to New Jersey Reinstated my license and thought that I would be done with English Sewage. But found that they used my license numbers again in the Cape May County Yellow page book for 2012 I emailed them to find out what was going on, Paul said that there should not have been advertising in any book with my license numbers, and that he would look into it, so again I was stuck with advertising that I never approved.

I am enclosing recent emails showing that I was not aware of what English was doing with my professional license.

Sincerely,

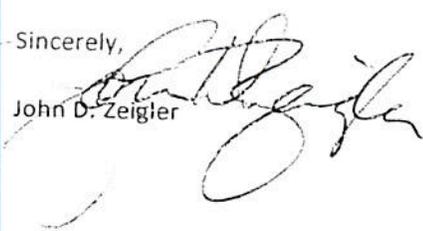

John D. Zeigler

EXHIBIT E

1

3

STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS

IN RE: JOHN ZEIGLER, LMP

124 Halsey Street
Hudson Room
Newark, New Jersey

Thursday, June 27, 2013
10:57-11:31

BEFORE:

NEW JERSEY BOARD OF MASTER PLUMBERS
PETER I. VOROS
DONALD B. DILEO
MICHAEL K. MALONEY
PAUL N. BONTEMPO
ROBERT B. REEVE
MICHAEL L. SESTANOVICH
JAMES MCMANUS, JR.

ROSEMARIE BACCILE, Executive Director

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1	INDEX	
2	WITNESS	PAGE:
3	JOHN ZEIGLER	
4	By: DAG Donofrio	7
5		
6	EXHIBITS	
7	NO. DESCRIPTION	PAGE:
8	S-1 - S-7 advertisements	4
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
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1 APPEARANCES:
2 JOSEPH DONOFRIO, ESQUIRE
3 Deputy Attorney General
4 Attorney for the Board
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1 J. ZEIGLER
2 (Whereupon, Exhibits S-1 through S-7
3 were premarked at this time.)
4 (Whereupon, the hearing commenced at
5 10:57 a.m.)
6 MR. PETER I. VOROS: I'm Pete Voros
7 and I'm the chairman and Master Plumber
8 representative. I would like to introduce
9 the other members of the Board.
10 MR. DONALD B. DILEO: Don Dileo,
11 public member.
12 MR. MICHAEL K. MALONEY: Michael
13 Maloney, Master Plumber member.
14 MR. MICHAEL L. SESTANOVICH: Michael
15 Sestanovich, inspector member.
16 MR. PAUL N. BONTEMPO: Paul Bontempo,
17 public member.
18 MR. JAMES MCMANUS, JR.: Jim McManus,
19 junior journeyman member.
20 MR. ROBERT B. REEVE: Robert Reeve,
21 Master Plumber member.
22 MS. ROSEMARIE BACCILE: Rosemarie
23 Baccile, acting executive director.
24 DAG JOSEPH DONOFRIO: Joseph Donofrio,
25 Deputy Attorney General.

5

J. ZEIGLER

MR. PETER I. VOROS: The Deputy Attorney General is going to go over our proceedings today.

DAG JOSEPH DONOFRIO: Mr. Zeigler, the Board is in receipt of information concerning your affiliation and involvement with an unlicensed plumbing company named English Sewage Disposal, Incorporated. The information includes the use of your master plumber's license number by English Sewage Disposal in phonebook and billboard advertisements. As a result of receiving this information, this investigative inquiry is being called at the request of the Board of Examiners of Master Plumbers, pursuant to New Jersey Statute 45:1-18.

The purpose is to obtain some background information about you and most importantly, to establish the facts surrounding your relationship with English Sewage Disposal, Incorporated.

Depending upon the Board's review of this matter and outcome of this process, formal action may or may not be taken by

6

J. ZEIGLER

the Board. I will lead the questioning; Board members may ask you questions as well. If you do not understand any question, please ask that the question be repeated or rephrased for you.

You will be placed under oath and a transcript will be made of this inquiry. The transcript may be used if there are any subsequent proceedings in this case. You may choose not to answer a particular question if that answer would incriminate you in criminal proceedings.

