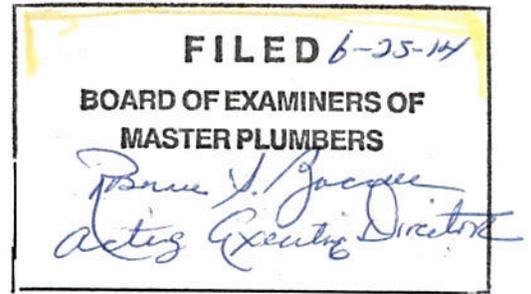


JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Examiners of Master Plumbers



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

MICHAEL J. GUERRO, LMP  
License No. 36BI00796100

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. Michael J. Guerro ("respondent") is a licensed master plumber in the State of New Jersey having received his license on April 1, 1988. Respondent is registered with the Board to trade as "Michael Guerro Plumbing". Respondent's license is currently active. (Exhibit A, certification of Acting Executive Director Rosemarie S. Baccile, attached).

2. This matter was opened to the Board upon receipt of complaints from the plumbing subcode official for the Township of East Brunswick. According to the complaints, an unlicensed plumbing company named "Superior Heating & Air Conditioning" was advertising plumbing services. According to the subcode official, "Superior Heating & Air Conditioning" was owned by Gary Rush. A review of the Board's records indicates that "Superior Heating & Air Conditioning" 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 Gary Rush is not licensed as a master plumber in the

State of New Jersey. The complaints allege "Superior Heating & Air Conditioning", via Mr. Rush, was "deceptively misleading the public by advertising and holding himself out as a Master HV-AC Plumbing Technician". The subcode official also provided photographs depicting a "Superior Heating & Air Conditioning" van advertising plumbing. (Exhibit B, copy of complaint and photographs submitted by the plumbing subcode official for the Township of East Brunswick, attached). (Exhibit A, certification of Acting Executive Director Rosemarie S. Baccile, attached).

3. Gary Rush appeared before the Board for an investigative inquiry and testimony under oath on September 27, 2012 and October 25, 2012. During his September 27, 2012 testimony, Mr. Rush stated that he subcontracted all plumbing work to a licensed master plumber named "Michael Guera" (sic). According to Mr. Rush, he employed the services of "Mr. Guerra" probably ten to 15 times. (Exhibit C, copy of transcript of the September 27, 2012 investigative inquiry of Gary Rush; pg. 15, lines 2 thru 25; pg. 16, lines 1 thru 25; pg. 17, lines 1 thru 25; pg. 18, lines 1 thru 25, attached).

4. Gary Rush further testified that he has employed the plumbing services of "Mr. Guerra" since 2008. Mr. Rush indicated that "Mr. Guerra" would confirm that he has done jobs for Mr. Rush since approximately 2008. The jobs performed by "Mr. Guerra" include changing a hot water heater, installing boilers and tying in the back flow preventer. "Mr. Guerra" performed work for Mr. Rush as recently as four or five months ago. The Board subsequently learned that the plumber referred to by Gary Rush as "Mr. Guerra" was actually the respondent. (Exhibit C, copy of the transcript of the September 27, 2012 investigative inquiry of Gary Rush; pg. 33, lines 4 thru 15; pg. 35, lines 2 thru 9; pg. 36, lines 1 thru 25; pg. 37, lines 1 thru 14, attached).

5. Respondent, Michael J. Guerro, appeared before the Board at an investigative inquiry and gave testimony under oath on October 25, 2012. Respondent indicated that he practices alone and does plumbing work for home improvement contractors and general contractors. Respondent has no employees, but utilizes the general contractors employees to assist him with the plumbing related work. (Exhibit D, copy of the transcript of the October 25, 2012 investigative inquiry of respondent; pg. 7, lines 11 through 19; pg. 8, lines 12 thru 19; pg. 9, lines 15 thru 25; pg. 10, lines 1 thru 20, attached).

6. Respondent acknowledged doing plumbing work for Gary Rush, including installation of backflow preventers and sewer and water mains. Respondent also admitted that he never entered into a contract when providing plumbing work for Gary Rush. Respondent further

testified that he secured permits for Gary Rush each time he did plumbing work for him. Respondent stated he would stamp and fill out the permit, provide it to Gary Rush, and Mr. Rush would file it. Respondent acknowledged he did not bring copies of the permits with him to the inquiry, and when respondent was repeatedly asked to provide copies of the permits to the Board during the course of the inquiry he represented he would do so within thirty days or otherwise notify the Board that he needed more time. To date, respondent has not provided the requested copies of the permits to the Board. (Exhibit D, copy of the transcript of the October 25, 2012 investigative inquiry of respondent; pg. 13, lines 3 thru 9; pg. 16, lines 21 thru 24; pg. 14, lines 10 thru 25; pg 15, lines 1 thru 25; pg. 16, lines 1 thru 7; pg. 18, lines 20 thru 25; pg. 19, lines 1 thru 12; pg. 31, lines 9 thru 25; pg. 32, lines 1 thru 18; pg. 41, lines 13 thru 24; pg. 42, lines 22 thru 25; pg. 43, lines 1 thru 4, attached). (Exhibit A, certification of Acting Executive Director Rosemarie S. Baccile, 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(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(e), in that respondent has engaged in professional and occupational misconduct by failing to cooperate with the Board and provide the requested permits and final inspections concerning the plumbing work he performed for Gary Rush and Superior Services in violation of N.J.A.C. 13:45C-1.2.

ACCORDINGLY, IT IS on this 25<sup>th</sup> day of June, 2014,

ORDERED that:

1. Respondent is hereby provisionally reprimanded for violating N.J.S.A. 45:1-21(h) and N.J.S.A. 45:1-21(e) 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 provides copies of the plumbing

permits concerning the plumbing work he performed for Gary Rush and/or "Superior Heating & Air Conditioning", as well as the final inspections, as requested by the Board throughout the course of the investigative inquiry.

3. Respondent is hereby provisionally assessed a civil penalty in the aggregate amount of ten thousand dollars (\$10,000), consisting of a five thousand dollar (\$5,000) penalty, pursuant to N.J.S.A. 45:1-21(h), for utilizing persons who are not W-2 employees of respondent to perform plumbing work, specifically utilizing the employees of general contractors, in contravention of N.J.A.C. 13:32-3.4; as well as a five thousand dollar penalty (\$5,000), pursuant to N.J.S.A. 45:1-21(e), by engaging in professional and occupational misconduct by failing to cooperate with the Board and provide the requested permits and final inspections concerning the plumbing work he performed for Gary Rush and "Superior Services" and/or "Superior Heating & Air Conditioning", in violation of N.J.A.C. 13:45C-1.2.

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

MICHAEL J. GUERRO, LMP  
License No. 36BI00796100

TO PRACTICE PLUMBING  
IN THE STATE OF NEW JERSEY

---

Administrative Action

Certification of  
Rosemarie S. Baccile

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

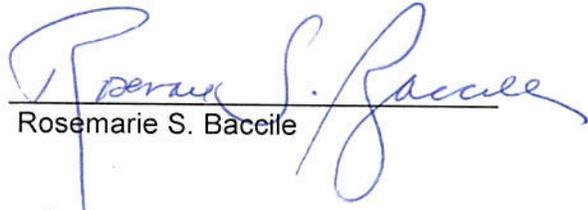
1. I am the Acting Executive Director for the New Jersey State Board of Examiners of Master Plumbers, Division of Consumer Affairs, Department of Law and Public Safety. As such, I am a custodian of the records for the Board.

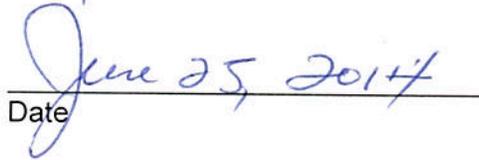
2. A search of the Board's records reveals that Michael J. Guerro is licensed as a master plumber in the State of New Jersey, having received his license on April 1, 1988. Mr. Guerro is registered to trade with the Board as "Michael Guerro Plumbing". Mr. Guerro's license is currently active.

3. A review of the Board's records indicates that "Superior Heating & Air Conditioning" 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 Gary Rush is not licensed as a master plumber in the State of New Jersey.

4. A further review of the Board's records indicates that Michael J. Guerro has not provided the Board with copies of the plumbing permits he pulled concerning plumbing work he performed for Gary Rush and/or "Superior Heating & Air Conditioning", as was requested throughout the course of the investigative inquiry.

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

  
\_\_\_\_\_  
Date

**EXHIBIT B**

2010 JUN 24 AM 9:28



LOG # 71211

**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: Thomas F Walsh  
ADDRESS: 1 Civic Center Drive  
CITY: East Brunswick  
STATE: New Jersey ZIP CODE: 08816  
HOME TELEPHONE NUMBER: \_\_\_\_\_  
(include area code)  
WORK TELEPHONE NUMBER: 732-390-6875  
(include area code)  
FAX NUMBER: 732-390-6906  
E-MAIL ADDRESS: thomas.walsh@eastbrunswick.org  
DATE: June 22, 2010

NAME: Gary Rush T/A Superior Services  
BUSINESS NAME: Superior Services  
ADDRESS: 111 Brookview Circle  
CITY: Jamesburg  
STATE: New Jersey ZIP CODE: 08831  
TELEPHONE NUMBER: 732-213-3063  
(include area code)  
TITLE: Owner  
LICENSE NUMBER (IF KNOWN): Unlicensed  
DATES OF TREATMENT/SERVICE:  
FROM: 6/22/2010 To: 6/22/2010

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) \_\_\_\_\_

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)



# Township of East Brunswick

OF MASTER PLUMBERS  
DIVISION OF CONSTRUCTION INSPECTION  
2010 JUN 24 AM 9:29

VIA CERTIFIED MAIL

Rosemarie Baccile  
Executive Assistant  
New Jersey State Board of Examiners of Master Plumbers  
124 Halsey Street, 6<sup>th</sup> floor  
Newark, New Jersey 07102

RE: FILE ID # 54004-UP / FILE ID # 67818-UP

Dear Board Members:

I had previously submitted the complaints referenced above on this individual to the Board on two separate occasions since August 2008 for illegally advertising plumbing services and deceptively misleading the public by advertising and holding himself out as a "MASTER HV-AC PLUMBING TECHNICIAN".

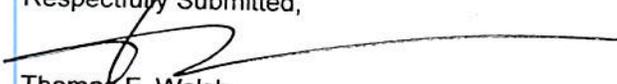
I am enclosing a photograph (**exhibit #1**) that I took on June 8<sup>th</sup> of a vehicle again advertising "**PLUMBING**", clearly in violation of the statutory requirements of N.J.S.A. 45:14C - 2 (g) and (h) and of this Board's two previous Cease and Desist Letters. I find this troubling, in that Mr. **GARY RUSH, T/A SUPERIOR HEATING & AIR CONDITIONING** had already been brought to the Board's attention by me twice since August 2008 for holding his business out as a "Plumbing Contractor" and himself as a "Plumbing Technician", which both **# 54004-UP** and **# 67818-UP** respectively, will show are false advertising.

In what I can only describe as a statistical anomaly, I discovered yet another **SUPERIOR HEATING AND AIR CONDITIONING** truck on lunch break today, bearing the same deceptive advertising in violation of N.J.S.A. 45:14C - 2 (g) and (h) and N.J.S.A. 56:8-2. I've also included pictures of this vehicle which I took with my BlackBerry today while Mr. Rush's truck was parked in the lot outside of Best Buy, in the Midstate Mall Shopping Center here in East Brunswick. These are referenced as exhibits 2 through 7 for your review.

It is evident from the photographs, Mr. Rush believes that by manipulating the word "maintenance" into a font so small in size, that it is virtually impossible to read (unless you are Lilliputian) and placing it after the huge lettering of the word "**PLUMBING**", that this purposely deceptive "marketing campaign" of his, is somehow acceptable under the existing statutory law. I am a Construction Code Official and I am familiar with interpreting law every day, albeit administrative law. One should not interpret the law with the premise of making it mean whatever one wants it to mean, as it appears Mr. Rush does. Quite frankly, his disrespect of the law, and of the Board's authority to act in accordance with it is offensive.

As I previously mentioned, this individual has already had two complaints filed against him by me alone, over a period of several years. In both instances, a Cease and Desist Letter was issued. It has become **visibly obvious** from the enclosed photographs, that both of these letters were treated with contempt and simply ignored. I therefore respectfully request the Board take swift and severe action against Mr. Rush pursuant to **P.L. 2009, c.267** and compel him by whatever means necessary, to remove the deceptive advertising from all of his vehicles, thus protecting the consumer from the **fraud that he has knowingly been committing** since the first Cease and Desist letter was issued at least two years two years ago.

Respectfully Submitted,

  
Thomas F. Walsh  
Plumbing Subcode Official

Cc: Thomas R. Calcagni / Acting Director - New Jersey Division of Consumer Affairs

JEAN WALLING CIVIC CENTER, P.O. BOX 1081, EAST BRUNSWICK, NEW JERSEY 08816-1081

OFFICE (732) 390-6875  
FAX (732) 390-6906 //

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

Name: Gary Rush

Title: Owner License number: Unlicensed

Address: 111 Brookview Circle Jamesburg New Jersey 08831  
Street address City State ZIP code

Telephone number: 732-213-3063  
(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: \_\_\_\_\_

Address: \_\_\_\_\_  
Street address City State ZIP code

Daytime telephone number: \_\_\_\_\_ Evening telephone number: \_\_\_\_\_  
(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.)

- Administrative/Recordkeeping
- Advertising
- Fees/Billing Practices
- Fraud
- Incompetence
- Insurance Fraud
- Professional/Occupational Misconduct
- Sexual Misconduct
- Substance Abuse/Impairment
- Unlicensed Practice
- 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.

SEE ATTACHED LETTER

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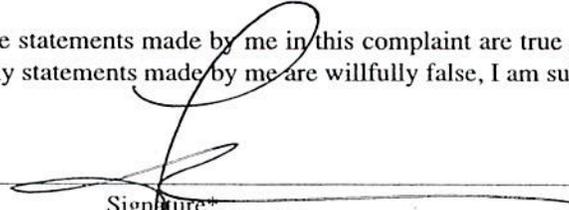
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7. Please describe any action taken to resolve this matter prior to contacting the Board. Please print clearly. You may use additional sheets of paper if they are needed.

MR. RUSH WAS NOTIFIED BY ME SEVERAL TIMES REGARDING HIS DECEPTIVE ADVERTISING AND HE WAS ASKED BY ME TO REMOVE IT. HE HAS ALSO BEEN ISSUED 2 CEASE AND DESIST ORDERS FROM THE BOARD AS THE ATTACHED LETTER REFERENCES. IT'S OUTRAGEOUS THAT AFTER 2 YEARS, 2 WARNINGS AS A TOWNSHIP OFFICIAL AND 2 CEASE AND DESIST LETTERS FROM THE BOARD, THAT THIS IS ALLOWED TO GO ON WITHOUT PREJUDICE.

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.

  
Signature\*

June 22, 2010

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.



New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Examiners of Master Plumbers  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



ANNE MILGRAM  
Attorney General

DAVID SZUCHMAN  
Director

August 6, 2008

Mailing Address:  
P.O. Box 45008  
Newark, NJ 07101  
(973) 504-6420

Mr. Thomas Walsh  
Plumbing Subcode Official  
Township of East Brunswick  
P.O. Box 1081  
East Brunswick, NJ 08816

GARY RUSH, T/A SUPERIOR HEATING & AIR CONDITIONING  
111 ROUTE 18, EAST BRUNSWICK, NJ 08816

ADVERTISEMENTS FOR PLUMBING SERVICES WITHOUT PROPER  
LICENSURE: "COFFEE NEWS" APRIL 28, 2008

Dear Mr. Walsh:

The State Board of Master Plumbers is in receipt of your correspondence enclosing the above described advertisement.

The preliminary review of this advertisement reflects that this company has included the caption "plumbing" as part of their offered services.

A check of the files of the Board Office determined that no registered trade name exists on file for this entity as being licensed to contract or perform plumbing services in the State of New Jersey.

Please be advised that the Board will review these issues to consider violations of existing New Jersey Plumbing Statutes, Rules and Regulations, and will proceed to send a Cease and Desist letter with Certification to above subscriber.

Thank you for your cooperation in submitting this advertisement to the Board.

Very truly yours,  
THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS

Barbara A. Cook  
Executive Director

FILE ID # 59004-UP  
BAC: cs

BOARD OF EXAMINERS  
OF MASTER PLUMBERS

2010 JUN 24 AM 9:30



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

*New Jersey Office of the Attorney General*

Division of Consumer Affairs  
State Board of Examiners of Master Plumbers  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



PAULA T. DOW  
Attorney General

SHARON M. JOYCE  
Acting Director

March 5, 2010

Mr. Thomas F. Walsh  
Plumbing Subcode Official  
1 Civic Center Drive  
East Brunswick, NJ 08816

**Mailing Address:**  
P.O. Box 45008  
Newark, NJ 07101  
(973) 504-6420

RE: GARY RUSH, T/A SUPERIOR SERVICES

UNLICENSED-ADVERTISING AS HVAC PLUMBING TECHNICIAN

Dear Mr. Walsh:

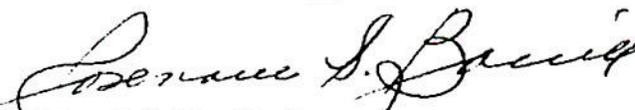
The State Board of Examiners of Master Plumbers is in receipt of your complaint and accompanying documentation concerning the above entity.

Please be advised that a review of our files determined that the above entity is not licensed; therefore, they are not permitted to either advertise for plumbing services, or to represent themselves as an entity licensed to perform plumbing services. Further, this individual is not permitted to perform any plumbing services in the State of New Jersey.

A certified Cease and Desist Order will be issued to this company and individual if any violation of the Plumbing Laws of this State is established.

Should the Board warrant any further disciplinary action against this company, and/or warrant the return of any consumer restitution, you will be recontacted by the Board.