After today's proceeding, the Board may find no cause for action or it may find grounds to issue a formal complaint. If a formal complaint is issued, you'll be given a full opportunity to respond to the allegations of that complaint in accordance with the Administrative Procedure Act.

Now, Mr. Zeigler, I see you are here today, you don't have legal counsel. Is it your intention to proceed today without legal counsel?

MR. ZEIGLER: Yes.

7

J. ZEIGLER

DAG JOSEPH DONOFRIO: Any questions with regard to why you are here today or the nature of today's proceeding?

MR. ZEIGLER: No.

DAG JOSEPH DONOFRIO: If Mr. Zeigler could be sworn in, please.

....JOHN ZEIGLER, having been duly sworn, was examined and testified as follows....

EXAMINATION BY DAG JOSEPH DONOFRIO, ESQUIRE:

Q. Mr. Zeigler, just first by way of background information, can you please tell the Board your license number?

A. 10251.

Q. And the date that you received your license, sir?

A. I'm not really sure. 1995, January 27 --

Q. How about December 21, 1995?

A. Could be.

Q. Your home address, please.

A. Now it's 200 West Miami Avenue, Villas, New Jersey 08251.

Q. Are you no longer at 200 West Saint

8

J. ZEIGLER

Johns Avenue?

A. What did I say? I'm a little nervous. 200 West Saint Johns --

Q. You said West Miami.

A. That's where I used to live. We're in an apartment now, so we just moved in there a little over a year ago.

Q. So you're currently at --

A. I'm a little nervous.

Q. Sir, one at a time. You're currently at 200 West Saint Johns Avenue in Villas, New Jersey?

A. Yes, yes.

Q. Your plumbing license is currently active; is that correct?

A. Yes, it is.

Q. Are you in possession of your seal?

A. Yes, I am.

Q. Do you have your seal with you here today?

A. Yes, I do.

Q. Did you renew your license --

A. Not yet.

MR. PETER I. VOROS: You got to wait

1 J. ZEIGLER
 2 until he finishes the question because the
 3 lady, she can't -- I know you know what
 4 he's going to say, but let him finish and
 5 then you can answer.
 6 MR. ZEIGLER: Okay.
 7 MR. PETER I. VOROS: Thank you.
 8 Q. So you have not renewed your
 9 license yet for the 2013, 2015 renewal
 10 period; is that correct?
 11 A. That is correct.
 12 Q. Can I ask you why you haven't done
 13 that yet?
 14 A. Money. I don't have a lot of money
 15 and, you know, we're trying to get by and as
 16 it comes in, what we can afford to pay out,
 17 that's how it goes.
 18 Q. Have you completed your continuing
 19 education?
 20 A. Yes, I have.
 21 Q. Who did you do that with?
 22 A. Jim Cotton. I'm not actually sure
 23 the name of his company.
 24 MS. ROSEMARIE BACCILE: We Teach
 5 Associates?

1 J. ZEIGLER
 2 A. Yeah, with me.
 3 Q. Let me complete the question and
 4 then you can answer. I know you're nervous.
 5 So he subcontracts plumbing work to you?
 6 A. Yes.
 7 Q. You receive a 1099?
 8 A. Yes.
 9 Q. So you don't currently have any
 10 employees of your own?
 11 A. No.
 12 Q. Just briefly tell us your history
 13 of practice since 1995. You get your license
 14 in 1995. Did you go out on your own? Did
 15 you work for somebody? Give us a brief
 16 rundown, if you could, just so we're aware --
 17 A. I went out on my own and did small
 18 jobs, some houses and some service work and
 19 that's about it, that's about all I did.
 20 Q. So from 1995 to the present, you've
 21 been practicing --
 22 A. Residential.
 23 Q. -- on your own?
 24 A. Yes.
 25 Q. Now, did you place your plumbing