Very truly yours,  
THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS

  
Rosemarie S. Baccile, Executive Assistant

FILE ID # 67818-UP

2010 JUN 24 AM 9:30

# SUPERIOR SERVICES

HEATING AIR CONDITIONING ELECTRICAL  
PLUMBING MAINTENANCE

SAME DAY SERVICE & REPLACEMENTS

Welcome

About Us

Services

Coupons

Contact Us

#### Sales/Service

- \* Fully Licensed & Insured
- \* Service On All Makes & Models
- \* Maintenance Agreements
- \* Highly Trained Technicians
- \* Free Estimates

#### Sewer & Drain Cleaning

- \* Water & Sewer Repairs & Replacements
- \* Gas Piping
- \* Frozen Pipe Repairs
- \* Sump Pumps
- \* Water Jetting
- \* Video Camera Inspections

#### Heating/Cooling

- \* Environmentally Friendly Refrigerant
- \* EPA Certified
- \* Energy Efficient Systems
- \* Oil To Gas Conversions
- \* Programmable Thermostats
- \* 80%-95% High Efficiency Furnaces
- \* 13-18 SEER High Efficiency A/C Systems
- \* Fujitsu & LG Mini-Split Systems
- \* Humidifiers
- \* Air Cleaners
- \* Tax Credit Rebates Available

#### Plumbing

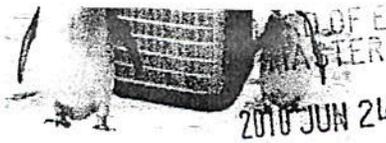
- \* Toilet Repairs & Replacements
- \* Energy Efficient Hot Water Boilers
- \* Gas Lines For Gas Grills, Gas Logs, & Gas Fireplaces
- \* Frozen Pipe Repairs
- \* Tankless Hot Water Heaters
- \* Kitchen & Bath Faucet Repairs & Replacements
- \* Energy Efficient Oil & Gas Hot Water Boilers

#### Electrical

- \* Service Upgrades
- \* Recessed & Track Lighting
- \* Ceiling Fans
- \* Attic Fans
- \* Countertop Lighting
- \* All Electrical Needs

Residential & Commercial

PRICED BY THE JOB NOT BY THE HOUR



**PLATINUM**  
Service "For Less"

*We Are Your  
Home Comfort  
Specialists*

**24/7**

**EMERGENCY SERVICE**

MENTION THIS AD  
FOR 5% OFF  
ANY NEW  
INSTALLATION



**732-213-3063**

[www.SuperiorServices1.com](http://www.SuperiorServices1.com)  
*(All Work Performed By Licensed Contractors)*

Gary Rush  
Master HVAC  
Technician  
Lic.# 13VH04515600



[Click Here To See Our Maintenance Service Agreement](#)

[ [Home](#) ] [ [About Us](#) ] [ [Services](#) ] [ [Coupons](#) ] [ [Contact](#) ]

| Central Jersey Area | Phone: (732) 213 - 3063 | Free Estimates | No Additional Charges On Weekend Calls |

[Site Manag](#)

Power  
**superpa**  
Yellow



Why Settle for "GOLD"  
When You Can Have  
Superior's



<http://www.superiorservices1.com/>

6/23/2010

# DIETZ PLUMBING

Why Settle for GOLD  
when you can have  
SUPERIOR PLUMBING  
SERVICES For Less !!!

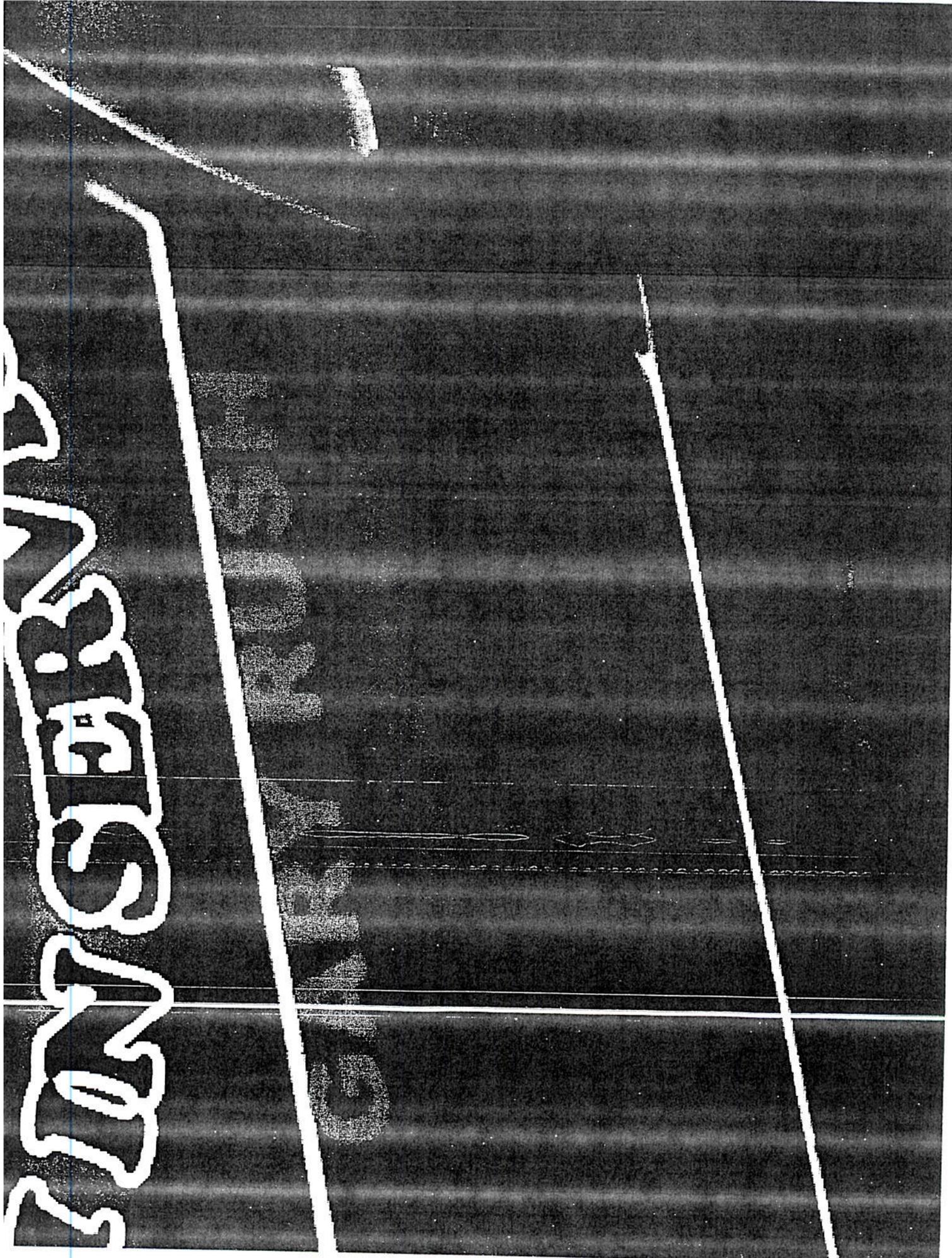
# CALLING ALL PLUMBERS

732-213-3063

www.dietzplumbing.com

my mirror

CAREY RUSSELL



**SUPERIOR SERVICES**

Why Settle for **COLD**  
when you can have  
**SUPERIOR 'PLATINUM'**  
**SERVICES For Less !!!**

**HEATING A/C PLUMBING**

**YOUR HOME  
COMFORT  
SPECIALIST**

**732-213-3063**

**www.superforservices1.com**

All Work Performed By Licensed Contractors



BUY

**SUPERIOR  
SERVICES**

**732-213-3063**

**www.superiorservices1.com**

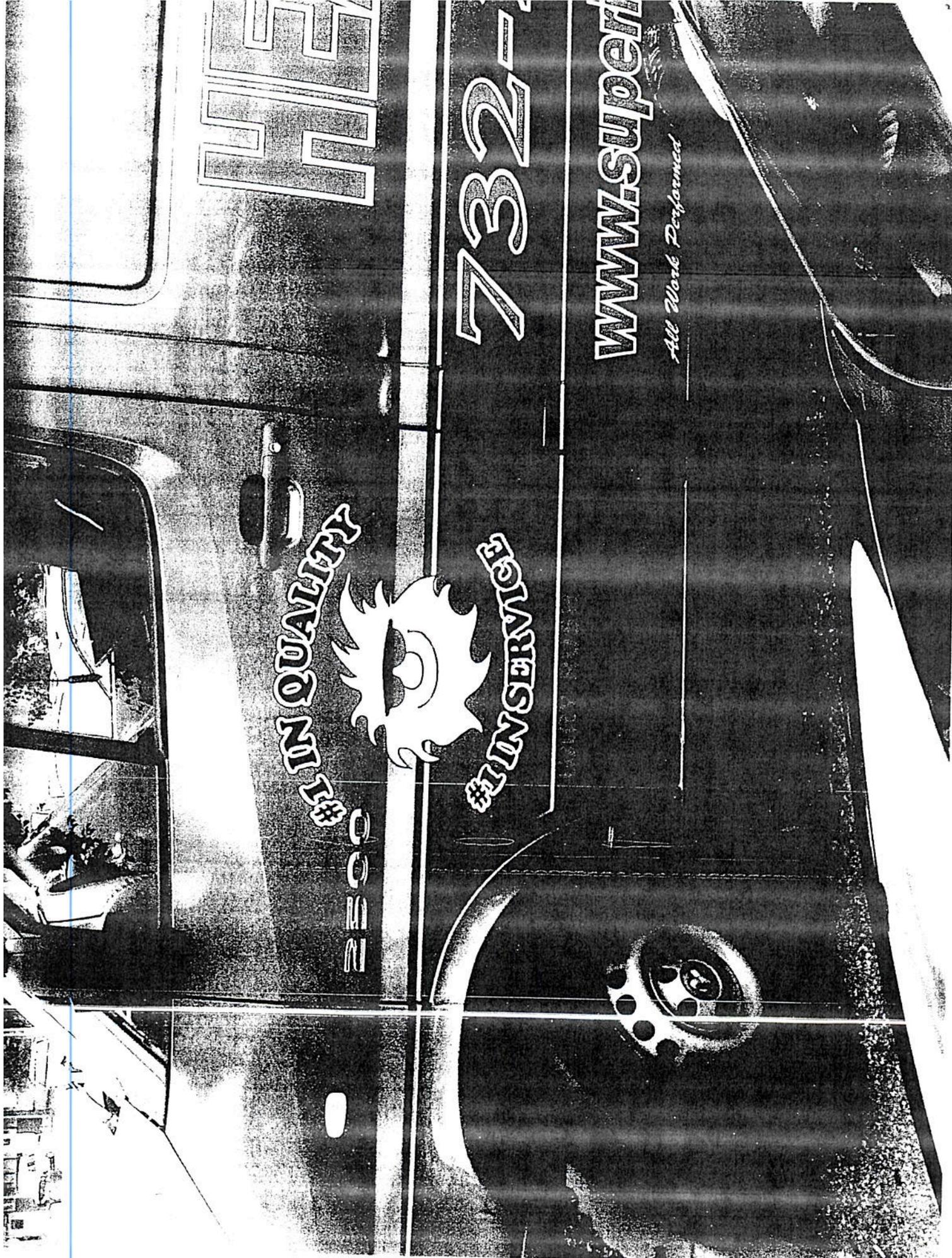
NEW JERSEY  
**XR-3406**  
MARCH 2004

**With What a Rush!**

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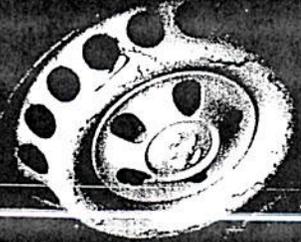
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**EXHIBIT C**