1 J. ZEIGLER
 2 THE WITNESS: We Teach.
 3 Q. You have a copy of the certificate?
 4 A. Yes, I do.
 5 Q. How are you currently practicing?
 6 What is your trade name?
 7 A. I trade under JD Zeigler Plumbing
 8 and Heating.
 9 Q. Tell us a little bit about your
 10 current practice. Do you have any employees
 11 or is it just you?
 12 A. I'm actually not practicing. I'm
 13 working with a friend of mine in Sea Isle.
 14 Q. Who is your friend?
 15 A. Adam Plumbing, I work for him.
 16 Q. Who is the gentleman that's the
 17 owner of Adam Plumbing?
 18 A. James Deross.
 19 Q. Is Mr. Deross a licensed master
 20 plumber of --
 21 A. Yes, he is.
 22 Q. -- this Board? You're a W-2
 23 employee of Adam Plumbing?
 4 A. No, we're under the table. A sub.
 25 Q. So he subcontracts --

1 J. ZEIGLER
 2 license in inactive status at some point?
 3 A. Yes, I did.
 4 Q. When was that?
 5 A. I believe that was a little over a
 6 year ago, probably will be two years, two
 7 years ago in the middle of the last renewal.
 8 Q. So sometime in 2011?
 9 A. Yeah, something like that. I'm
 10 not -- see, we came back -- this is the other
 11 end like a year ago. That would be -- last
 12 renewal would be what, June?
 13 Q. June 30th of 2011 would have been
 14 the last renewal.
 15 A. Yes, that's when I put it on
 16 inactive.
 17 Q. So as part of your renewal, you
 18 placed your license in inactive status?
 19 A. As part of -- yes, I did.
 20 Q. All right. And then you reinstated
 21 your plumbing license when?
 22 A. Oh boy, probably last August.
 23 Q. Board records indicate that you
 24 reinstated August 21 of 2012; is that
 25 correct?

J. ZEIGLER

A. That would be then.

Q. So is it fair to say from June 30 2011 to August 31, 2012, your license was in inactive status?

A. Yes.

Q. During that time period of inactive status, how did you make a living? What did you do?

A. We moved to Ohio and I worked for a few plumbers, one in Kentucky, and then I was laid off, and I worked for another one in Ohio in Reedsville, I believe it was.

Q. When you say we, you are talking about you and your family?

A. Yeah, our family. Our whole family moved.

Q. Okay, let me ask you questions concerning your affiliation with English Sewage Disposal, Incorporated. Did you, in fact, have any previous involvement or affiliation with English Sewage?

A. Yes, I did. I was an employee first and should I go with the whole thing?

Q. Yeah, let me stop you, but you can

J. ZEIGLER

A. No, he's not.

Q. All right, Mr. Zeigler, if you could explain your relationship with or affiliation with English Sewage Disposal?

A. Prior to becoming an employee, where I lived at Fairview Manor, there's a plumber there. He came to me because he knew I was a plumber, he asked if I could seal a permit for him.

Q. Who was that, Mr. Zeigler?

A. I cannot remember his name right now.

Q. When you say he was a plumber, you are just using that term generically?

MR. PETER I. VOROS: Licensed?

A. I knew he was a plumber --

Q. Licensed master plumber?

A. No, he's not a licensed master plumber. He was an employee of English Sewage and he said that they needed something sealed, a permit sealed, so I asked, you know, the details of the job, and explained what I needed to do, also be there when it was done and they said fine and I sealed the

J. ZEIGLER

explain the nature of your association, but let me just ask you, you said you were a employee, were you a W-2 employee?

A. Yes.

Q. If you could, when did you first become involved with English Sewage?

A. It would have to be three to four years ago, I'm really not actually sure. I would say three to four years ago, as far as I can tell. Let me try to go back with the renewals. It would have to be four years ago. It was at the end of two renewals about --

Q. So 2009 probably?

A. Yeah, probably 2009.

Q. All right, and before I have you explain the nature of your relationship, let me just ask you who is the owner of English Sewage Disposal, Incorporated?

A. I believe it to be Paul Behrens. I don't know, you know, if there's more, but as far as I know, it's him.

Q. To your knowledge, is Mr. Behrens a licensed master plumber with this Board?

J. ZEIGLER

permit and looked at the job and that was it for that and they also said there was a job opening because we didn't have any work. Adam Plumbing, who I was working for them, he slowed down and we didn't have any money, and Dawn, my girlfriend of 15 years said, you know, you got to go there, so I said okay, I will, and he said okay, you know, we'll hire you, so then I became an employee.

Q. The work that you did for English initially, did you do that as a subcontractor?

A. Not necessarily. I basically sealed the permit, his employee did the work. I looked at it and basically inspected it to see if, you know, it was done, you know, the way I would do it and that was it.

Q. What was the location of that job?

A. It was somewhere in Atlantic City, I don't know exactly.

Q. What kind of work was it?

A. It was I believe a sewer connection; it was a small job.

Q. To your recollection, who was

J. ZEIGLER

1 listed as the contractor on that permit?

2 A. It would have been English Sewage.

3 Q. But it had your seal?

4 A. Yes.

5 Q. It was not your employee who

6 performed the work?

7 A. No.

8 Q. It was an English Sewage employee

9 who performed the work?

10 A. Yes.

11 Q. And then subsequent to that, I

12 think your testimony was you became a W-2

13 employee?

14 A. Yes.

15 Q. When you became a W-2 employee of

16 English, who was the bona fide

17 representative, who was in charge of the

18 company?

19 A. Of English Sewage?

20 Q. Right.

21 A. That would be Paul.

22 Q. But he's not a licensed master

23 plumber?

24 A. No, he's not.

25

J. ZEIGLER

1 basically they started this advertising

2 without consulting me or any agreements or,

3 you know, anything that was --

4 Q. Mr. Zeigler, there was never a talk

5 of you becoming a 10 percent owner?

6 A. There was only a talk of a -- I

7 guess bonds or something at B and C, you

8 know. I'm kind of like brain dead on this

9 right now. A stock, a B stock, or some

10 insignificant stock as far as I know now.

11 Q. All right. You mentioned the

12 letter that you sent to the Board. Let me

13 reference that letter and just ask you to

14 explain some of the things in this letter.

15 You did send a letter to the Board dated

16 February 24, 2013 and in the letter you

17 stated English Sewage offered me employment

18 as a plumber in his company at \$16 per hour.

19 A. Yes.

20 Q. To clarify the timeline, when was

21 that, that was in 2009?

22 A. That would be, that would have been

23 about four years ago, five years ago maybe,

24 2008, 2009.

25

J. ZEIGLER

1 Q. Did you have an ownership interest

2 in English?

3 A. No. We actually -- when the idea

4 was presented to me, you know, we researched

5 everything and we kept coming with this 20

6 percent or whatever it was ownership and I

7 called the Board of Master Plumbers to ask

8 advice and I guess what sounded like

9 Rosemarie would have been the one I talked

10 to, I believe, and she said that we would

11 receive a letter and we had never received

12 that letter and then it continued on through

13 that summer.

14 Q. Your employment with English, was

15 that just a written agreement or did you --

16 A. There was never any agreement.

17 Q. You never had anything in writing?

18 A. No. The idea was presented -- the

19 way I explained it in the statement I sent to

20 you guys, he said we would like to do this,

21 and I said okay, it sounds good, as long as I

22 see everything, I know everything that's

23 going on, I could probably seal the permits

24 and do this for you, and then out of nowhere

25

J. ZEIGLER

1 Q. Your license was active at that

2 time, correct?

3 A. Yes, it was.

4 Q. Just to clarify, there was no

5 written offer, it was just a verbal offer --

6 A. It was a verbal. The employment

7 was actually written because we're, you know,

8 getting paid on the books and everything was

9 W-2s and all that.

10 Q. And there was no bona fide

11 representative for English Sewage Disposal at

12 that time?

13 A. No, there wasn't. As far as I

14 knew, I was supposed to have been brought

15 into the company however they could have done

16 it legally without too much impact on what

17 they had. You know, he's a big company and,

18 you know, I knew he's not going to give me 20

19 percent of his company, so, you know, what I

20 actually wanted was to, you know, have a

21 small part in it, to, you know -- that it

22 wouldn't, you know -- that I would make

23 money, and it wouldn't effect, you know, the

24 way, you know, as much money as his company

25

J. ZEIGLER

would make, because, I didn't feel that, you know, I deserved 20 percent of how big his company is.