BOARD OF MASTER PLUMBERS

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SEPTEMBER 27, 2012  
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COPY

CASE: GARY RUSH

HELD AT: 124 Halsey Street, Hudson Room  
Newark, New Jersey 07102

REPORTED BY:  
CATHERINE T. McLAUGHLIN, CCR, RPR

BOARD MEMBERS:

MAYOR PETER I. VOROS, CHAIRMAN  
JOSEPH A. D'ONOFRIO, DAG  
ROSEMARIE BACCILE, STAFF  
MICHAEL K. MALONEY, VICE CHAIRMAN  
MICHAEL L. SESTANOVICH, SECRETARY  
ROBERT B. REEVE, LICENSED MASTER PLUMBER  
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(Whereupon, Exhibits S-1, S-2 and S-3 were marked for identification.)

(The proceedings started at, approximately, 12:50 p.m.)

MR. VOROS: I'm Peter Voros, master plumber representative, Chairman of the Board. I'd like to introduce the other members.

MR. DILEO: Don DiLeo, public member.

MR. MALONEY: Mike Maloney, master plumber member.

MR. SESTANOVICH: Michael Sestanovich, public member.

MR. BONTEMPO: Paul Bontempo, public member.

MR. SABATH: A.J. Sabath, public member.

MR. McMANUS: Jim McManus, journeyman member.

MR. REEVE: Robert Reeve, master

Jersey.

The second concerns a Madeline Ferghea (ph.), who resides at 32 John Adams Court in Monroe Township, New Jersey.

As a result of receiving that information, the Board called this investigative inquiry pursuant to New Jersey Statute 45:1-18, in order to obtain in background information about you and your company, and most importantly to determine the operative facts surrounding the allegations of unlicensed practice.

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

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

plumber.

MS. BACCILE: Rosemarie Baccile, acting executive director.

MR. D'ONOFRIO: Joseph D'Onofrio, deputy attorney general.

MR. VOROS: The deputy attorney general is going to go over the ground rules for your proceedings today.

MR. RUSH: Thank you.

MR. D'ONOFRIO: Mr. Rush, you are here today pursuant to a subpoena; is that correct?

MR. RUSH: That's correct, yes, sir.

MR. D'ONOFRIO: The Board issued that subpoena based on allegations that you're engaging in the unlicensed practice of plumbing. Additionally, we have copies of two complaints concerning work that you may have performed, unlicensed.

The first concerns a Joseph Bellina, B-E-L-L-I-N-A, at 1230 Tecumseh Place in Manasquan, New

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 implicate 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, in fact, issued you'll be a given a full opportunity to respond to the allegations of that complaint of that complaint.

Now, Mr. Rush, you're here pursuant to a subpoena. I see you're here alone, not represented by legal counsel. Is it your intention to proceed today without legal counsel?

MR. RUSH: I asked her if I needed one, she said just come in. I don't believe I need counsel at this present time.

1 MR. VOROS: After what you just  
2 heard, do you feel that you need it?

3 MR. RUSH: I don't feel I need  
4 it.

5 MR. D'ONOFRIO: Be aware, if at  
6 any time during the course of the  
7 proceeding you are uncomfortable, you  
8 want to get legal counsel, let the  
9 Chair know. We'll address that  
10 issue.

11 THE WITNESS: Okay.

12 MR. D'ONOFRIO: Okay. Any other  
13 questions, Mr. Rush, as to why you're  
14 here today?

15 MR. RUSH: No, sir.

16 MR. D'ONOFRIO: If we could have  
17 Mr. Rush sworn in, please.

18 - - -  
19 GARY RUSH, having been duly  
20 sworn, was examined and testified as  
21 follows:

22 - - -  
23 MR. D'ONOFRIO: All right. Mr.  
24 Rush, just by way of background,  
25 would you please tell the Board your

1 THE WITNESS: The state  
2 contractors license, I mean, sir.

3 MR. D'ONOFRIO: Well, you are a  
4 home improvement contractor?

5 THE WITNESS: That's correct. I  
6 do home improvement.

7 MR. D'ONOFRIO: You are a home  
8 improvement contractor in the State  
9 of New Jersey, is that correct?

10 THE WITNESS: That's correct,  
11 yes.

12 MR. D'ONOFRIO: You're aware  
13 that does not entitle you to engage  
14 in the practice of plumbing.

15 THE WITNESS: Absolutely. We  
16 have licensed plumbers who do our  
17 work.

18 MR. D'ONOFRIO: And the name of  
19 your company?

20 THE WITNESS: Superior Service.

21 MR. D'ONOFRIO: All right.

22 THE WITNESS: Services.

23 MR. D'ONOFRIO: Superior Heating  
24 and Air Conditioning?

25 THE WITNESS: Superior Heating

1 current address.

2 THE WITNESS: That would be 19  
3 Pinehill Road, Milltown Township.

4 MR. D'ONOFRIO: And your  
5 telephone number, please?

6 THE WITNESS: 732-213-3063.

7 MR. D'ONOFRIO: And how do you  
8 make a living? How are you employed?

9 THE WITNESS: I work for myself.

10 MR. D'ONOFRIO: In what  
11 capacity.

12 THE WITNESS: Well, I do heating  
13 and air conditioning.

14 MR. D'ONOFRIO: And you have  
15 your own company?

16 THE WITNESS: Yes, I do. I have  
17 a license. I have a copy of my  
18 business license, if anyone would  
19 like to see that.

20 MR. D'ONOFRIO: Business license  
21 pertaining to what profession?

22 THE WITNESS: Heating and air  
23 conditioning.

24 MR. D'ONOFRIO: Issued by what  
25 entity?

1 and Air Conditioning. I'm sorry,  
2 sir, yes.

3 MR. D'ONOFRIO: Okay. And just  
4 so the record is clear, you are not a  
5 licensed plumber in the State of New  
6 Jersey?

7 THE WITNESS: Absolutely not,  
8 no, sir.

9 MR. D'ONOFRIO: That is correct?

10 THE WITNESS: No, sir

11 MR. D'ONOFRIO: You are not  
12 licensed in any state?

13 THE WITNESS: I was licensed in  
14 the state of Virginia

15 MR. D'ONOFRIO: A licensed  
16 master plumber?

17 THE WITNESS: Yes.

18 MR. D'ONOFRIO: When was that?

19 THE WITNESS: Nineties. I just  
20 moved back from there I guess about  
21 ten, 15 years ago; ten to 12 years  
22 ago.

23 MR. D'ONOFRIO: What's the  
24 status of that? Virginia, you said?

25 THE WITNESS: Yes, eastern shore

1 Virginia.

2 MR. D'ONOFRIO: What's the  
3 status of that Virginia license?

4 THE WITNESS: I never re-applied  
5 for it. You have to pay a fee every  
6 year.

7 MR. D'ONOFRIO: It's not active?

8 THE WITNESS: It's not active at  
9 this time.

10 MR. D'ONOFRIO: Either, probably  
11 suspended -- I don't know how  
12 Virginia does it.

13 THE WITNESS: You have to pay a  
14 fee. I haven't been there 15 years,  
15 or 12 years. So I haven't renewed  
16 it.

17 MR. D'ONOFRIO: But it hasn't  
18 been suspended as a result of  
19 disciplinary action?

20 THE WITNESS: No.

21 MR. D'ONOFRIO: Now, the company  
22 was previously called Economic Air  
23 Superior Plumbing?

24 THE WITNESS: That was when I  
25 moved started the business in '84 and

1 THE WITNESS: Justin Rush, my  
2 nephew.

3 MR. D'ONOFRIO: Is Justin a  
4 master plumber?

5 THE WITNESS: No. There's no  
6 master plumber working for me. They  
7 do work for me, but I don't have them  
8 in my, you know...

9 MR. D'ONOFRIO: Does Superior  
10 advertise at all?

11 THE WITNESS: Yes, we do.

12 MR. D'ONOFRIO: Could you tell  
13 us some of the advertising venues?

14 THE WITNESS: I could show it to  
15 you, sir, if you'd like.

16 MR. D'ONOFRIO: Sure. I have a  
17 letter, prior to doing my  
18 advertisements, if that's okay.  
19 Prior to doing an advertisement in  
20 2008 when we started our business, we  
21 called our you guys up to see how we  
22 could advertise.