Q. You indicated you became a W-2 employee in 2008, 2009. How long did that relationship last, when did that terminate?

A. I believe that would have been that October, you know, through the summer into October where he laid me off.

Q. So October of 2009, roughly?

A. I believe that could be it. The dates might not actually be correct. I would have to really go back and really adjust it to see, you know, where we were at that time, but that's what I believe --

Q. So what period of time were you employed as a W-2 employee of English Sewage?

A. I think it would have been from November until the next October. Might have been 2008 to 2009.

Q. So just under a year?

A. Yes.

Q. During that time period, did you sign and seal permits?

J. ZEIGLER

yes.

Q. But you're signing and sealing permits without the benefit of being the bona fide representative for English Sewage; is that correct?

A. Yes. But I'd like to say, I also looked at these jobs. I was there; I knew about them and it wasn't that I just gave them, you know, sealed permit and just, you know, let them go with it.

Q. No other licensed master plumber had a 10 percent ownership interest in that company during that time?

A. Not that I know of. I know that somehow that company was owned by a master plumber at one time which would be English Plumbing and Heating which is the Pleasantville area, maybe a little further out from there into Sea Point, Sea Brook or whatever they are, Sea Bright. I'm not sure.

Q. Mr. Zeigler, are you aware of the bona fide representative requirement in order to engage in plumbing contracts in the state?

A. I understand -- well, we asked for

J. ZEIGLER

A. Yes, I did.

Q. For English?

A. Yes, I did.

Q. On how many occasions?

A. Probably about eight or nine.

Q. During this time period, you were not the bona fide representative for English Sewage Disposal?

A. No, I was not.

Q. Additionally, in your letter dated February 24, 2013, you go on to say, he, meaning Paul Behrens, later offered me the idea that I could use my license in his employment for a temporary trial period to see if it would be profitable for the both of us. I thought it was a good idea, but later found out that I was not being informed of decisions made with advertising or how I was to merge into the company.

So did English Sewage Disposal actually use your license?

A. He actually -- he never used my license, he never had my seal. He just said we have this, can you do this, and I said

J. ZEIGLER

advice. We weren't fully sure. I understand that it had to be 20 percent ownership of the company, but that's the thing we were trying to figure out how we could do it legally.

Q. During this November to October period where you were serving as the -- that you were actually a W-2 employee for English, did you actually consent to the use of your license number in any advertising?

A. No, I did not.

Q. Are you aware that there's quite a bit of advertising with your license number?

A. Yes, I am.

Q. I'm going to show you a series of documents that I have had marked S-1 through S-7, respectively. I'd just like you to comment on them. The first one, Mr. Zeigler, is marked S-1 for identification. It appears to be a billboard advertisement.

A. Uh-huh.

Q. It has your master plumber's license number; is that your number?

A. Yes, it is.

Q. Did you consent to the use of your

1 J. ZEIGLER
 2 number in that particular billboard?
 3 A. No, I did not.
 4 Q. Are you aware of the use of your
 5 number in that billboard?
 6 A. I think I actually saw it while I
 7 was employed by him. We might have been
 8 going to, you know, clean a septic tank
 9 out -- as an employee, not as a plumber --
 10 but I'm sure I passed that sign before.
 11 Q. Do you recall when you first became
 12 aware of it?
 13 A. It would probably have been during
 14 that summer.
 15 Q. Of what year?
 16 A. Of I guess 2008.
 17 Q. The exhibit indicates that the
 18 picture was taken in 2012, so that billboard
 19 has been up since 2008, to your knowledge,
 20 2008 to 2012?
 21 A. Somewhere around -- yeah, somewhere
 22 around there, yes.
 23 Q. Did you ever make an effort to
 24 notify the Board that your license number was
 5 being used illegally?