23 It states here, "All work  
24 performed by licensed plumbers."  
25 Here's one of the ads. It states

1 I moved to Virginia. I never  
2 re-established that business when I  
3 came back home.

4 MR. D'ONOFRIO: So Economic Air  
5 isn't in business?

6 THE WITNESS: Hasn't been in  
7 business 15 years.

8 MR. D'ONOFRIO: It's just  
9 Superior heat and air?

10 THE WITNESS: It's just Superior  
11 heat and air.

12 MR. D'ONOFRIO: And you're the  
13 sole owner of Superior?

14 THE WITNESS: That is correct.

15 MR. D'ONOFRIO: Do you have any  
16 employees?

17 THE WITNESS: I have my nephew  
18 that helps me out. That's all. I  
19 fractured my back. I was working by  
20 myself and I fractured my back last  
21 year. So I've been just struggling.

22 MR. D'ONOFRIO: And who's your  
23 nephew?

24 THE WITNESS: Justin Rush.

25 MR. D'ONOFRIO: I'm sorry?

1 there, "All work performed by  
2 licensed Plumbers."

3 MR. D'ONOFRIO: Why don't we  
4 have that marked for identification  
5 as part of the record.

6 (Whereupon, discussion was held  
7 off the record, and Exhibits R-1  
8 through R-4 were marked for  
9 identification.)

10 MR. D'ONOFRIO: Mr. Rush, the  
11 documents you've provided which I've  
12 marked R-1 through 4, if you could  
13 identify those for the record,  
14 please. First, R-1.

15 THE WITNESS: I'll put my  
16 glasses on. R-1 is a heating and  
17 air-conditioning ad. It states, "All  
18 plumbing work performed by licensed  
19 plumbers."

20 MR. D'ONOFRIO: That's an ad for  
21 superior, your company?

22 THE WITNESS: That's correct.

23 MR. D'ONOFRIO: Where did that  
24 ad appear?

25 THE WITNESS: In the Yellow

1 Pages. Just so we understand, it  
2 didn't appear for one year. That was  
3 in 2008, when I first started the  
4 business. It's no longer -- I have  
5 no ads at this present moment. I do  
6 have one website that states, "All  
7 work is performed by and completed by  
8 licensed plumbers."

9 MR. D'ONOFRIO: Is that the  
10 document you're referring to as R-2?

11 THE WITNESS: That would be R-2,  
12 okay. R-3, "All work performed by  
13 licensed plumbers."

14 MR. D'ONOFRIO: Where does R-3  
15 appear?

16 THE WITNESS: Appears in  
17 Yellowbook.

18 MR. D'ONOFRIO: Is that in the  
19 plumbing section?

20 THE WITNESS: I don't know.  
21 This was in 2008. I know it's in the  
22 heating and air-conditioning section.

23 MR. D'ONOFRIO: How about R-1,  
24 where does that appear?

25 THE WITNESS: In the heating and

1 MR. D'ONOFRIO: -- all plumbing  
2 repairs are completed by a licensed  
3 plumber?

4 THE WITNESS: That is correct.

5 MR. D'ONOFRIO: Who are the  
6 licensed plumbers you work with?

7 THE WITNESS: His name is  
8 Michael Guerra. I don't have his  
9 proper spelling, but I can get that  
10 for you.

11 MR. D'ONOFRIO: Do you have  
12 copies of contracts you've engaged in  
13 with Mr. Guerra, I guess?

14 THE WITNESS: Yes. I didn't  
15 bring those, I'm sorry.

16 MR. D'ONOFRIO: You didn't bring  
17 those with you?

18 THE WITNESS: No.

19 MR. D'ONOFRIO: Didn't the  
20 subpoena ask you to bring all  
21 documentation concerning work  
22 performed by Superior Services?

23 THE WITNESS: Sir, I thought I  
24 didn't need it. I apologize. I can  
25 get you anything you do need.

1 air conditioning.

2 MR. D'ONOFRIO: Not in the  
3 plumbing section?

4 THE WITNESS: I don't know.  
5 This is 2008. I do not want to say  
6 something and be wrong.

7 MR. D'ONOFRIO: What is R-4?

8 THE WITNESS: A letter from the  
9 plumbing board prior to me doing any  
10 ads. It states, "Advertising to be  
11 provided by plumbing services. If  
12 advertisement makes clear that the  
13 plumbing work will be subcontracted  
14 to a licensed master plumber,  
15 authorized plumbing contractor."

16 So, it says an unlicensed person  
17 or entity may also advertise to  
18 provide plumbing services, stating  
19 from the board of contractors. Prior  
20 to me doing any ads or doing  
21 anything, I made sure this is what...

22 MR. D'ONOFRIO: So you put that  
23 disclaimer in all your advertisements  
24 concerning --

25 THE WITNESS: Yes.

1 MR. D'ONOFRIO: Okay.

2 THE WITNESS: I don't -- this is  
3 the first time I've ever been in  
4 something like this, sir.

5 MR. D'ONOFRIO: The subpoena was  
6 pretty self-explanatory.

7 MR. VOROS: Do you know his  
8 license number?

9 THE WITNESS: I don't have it in  
10 front of me; no, sir. We just  
11 renovated a house, I guess about  
12 three weeks ago. Everything was done  
13 by a licensed plumber. Everything  
14 was done by a licensed electrician.

15 MR. D'ONOFRIO: What's his  
16 address?

17 THE WITNESS: I don't have it,  
18 sir.

19 MR. D'ONOFRIO: You don't have  
20 his address?

21 THE WITNESS: Not with me.

22 MR. D'ONOFRIO: You have a  
23 business relationship with a licensed  
24 master plumber and you're not sure of  
25 his license number or his address

1 What's the name of his company?

2 THE WITNESS: Mike's Plumbing.

3 I can get you all -- everything you  
4 want in two seconds.

5 MR. D'ONOFRIO: Spell the last  
6 name, phonetically if you have to.

7 THE WITNESS: G-U-E-R-A? (Sic)

8 MR. D'ONOFRIO: "Guera"?

9 THE WITNESS: "Guera".

10 MR. D'ONOFRIO: Mike Guera?

11 THE WITNESS: East Brunswick  
12 area.

13 MR. D'ONOFRIO: He's from the  
14 East Brunswick area? How many times  
15 have you employed the services of Mr.  
16 Guerra?

17 THE WITNESS: Probably ten to 15  
18 times.

19 MR. D'ONOFRIO: And each time  
20 you've entered into a contract?

21 THE WITNESS: Yes.

22 MR. D'ONOFRIO: So you can  
23 provide us with ten contracts whereby  
24 you've employed the plumbing services  
25 of Mr. Guerra, who performed plumbing

1 THE WITNESS: No.

2 MR. D'ONOFRIO: Let me show you  
3 what I've previously marked for  
4 identification S-1 and S-2 and ask  
5 you if you recognize what's depicted  
6 in these pictures.

7 First, S-1, do you recognize  
8 what's depicted?

9 THE WITNESS: Yes.

10 MR. D'ONOFRIO: What's that?

11 THE WITNESS: That's my van.

12 MR. D'ONOFRIO: What's the  
13 license plate number?

14 THE WITNESS: I can't see that,  
15 sir.

16 MR. D'ONOFRIO: You can't make  
17 that out, okay. It indicates  
18 "Superior Services." Is the  
19 disclaimer on there, as well?

20 THE WITNESS: Absolutely, right  
21 on the side door. It's been there  
22 since it was lettered

23 MR. D'ONOFRIO: Since? I'm  
24 sorry?

25 THE WITNESS: Since it was

1 services on behalf of Superior?

2 THE WITNESS: Absolutely.

3 MR. D'ONOFRIO: You don't have  
4 that documentation with you here  
5 today?

6 THE WITNESS: No, I don't. I  
7 don't, sir, I'm sorry.

8 MR. D'ONOFRIO: Any other master  
9 plumbers you utilized?

10 THE WITNESS: No. We don't do a  
11 lot of plumbing. It was just there  
12 when we do renovations, is when we do  
13 it, or a bathroom renovation or  
14 something like that. That's when we  
15 hire a plumber to take care of that.  
16 Our main business is heating and  
17 air-conditioning and renovations.

18 MR. D'ONOFRIO: Do you also have  
19 company vehicles; vans, trucks?

20 THE WITNESS: Yes, I do.

21 MR. D'ONOFRIO: How many?

22 THE WITNESS: I have,  
23 approximately, three.

24 MR. D'ONOFRIO: Three? Do you  
25 have license numbers.

1 lettered.

2 MR. D'ONOFRIO: So, since?

3 THE WITNESS: Oh, since the  
4 truck was lettered.

5 MR. D'ONOFRIO: And when was  
6 that?

7 THE WITNESS: I guess probably  
8 three years ago.

9 MR. D'ONOFRIO: And S-2 for  
10 identification, do you recognize  
11 what's depicted in S-2?

12 THE WITNESS: Yes, I do.

13 MR. D'ONOFRIO: Okay. And what  
14 is it?

15 THE WITNESS: It's a letter --  
16 it says "Master HVAC," then it says  
17 "Plumbing technicians," which you had  
18 called me on and I immediately  
19 removed the plumbing. Because she  
20 said you can't have it say "master  
21 HVAC." I think you want us to -- I  
22 think you want to say "master  
23 plumbers," but it doesn't.

24 MR. D'ONOFRIO: Well, it has  
25 your name above it, and it also --

1 and it indicates "master HVAC  
2 plumbing technician." You are not a  
3 licensed master plumber in the State  
4 of New Jersey, isn't that correct?

5 THE WITNESS: No, I didn't mean  
6 it to say -- if you look at my ads,  
7 all of my ads say "master HVAC  
8 technicians." That's what all my ads  
9 say.