1 J. ZEIGLER
 2 Q. You never saw S-3?
 3 A. Well, it looks the same as this
 4 one. (Indicating)
 5 Q. They are two different ones because
 6 there are different billboard numbers
 7 indicated on each, so it looks like it's two
 8 separate billboards.
 9 A. I wouldn't know.
 10 Q. All right. Let me show you what's
 11 been marked S-4 for identification and it
 12 appears to be the Bridgeton area Super Pages
 13 advertisement advertising plumbing, English
 14 Septic. Again, it lists your licensed master
 15 plumber's number.
 16 A. I never authorized any of that.
 17 Q. Were you aware that it was
 18 occurring?
 19 A. I was aware after it occurred.
 20 Q. When that was?
 21 A. Probably when it came out. That
 22 would had to have been 2008, 2009 whenever
 23 the yellow pages came out that year.
 24 Q. Okay, this is the 2011, 2012
 25 edition, so do you think it's been running

1 J. ZEIGLER
 2 A. No, I did not. We actually, you
 3 know, couldn't, because -- we wanted to do
 4 something about it, but we couldn't because
 5 we weren't financially --
 6 Q. When you say we, who were you
 7 referring to?
 8 A. My family. My girlfriend and I and
 9 my kids.
 10 Q. Were you receiving any compensation
 11 during this period of time?
 12 A. No, I was not.
 13 Q. Let me show you what has been
 14 marked S-2. It appears to be another
 15 billboard advertisement but it does appear to
 16 list your plumbing license. Again, are you
 17 familiar with that particular --
 18 A. I am not. I don't know, I have
 19 never seen that one.
 20 Q. Let me show you S-3, again, another
 21 billboard advertisement.
 22 A. Uh-huh.
 23 Q. And again, the use of your master
 24 plumber license number?
 25 A. Never seen it.

1 J. ZEIGLER
 2 since 2008? Is that when you first noticed
 3 it?
 4 A. I believe it probably has.
 5 Q. Again, did you make any effort to
 6 notify the Board that your license number was
 7 being used in this advertisement?
 8 A. No, I did not.
 9 Q. Can I ask why?
 10 A. It was because I figured, you know,
 11 when he knew that we were inactive, it all
 12 would stop; that he would know that, you
 13 know, it's not legal to do what he's doing
 14 under my license.
 15 Q. But as a licensee of this Board,
 16 don't you think you have an obligation and a
 17 duty to notify the Board that your license
 18 number was being used --
 19 A. I do, but I really didn't
 20 understand what my responsibilities towards
 21 that would be. I didn't know how big of an
 22 impact it would be, that, you know -- I just
 23 hoped it would go away when I was done. When
 24 I was laid off it was done, but he had all
 25 this in there and afterwards, after that, I

42

J. ZEIGLER

would say after 2008, 2009, I really wasn't following, you know, looking around for billboards and this yellow page stuff, you know. I assumed that it was done.

Q. But I think you indicated in your response that at some point you became aware of a Cumberland County phonebook?

A. Cape May County.

Q. Cape May County, I'm sorry, advertisement. When was that?

A. That was when the book came out and it was delivered to our door. My girlfriend who, you know, you could probably talk to her. She knows more about it than I do. She saw it, and she told me, and I contacted him immediately and told him he had to stop or he has to, you know, become legal.

Q. You contacted --

A. Paul.

Q. Mr. Behrens. But you never contacted the Board?

A. No, I did not.

Q. Let me show you just for clarification so the record is clear, S-5,

J. ZEIGLER

Q. But made no effort to notify the Board?

A. That's correct.

Q. Let me just show you S-6, which appears to be a placard, again, advertising English Sewage Disposal and again, it contains your license number. Have you ever seen that placard before?

A. No, I have not.

Q. Finally, S-7, which is the Cumberland and Salem County yellow book. Again, an advertisement with English Sewage Disposal with your license number on it, so the record is clear, and again, the Cumberland County, you did call Mr. Behrens to remove it -- I'm sorry, the Cape May County?

A. Uh-huh.

Q. Is that a yes?

A. Yeah. Well, he can't remove it once it's out there, but he's aware he wasn't allowed to use it anymore and he knew when I went inactive that he wasn't supposed to be using it. He really should have known when

J. ZEIGLER

which appears to be the Bridgeton area Verizon phonebook for June 2011, 2012 and again, an advertisement for English Septic again, with your plumbing number on it under the septic heading in the phonebook.