10 MR. D'ONOFRIO: This says  
11 "plumbing." The lettering on your  
12 vehicle indicates plumbing.

13 THE WITNESS: You are correct,  
14 okay. I meant that I had plumbing  
15 technicians. I meant master HVAC.  
16 You can see in my ads it says "master  
17 HVAC." It doesn't say plumbing at  
18 all. Master HVAC, and I meant that  
19 as plumbing technicians. I  
20 immediately removed the "plumbing"  
21 from each one. There was only on --

22 MR. D'ONOFRIO: Who are the  
23 plumbing technicians?

24 THE WITNESS: Meaning what, sir?

25 MR. D'ONOFRIO: You tell me.

1 year. Do you want to revise your  
2 testimony?

3 THE WITNESS: No, sir; I do not.  
4 Because this is off the door. It may  
5 be dirty there, but that word --

6 MR. D'ONOFRIO: You testified  
7 that that language no longer appears  
8 on your vehicle.

9 THE WITNESS: I know that, sir.  
10 And that's what I'm telling you right  
11 now. We can go right now to look at  
12 this truck and it's not there. It's  
13 just dirty. There might have been  
14 dirt on it, but it doesn't... no,  
15 I'll stand by the testimony, and you  
16 guys can have somebody out there  
17 right now and take a look at it.

18 MR. D'ONOFRIO: We just had  
19 somebody come out in September of  
20 this year, September 6th, and this is  
21 way it read.

22 THE WITNESS: Okay.

23 MR. D'ONOFRIO: Right?

24 THE WITNESS: I see what it  
25 says, sir.

1 You meant to indicate plumbing  
2 technicians. Who are the plumbing  
3 technicians?

4 THE WITNESS: Anybody I hired to  
5 do the plumbing work, that's who I  
6 would have do the work.

7 MR. D'ONOFRIO: Does it  
8 currently read this way?

9 THE WITNESS: Absolutely not, as  
10 soon as she called me up.

11 MR. D'ONOFRIO: When was that?

12 THE WITNESS: Last year, I  
13 believe, sir. I immediately removed  
14 it.

15 MR. D'ONOFRIO: So as of last  
16 year, that language does not  
17 appear --

18 THE WITNESS: Not at all, sir.

19 MR. D'ONOFRIO: The date of this  
20 picture is what, sir?

21 THE WITNESS: 2012. 09/6/2012.

22 MR. D'ONOFRIO: Okay, all right.  
23 So, that's the state of your vehicle  
24 as of September 6, 2012. Your  
25 testimony was you removed it last

1 MR. D'ONOFRIO: Okay. In every  
2 instance that either Superior or  
3 Economic Air performed plumbing work  
4 throughout the entire history of  
5 either company, was it always done by  
6 a licensed master plumber?

7 THE WITNESS: Yes, sir.

8 MR. D'ONOFRIO: What about Joe  
9 Bellina?

10 THE WITNESS: All I did was  
11 change baseboard heating for him and  
12 repaired one trap and repaired his  
13 hot water heater, changed the  
14 elements in his hot water heater.

15 MR. D'ONOFRIO: You installed  
16 one 40-gallon electric hot water  
17 heater?

18 THE WITNESS: We replaced the  
19 elements in it.

20 MR. D'ONOFRIO: Changed all  
21 baseboards?

22 THE WITNESS: Mm-hmm.

23 MR. D'ONOFRIO: Insulated pipes?  
24 Let me show you what I've marked as  
25 S-3. Let me ask if you recognize it.

1 THE WITNESS: Sure. Mm-hmm.  
2 That's me. That was under my  
3 handwriting.

4 MR. D'ONOFRIO: Okay. What is  
5 it? Is it an invoice concerning the  
6 work done for Mr. Bellina?

7 THE WITNESS: That's correct.  
8 But we never changed the hot water  
9 heater.

10 MR. D'ONOFRIO: There's also a  
11 business card.

12 THE WITNESS: Yes.

13 MR. D'ONOFRIO: As part of S-3,  
14 correct?

15 THE WITNESS: That's correct.

16 MR. D'ONOFRIO: And again, same  
17 language, right, with regard to Gary  
18 Rush, master HVAC plumbing  
19 technician?

20 THE WITNESS: Correct.

21 MR. D'ONOFRIO: Who was the  
22 plumbing technician who performed the  
23 work?

24 THE WITNESS: I did the work. I  
25 didn't change the hot water heater,

1 nothing.

2 MR. D'ONOFRIO: You don't have  
3 those records?

4 THE WITNESS: Absolutely not. I  
5 wasn't even in business at that time.

6 MR. D'ONOFRIO: Do you have a  
7 current business card with you today?

8 THE WITNESS: I probably do.

9 MR. D'ONOFRIO: Can I see it?

10 THE WITNESS: I need to stand  
11 up. That would be it right there,  
12 sir. Even states, "All work  
13 performed by licensed contractors,"  
14 on the bottom.

15 MR. D'ONOFRIO: Again, it  
16 indicates "Gary Rush, master HVAC  
17 plumbing technician"; correct?

18 THE WITNESS: I didn't see it.  
19 That's what it says on the paper.

20 I don't have it from way back then.

21 MR. D'ONOFRIO: How about the  
22 work for Madeline Ferghea (ph.)?

23 THE WITNESS: I have that  
24 contract right here. We installed  
25 two toilets for her, and she didn't

1 sir, I only changed the elements.

2 MR. D'ONOFRIO: But you did  
3 enter into a contract to perform this  
4 particular work, did you not?

5 THE WITNESS: Yes, I did.

6 MR. D'ONOFRIO: Do you have a  
7 copy of that contract?

8 THE WITNESS: No; I do not. I  
9 don't have that.

10 MR. D'ONOFRIO: You were  
11 requested to bring that information,  
12 a copy of all information pursuant to  
13 the subpoena, so, I'm going to have  
14 to have you come back.

15 THE WITNESS: I don't have that  
16 information, sir. That was way -- I  
17 don't have it.

18 MR. D'ONOFRIO: When that was  
19 job performed?

20 THE WITNESS: I don't know, sir,  
21 a long time ago. Is there a date on  
22 it?

23 MR. D'ONOFRIO: The complaint  
24 date is March 21st, 2006.

25 THE WITNESS: No, sir, I have

1 like the one toilet because it was a  
2 different brand.

3 She called me up, told me to  
4 replace it. I said, "I'll be back  
5 from vacation in one week." Went  
6 back there the next week, replaced  
7 it.

8 And then she says, "Well, I  
9 called the plumbing board on you."

10 I says, "Why?"

11 MR. D'ONOFRIO: That was a job  
12 you and your nephew performed,  
13 correct? Did you and your nephew do  
14 that work?

15 THE WITNESS: Yes, we did. All  
16 we did was replaced the toilets.

17 MR. D'ONOFRIO: You personally  
18 did the replacement?

19 THE WITNESS: Yes, I did. I  
20 personally replaced the toilet, yes,  
21 I did.

22 MR. D'ONOFRIO: There was no  
23 licensed master plumber in  
24 association with the job performed  
25 for Ms. Ferghea (ph.)?

34

1 THE WITNESS: Not for replacing  
2 a toilet. As you sent me in your  
3 letter, it states work that can be  
4 done by a contractor and work that  
5 can't be done by a contractor.

6 In your work load, you can  
7 replace -- a contractor can replace a  
8 toilet, as long as you don't touch  
9 your main water lines.

10 MR. D'ONOFRIO: So you hooked  
11 these up without touching water  
12 connections?

13 THE WITNESS: All we did was  
14 shut the valve off. As a contractor,  
15 you're allowed to change toilets.  
16 You sent me a letter stating what can  
17 be done and what can't be done.

18 MR. D'ONOFRIO: Where is that  
19 letter?

20 THE WITNESS: It's -- I don't  
21 have it, sir. It's in your  
22 guidelines.

23 MR. D'ONOFRIO: What guidelines?  
24 I don't know what you're making  
25 reference to.

1 MR. D'ONOFRIO: You can provide  
2 that to us.

3 THE WITNESS: Sure can.  
4 Absolutely. It states other things  
5 we can do as an HVAC technician.

6 MR. D'ONOFRIO: So you provided  
7 some of the documentation concerning  
8 Ms. Ferghea (ph.), but you didn't  
9 bring that letter with you?

10 THE WITNESS: No. I didn't  
11 think it was an issue. I mean, it  
12 states right there you can change  
13 toilets.

14 MR. D'ONOFRIO: It doesn't state  
15 in R-4, so I'm not quite sure what  
16 you're referring to. But in any  
17 event, if you do have a copy of that  
18 documentation, the Board would be  
19 interested in seeing it.

20 How long have you employed the  
21 services of Mr. Guerra?

22 THE WITNESS: Probably for the  
23 last three years.

24 MR. D'ONOFRIO: Before that who  
25 were you using?

1 THE WITNESS: The same letter  
2 that I just gave you.

3 MR. D'ONOFRIO: Indicating S-4?

4 THE WITNESS: No. It's not  
5 indicating on it. The same page, on  
6 the same set of -- it all came in a  
7 package.

8 MR. D'ONOFRIO: It was a cease  
9 and desist letter.

10 THE WITNESS: I wasn't discussed  
11 about that. I was talking about the  
12 work that states we can advertise in  
13 that letter.

14 MR. D'ONOFRIO: Okay.

15 THE WITNESS: It came with a  
16 bunch of -- a package, okay, and it  
17 said what a company can do and what a  
18 company can't do. Changing toilets  
19 are allowed. Doing gas piping is  
20 allowed.

21 MR. D'ONOFRIO: Okay. I'd like  
22 to see, you know, where you -- the  
23 document that you received from the  
24 Board indicating that.