A. In the statement that I sent you with the e-mails, he says that there shouldn't be, there shouldn't be any advertisements at all in it.

Q. Okay, but again, Mr. Zeigler, you are aware that he's using your license number now?

A. No, I'm not. I didn't know it was still, I didn't know he was still --

Q. Well, your testimony is you were aware of a billboard --

A. Of one. Well, that was a long time ago --

Q. From 2008 --

A. Not until now. At that year, at that time.

Q. You were aware of the Cape May County phonebook?

A. Yes, last summer.

J. ZEIGLER

he laid me off that he wasn't supposed to be using it.

Q. Did you sign and seal any permits from the time that you left employment, that you left the employment of English Sewage Disposal, did you sign any permits for them after that?

A. I believe I may have; one in Bridgeton for a water service.

Q. When was that?

A. That would have probably been in that October, within a few -- you know, two, three weeks after being laid off.

Q. So you weren't even an employee at that time and you signed and sealed a permit?

A. Yes, I did, but I also looked at it and inspected it.

Q. Who was listed as the contractor on that permit?

A. That would have been English Sewage?

Q. Not you?

A. That's correct.

DAG JOSEPH DONOFRIO: That's all I

1 J. ZEIGLER
 2 have right now, Mr. Chair.
 3 MR. PETER I. VOROS: Any other members
 4 have any questions?
 5 MR. MICHAEL K. MALONEY: Yes, if I
 6 could. When did he get his license?
 7 DAG JOSEPH DONOFRIO: 1995.
 8 MR. MICHAEL K. MALONEY: Did you go
 9 get your CEs every three years or every two
 10 years?
 11 THE WITNESS: Yes, I did.
 12 MR. MICHAEL K. MALONEY: Did you read
 13 it? Did you read the book? Do you know
 14 what license lending is?
 15 THE WITNESS: It wasn't license
 16 lending. I didn't think it was license
 17 lending. I figured I was, you know, making
 18 money for myself under my license.
 19 MR. MICHAEL K. MALONEY: Okay. I'm
 20 going to say to you again, do you know what
 21 license lending is?
 22 THE WITNESS: Not exactly, not in the
 23 legal sense of it.
 24 MR. MICHAEL K. MALONEY: You might
 5 want to look that up. That's a pretty

1 J. ZEIGLER
 2 Just to clarify and I suggest you talk to
 3 an attorney before you enter in any
 4 agreements with anybody, your comprehension
 5 of plumbing law is way off. You cannot pull
 6 a permit and have somebody else do the
 7 work. If you are sealing the permit, you
 8 and your W-2 employees have to be the ones
 9 doing the work, period. You have to plan,
 10 layout, supervise and inspect the work.
 11 THE WITNESS: Well, I did that
 12 basically. I knew the guy was, you know, a
 13 plumber, basically a plumber. You know, I
 14 assumed it was safe.
 15 MR. PETER I. VOROS: Your W-2
 16 employee --
 17 THE WITNESS: He wasn't my employee.
 18 MR. PETER I. VOROS: Right, that's
 19 what I'm telling you. That's where you
 20 made a mistake. If you are a bona fide
 21 representative of the company, then you're
 22 going to supervise those employees, but
 23 because you weren't a 10 percent owner and
 24 registered with this Board, you left
 25 yourself open --

1 J. ZEIGLER
 2 important part of the rules and regulations
 3 of our law and your name is all over --
 4 your license number is all over creation.
 5 THE WITNESS: Yeah, well, I never, you
 6 know, agreed to that.
 7 MR. MICHAEL K. MALONEY: But that's
 8 your responsibility as a licensed master
 9 plumber, to notify this Board that your
 10 license is being used illegally. It's not
 11 his responsibility; it's your
 12 responsibility, but then you're going out
 13 and you're sealing permits and you don't
 14 even work for him.
 15 THE WITNESS: Well, I was making a
 16 little bit of money for myself --
 17 MR. MICHAEL K. MALONEY: That's
 18 license lending. That's license lending.
 19 You don't own 10 percent of the business.
 20 It's not 20 percent of it, it's 10 percent
 21 of the business. You're not the bona fide
 22 rep, so you basically -- if there's 10
 23 master plumber's licensing laws, you broke
 4 nine of them, so that's all I have.
 25 MR. PETER I. VOROS: Anybody else?