25 THE WITNESS: Okay.

1 THE WITNESS: I wasn't doing  
2 anything. We weren't doing any  
3 plumbing work.

4 MR. D'ONOFRIO: How long has  
5 Superior been in business?

6 THE WITNESS: Since 2008.

7 MR. D'ONOFRIO: So, since 2008  
8 you've been employing the services of  
9 Mr. Guerra?

10 THE WITNESS: Approximately --  
11 we didn't get any work at first. And  
12 changing toilets I did not think was  
13 a problem, because we did have that  
14 letter from you stating that we could  
15 do that kind of stuff.

16 MR. D'ONOFRIO: Well, Superior  
17 advertising as a plumbing entity.  
18 And, you know --

19 THE WITNESS: I understand.  
20 And, again, all work is being  
21 performed by a licensed plumber.

22 MR. D'ONOFRIO: I'm trying to  
23 ascertain exactly who you used as  
24 your licensed plumbing contractor.  
25 We have the name Mr. Guerra.

1 THE WITNESS: I can get all that  
2 information for you. It's not even a  
3 problem, sir.

4 MR. D'ONOFRIO: Okay. Well, I'm  
5 just, you know, at a loss to why you  
6 didn't provide it today, when you  
7 knew you were coming in today  
8 concerning allegations about licensed  
9 practice.

10 THE WITNESS: I thought I  
11 brought enough stuff for you guys. I  
12 apologize. I'm not good with this  
13 stuff. I mean, if you -- I don't  
14 believe I'm going to need a lawyer,  
15 if that's what you want, if that's  
16 where you're going to go, for this.

17 MR. D'ONOFRIO: Did you speak  
18 with Rosemarie prior to appearing  
19 here today, Rosemarie Baccile?

20 THE WITNESS: Yes.

21 MR. D'ONOFRIO: Okay.

22 THE WITNESS: She called me up,  
23 made sure I was coming. Told me, you  
24 know, this is what's going on. Be  
25 here at 2, or whatever, be here on

1 THE WITNESS: He just did one,  
2 like I said, a couple weeks ago.  
3 Renovated a house and did the  
4 plumbing there. He's changed the hot  
5 water heaters.

6 MR. D'ONOFRIO: What was that  
7 address?

8 THE WITNESS: 56 Haypress Road.

9 MR. D'ONOFRIO: In what town?

10 THE WITNESS: South Brunswick.

11 MR. D'ONOFRIO: And you have a  
12 contract with Mr. Guerra, I would  
13 assume?

14 THE WITNESS: Yeah.

15 MR. D'ONOFRIO: Permits were  
16 pulled by Mr. Guerra.

17 THE WITNESS: Absolutely. And  
18 the licensed electrician. We employ  
19 plumbers. We're not trying to be a  
20 plumber.

21 MR. D'ONOFRIO: How about before  
22 that, when did you use Mr. Guerra?

23 THE WITNESS: Hot water heater,  
24 boiler. We put the boilers in and  
25 he comes in, ties the back flow

1 time, and I'm here.

2 MR. D'ONOFRIO: So if we call  
3 Mr. Guerra, he'll confirm the fact  
4 that he's done jobs for you since  
5 2008, approximately?

6 THE WITNESS: Approximately.  
7 Anything we did was with permits.  
8 So that's a big thing to me. I don't  
9 do anything without a permit.

10 MR. D'ONOFRIO: That is a big  
11 thing. The other thing is, be done  
12 by a licensed master plumber.

13 THE WITNESS: I do have that  
14 documentation stating what can be  
15 done and what can't be done. Because  
16 we don't want to get in trouble.  
17 We're not out here -- that's why the  
18 lettering is on the truck, lettering  
19 is on the ads. I'm not out here  
20 trying to defraud anybody or not do  
21 the jobs right, or -- have them done  
22 correctly.

23 MR. D'ONOFRIO: Tell us about  
24 some other jobs Mr. Guerra actually  
25 did on behalf of Superior Services.

1 preventer, low water cutoff -- not  
2 low water cutoff. Back flow  
3 preventer, pressure-reducing valve  
4 and the valve, if needed.

5 MR. D'ONOFRIO: At? What was  
6 that location?

7 THE WITNESS: I don't have that,  
8 sir.

9 MR. D'ONOFRIO: When was that?

10 THE WITNESS: Probably four,  
11 five months ago.

12 MR. D'ONOFRIO: And you don't  
13 remember the location?

14 THE WITNESS: No.

15 MR. D'ONOFRIO: What work did  
16 Superior do, perform there?

17 THE WITNESS: Chimney liner, and  
18 we actually installed the boiler ties  
19 in. Just didn't do the main water  
20 line into that house, and we do  
21 didn't do the hot water heater.

22 MR. D'ONOFRIO: And you can  
23 provide us with the permits and the  
24 contract between Superior and Mr.  
25 Guerra concerning that job as well?

1 THE WITNESS: Sure.  
2 MR. D'ONOFRIO: That's all I  
3 have.

4 MR. VOROS: On the job where you  
5 did the toilets, were you called out  
6 there for a sewer clog?

7 THE WITNESS: Yes. One was  
8 clogged. They're older people, and  
9 the husband had problems. And the  
10 toilet kept on clogging up on them,  
11 you know, and we tried to snake it  
12 and that's what happened. I mean,  
13 they wanted to change both of them so  
14 it was a better flusher.

15 MR. VOROS: So you picked the  
16 toilets up and snaked the drain line,  
17 or you just snaked the toilet?

18 THE WITNESS: We just snaked the  
19 toilet. This was in 2008, sir, or  
20 2009. I don't remember every detail.  
21 I do apologize. You know, I'm asking  
22 you -- I'm explaining to you as best  
23 to my knowledge.

24 MR. MALONEY: Mr. Chairman, a  
25 couple questions. He mentioned a

1 have an HVAC truck that just has a  
2 Pittsburgh machine in it, stuff like  
3 that; so, it's not used all the time.

4 The other two trucks, in case  
5 one breaks down, I always have a  
6 backup. I've been through that a  
7 long time ago. They're older trucks,  
8 and you got to go take care of  
9 people, especially in the heating  
10 season.

11 MR. MALONEY: Okay.

12 MR. VOROS: Anyone else have any  
13 questions?

14 (Pause.)

15 Do you want to make a closing  
16 statement?

17 MR. RUSH: I would like you all  
18 to know one thing, okay. I'm not out  
19 here trying to be a plumber. I am  
20 just trying to make a living and hire  
21 people to do jobs.

22 When I go to a customer's house,  
23 if I can provide a plumbing service,  
24 a licensed plumber to work for them,  
25 a licensed electrician, it just makes

1 plumber. Mike Guerra for today's  
2 sake, what's he trading as?

3 THE WITNESS: Mike's Plumbing.

4 MR. MALONEY: I mean, I own a  
5 plumbing license, but I don't own a  
6 business. You can be a licensed  
7 plumber in the state and be in  
8 business.

9 THE WITNESS: He's in business.  
10 Oh, he does work, yeah.

11 MR. MALONEY: When he works for  
12 you or you contract him out, do you  
13 pay him with W-2s, or, he's getting a  
14 contract price from you, or whatever?

15 THE WITNESS: I pay him by the  
16 job.

17 MR. MALONEY: You're not paying  
18 him hourly?

19 THE WITNESS: No.

20 MR. MALONEY: And another thing  
21 I'm confused with. You said you have  
22 three trucks, but you have one  
23 part-time employee?

24 THE WITNESS: I have different  
25 trucks that do different things. I

1 my job easier, so they can just deal  
2 with one contractor. And that's how  
3 I work.

4 I'm not out here trying to  
5 hustle, or do anything. I'm just  
6 trying to make a living and provide  
7 licensed people. This is what  
8 customers want. They want somebody  
9 that can do everything for them and  
10 having licensed people that work for  
11 them. That's all we're trying to do  
12 So, we're not trying to do anything  
13 defraud to anybody.

14 MR. VOROS: We're going to  
15 require some information we're going  
16 to need from you.

17 THE WITNESS: Absolutely.

18 MR. D'ONOFRIO: What I'm  
19 suggesting, Mr. Chairman, is Mr. Rush  
20 come back next month with the  
21 documentation, and maybe we can have  
22 Mr. Guerra appear as well, to verify  
23 the testimony.

24 MR. VOROS: Very good. So we  
25 would start out with you getting the

1 information on the plumber, and then  
2 we'll line you and him up, see if we  
3 can get this settled.

4 THE WITNESS: October? Can I do  
5 this in November? I was just going  
6 away. I have a vacation.

7 MR. VOROS: How's our schedule?

8 MS. BACCILE: That's up to the  
9 Board.

10 MR. D'ONOFRIO: Yes, that's at  
11 the Board's discretion.

12 MR. BONATEMPO: Well, what's the  
13 day of the next meeting?

14 MR. McMANUS: Fourth Thursday of  
15 the month. I think you were due in  
16 here numerous times.

17 THE WITNESS: Yes, sir, I know. I  
18 fractured my back. I'm in very bad  
19 shape.

20 MR. VOROS: Let's start out with  
21 you getting us the information on the  
22 plumber, then we'll line up the date.

23 MR. D'ONOFRIO: When is your  
24 vacation?

25 THE WITNESS: I think it's

1 a picture of the September 12th of  
2 that truck.

3 MR. D'ONOFRIO: September 6,  
4 2012.

5 THE WITNESS: Okay. Can I have  
6 a copy of that picture? Because we  
7 took the lettering off the truck, not  
8 even a question. I just want to  
9 explain something, so you know.

10 MR. D'ONOFRIO: But you can't  
11 have a copy. But go ahead.

12 THE WITNESS: We took the  
13 lettering off. Now, it may be dirt  
14 that's on it that made it that way.  
15 It doesn't look like it. But,  
16 please, send somebody there right  
17 now. It's not on there. And that's,  
18 you know, that's the God's honest  
19 truth.