1 J. ZEIGLER
 2 THE WITNESS: Yeah, well, I kind of
 3 thought that we were going to fit into that
 4 where it was going to become legal.
 5 MR. PETER I. VOROS: That's why I
 6 suggested to you before you ever do
 7 anything else, you should seek the advice
 8 of an attorney --
 9 THE WITNESS: That's never gonna
 10 happen, but I also like to say that I did
 11 call for advice.
 12 MR. PETER I. VOROS: Well, this Board
 13 isn't in charge to spoon-feed you on the
 14 law. You have the laws written in the
 15 book. You have to contact an attorney and
 16 have your business planned. It's not the
 17 Board's job to tell you how to do this, how
 18 to interpret the law. It's not our job.
 19 Now, when you've seen all these
 20 advertisements --
 21 THE WITNESS: That's disgraceful, you
 22 know. I don't understand, you know. I
 23 didn't see anything from it, you know, it
 24 improved his company and it's just, you
 25 know, screwing me over.

JH

J. ZEIGLER

MR. PETER I. VOROS: Well, what the problem is, is for you knowingly know this is happening and not notifying us, leaves yourself open to legal liabilities. If they hurt or did damage to people or if they have done, you're going to be liable because your license number is on the advertisement.

THE WITNESS: I knew of the one billboard and I was employed by him at the time, so, you know, that came after without my permission. He jumped ahead and just did that.

MR. PETER I. VOROS: Right, so I'm just telling you things that, you know, you might still be open to liabilities that has happened in the past because you're not notifying us about that and that if you're moving forward, after we get done making our decision, you're moving forward in the plumbing business, you really have to consult with an attorney because you are really out of your league on the things you've been doing.

J. ZEIGLER

also like to say I like Paul, you know. It's just -- my girlfriend tells me I shouldn't like him, but he's a nice man, you know, but he really did do a lot of damage.

MR. PETER I. VOROS: More than you may know.

THE WITNESS: Yes, I believe so.

DAG JOSEPH DONOFRIO: Just one more question, Mr. Chair. Mr. Zeigler, are there any other companies that you've had a similar relationship with?

THE WITNESS: No.

DAG JOSEPH DONOFRIO: English is the only one?

THE WITNESS: Yes, sir.

DAG JOSEPH DONOFRIO: Okay.

MR. PETER I. VOROS: Okay, I think we got enough information and what we're going to do is deliberate and we'll get in contact with you with our decision.

THE WITNESS: Should I just leave and go home?

MR. PETER I. VOROS: You can leave.

J. ZEIGLER

THE WITNESS: I didn't understand. I thought that we could do that. I thought that, you know, as long as I was there, you know, to look at the stuff, I figured it was okay.

MR. PETER I. VOROS: It's not. So rule of thumb is, if you're sealing a permit, you're doing the job or your W-2 employees. That's it. There's no other way around it unless you're registered with this Board as a bona fide representative of the company. Is there any other questions on here?

Would you like to make a closing statement?

THE WITNESS: No, just thank you, and, you know, I apologize, you know, for what happened and again, you know, it was beyond me.

MR. PETER I. VOROS: If you see any more advertisements, you'll let us know right away?

THE WITNESS: Oh yeah. We would like to have them busted for it really. I would

J. ZEIGLER

THE WITNESS: Do you need my seal?

MR. PETER I. VOROS: No, you can take your seal.

THE WITNESS: When we do our renewal -- I can renew?

MR. PETER I. VOROS: On-line.

DAG JOSEPH DONOFRIO: There's nothing prohibiting you from renewing right now, but be aware that this Board can take action concerning the status of your license based on the testimony here today and based on the evidence before us, okay, as I explained in my opening.

(Whereupon, the hearing concluded at 11:31 a.m.)

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CERTIFICATE

I, PEARL EGERT, Certified Court Reporter, certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

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46 * end page 13