20 MR. D'ONOFRIO: Why are there  
21 two Rs in "Garry"?

22 THE WITNESS: Because they  
23 screwed it up. It's bad lettering.  
24 You told us to get it off there. We  
25 ripped it off that fricking day.

1 between the 14th, and seven days from  
2 the 14th, whatever, seven days from  
3 that.

4 MR. BONATEMPO: 14th to the  
5 21st.

6 MR. D'ONOFRIO: So, the meeting  
7 is the 25th.

8 THE WITNESS: Whatever you want.  
9 I mean, it's not a problem.

10 MR. VOROS: So, get us the  
11 plumber's information.

12 THE WITNESS: I sure will.

13 MR. VOROS: Then we'll give you  
14 a list of stuff we require.

15 THE WITNESS: Who do you want me  
16 to send it to? Call you up?

17 MS. BACCILE: Yes.

18 MR. D'ONOFRIO: We'll submit a  
19 letter.

20 MR. VOROS: Thank you.

21 THE WITNESS: Thank you very  
22 much.

23 I do have a question for you  
24 regarding the truck, okay. Because  
25 it really upsets me. I see you have

1 MR. D'ONOFRIO: Do they charge  
2 you for the extra R?

3 THE WITNESS: Probably.  
4 I really am not trying to do anything  
5 wrong, and I'm not lying. I didn't  
6 come here to lie to anybody or  
7 represent myself with but the God's  
8 honest truth.

9 MR. VOROS: Nothing for nothing,  
10 but the way that's worded and the way  
11 your card is worded, it gives the  
12 appearance of deception to a  
13 customer. Just an average consumer  
14 doesn't know anything about it.

15 THE WITNESS: Okay.

16 MR. VOROS: You say you've taken  
17 it off your vehicle, it's still on  
18 your card.

19 THE WITNESS: The cards we get  
20 5,000 at one time.

21 MR. VOROS: That's all right.

22 THE WITNESS: Are you just  
23 making one statement? Regarding the  
24 cards, it does say, "All work  
25 performed by licensed plumbers,"

1 okay.  
 2 Now, whatever you guys decide  
 3 and you want me to do, I will do. I  
 4 broke my back, and I want you to  
 5 understand I did have to go bankrupt.  
 6 Nobody was affected.

7 MR. VOROS: Your company is  
 8 bankrupt?

9 THE WITNESS: No; not my  
 10 company, me personally. I with went  
 11 under bankruptcy. It just happened  
 12 about four months ago.

13 MR. VOROS: Sorry to hear that  
 14 THE WITNESS: Because of my  
 15 back, and everything like that. It's  
 16 pretty bad. But we're trying to make  
 17 a living out here and hire licensed  
 18 people, okay. All right.

19 MS. BACCILE: The name of the  
 20 master plumber and his license  
 21 number.

22 THE WITNESS: Yes, ma'am, you'll  
 23 have that tomorrow.

24 MS. BACCILE: So, you'll call it  
 25 in tomorrow?

CERTIFICATE

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 4  
 5 I, CATHERINE T. McLAUGHLIN,  
 6 Certified Court Reporter, certify that  
 7 the foregoing is a true and accurate  
 8 transcript of the testimony as taken  
 9 stenographically by and before me at the  
 10 time, place and on the date herein before  
 11 set forth.

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

19 Catherine T. McLaughlin,

20 Certified Court Reporter  
 21 License No. 30XI00186100  
 22  
 23  
 24  
 25

1 THE WITNESS: Yes, ma'am. Is  
 2 there anything else?

3 MR. VOROS: No. Thank you.  
 4 Take care.

5 (Whereupon, proceeding concluded  
 6 at 1:20 p.m.)  
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EXHIBIT D

STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

OCTOBER 25, 2012

CASE: MICHAEL GUERRO

HELD AT: 124 Halsey Street, Hudson Room  
Newark, New Jersey 07102

REPORTED BY: KIM L. MONTALVO, RPR, CCR  
BOARD MEMBERS:  
PETER I. VOROS, CHAIRMAN  
MICHAEL K. MALONEY  
ROBERT B. REEVE  
JAMES McMANUS, JR.  
ROSEMARIE BACCILE, EXECUTIVE DIRECTOR  
PAUL N. BONTEMPO  
JOSEPH A. DONOFRIO, D.A.G.

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opening statement, which will explain how we will proceed today. If you have any questions after we conclude that statement, let the Chairman know and we will address those questions for you. Okay?

THE WITNESS: Yes.

MR. DONOFRIO: Mr. Guerro, the New Jersey State Board of Examiners of Master Plumbers is investigating allegations of unlicensed practice of plumbing allegedly being committed by Gary Rush. Mr. Rush is currently trading as Superior Heating & Air Conditioning.

During the board's investigation Mr. Rush indicated that he subcontracted plumbing work to your company. As a result, the board has requested that you appear here today pursuant to the board's authority found at New Jersey Statute 45:1-18.

The purpose of your appearance is to obtain some background information about you and your company, and most importantly to establish the nature of your

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(The proceedings started at, approximately, 9:49 a.m.)

MR. VOROS: Pete Voros, master plumber and Chairman. I would like you to have a seat, and I would like to introduce the other members here.

MR. MALONEY: Michael Maloney, master plumbing member.

MR. BONTEMPO: Paul Bontempo, public member.

MR. McMANUS: James McManus, Jr., journeyman member.

MR. REEVE: Robert Reeve, master plumber member.

MS. BACCILE: Rosemarie Baccile, executive director.

MR. DONOFRIO: Joseph Donofrio, deputy attorney general.

MR. VOROS: The deputy attorney general is going to go over our proceedings this morning.

MR. DONOFRIO: Mr. Guerro, before we go over the questions, I will go over the

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relationship with Mr. Rush and with Superior Heating & Air Conditioning. Depending upon the board's review of this matter and outcome of this process, formal action may or may not be taken.

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 question if the answer would implicate 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, in which case you'll be given a full opportunity to respond to the allegations of any complaint in accordance with the Administrative Procedures Act.

Now, Mr. Guerro, you're not

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1 represented by counsel today. Is it your  
2 intention to proceed with today's  
3 investigative inquiry without the benefit  
4 of legal counsel?

5 THE WITNESS: Today, I'm here, yeah.

6 MR. DONOFRIO: Okay. Just be aware,  
7 if at any time during the course of the  
8 proceeding you're uncomfortable, you want  
9 legal counsel, you can let the Chair know.  
10 We will adjourn the proceeding, allow you  
11 the opportunity to retain counsel, and we  
12 will reconvene at a later date.

13 THE WITNESS: All right.

14 MR. DONOFRIO: Any other questions,  
15 Mr. Guerro?

16 THE WITNESS: No.

17 MR. DONOFRIO: Okay. If Mr. Guerro  
18 can be sworn in, please.

19 - - -  
20 MICHAEL GUERRO, after having been  
21 duly sworn, was examined and testified as  
22 follows:

23 - - -  
24 MR. DONOFRIO: Mr. Guerro, before I  
5 actually delve into your relationship with

6

1 Mr. Rush and with Superior, I want to get  
2 some background information about you.

3 THE WITNESS: Yeah.

4 MR. DONOFRIO: Your address, please.

5 THE WITNESS: Okay. 2165 Mount Hood  
6 Lane, Toms River. But I just got into a  
7 senior building, which I didn't change my  
8 address for my license, because it's  
9 December almost. We're going to renew.  
10 So -- but I live 2165 Mount hood. That's  
11 where my license is.

12 MR. DONOFRIO: That's your current  
13 address with the board?

14 THE WITNESS: Right. That's Toms  
15 River.

16 MR. DONOFRIO: You're a licensed  
17 plumber; is that correct?

18 THE WITNESS: Yes.

19 MR. DONOFRIO: Your license number?

20 THE WITNESS: 716 -- now, I'm  
21 whacky. 7961.

22 MR. DONOFRIO: How long have you  
23 been a licensed master plumber?

4 THE WITNESS: I have a town license  
25 for years even before the state license.

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1 I had Woodbridge, Carteret. I have an L4.  
2 You know, I'm doing this since I'm  
3 13 years old. Okay?

4 MR. DONOFRIO: Okay. And how are  
5 you currently registered to trade with the  
6 board? What is your company --

7 THE WITNESS: Just my name, Michael  
8 Guerro.

9 MR. DONOFRIO: You're the point  
10 representative of the company?

11 THE WITNESS: It's not a company.  
12 I'm a plumber. Okay? I had a nice  
13 business a few years ago. My wife got  
14 killed in a car crash; so I, basically,  
15 backed out of it a lot. My son is also a  
16 licensed plumber. My nephew is a licensed  
17 plumber. My cousin is a licensed plumber.  
18 My uncle is a licensed plumber. You know,  
19 it's just me by myself now.

20 So, like, if a guy's got a job, I  
21 get a permit. I go on the job. Small  
22 jobs. Hot water heaters, back flow,  
23 little shit -- little stuff like that.  
24 Kitchen sink, garbage disposal. I mean,  
25 I'm being honest over here. You know, I'm

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1 in my 60s. I'm not going to go and do a  
2 45-story building or nothing, you know.

3 MR. DONOFRIO: When you say when a  
4 guy's got a job for you to do --

5 - - -  
6 (Multiple speakers.)  
7 - - -

8 MR. DONOFRIO: Wait for me to  
9 complete the question before you provide  
10 an answer.

11 THE WITNESS: Yeah.

12 MR. DONOFRIO: When you said when a  
13 guy has a job for you to do, you're  
14 talking home improvement contractors,  
15 general contractors?

16 THE WITNESS: Yes. Anybody like  
17 that, they call me up. I'll get a permit.  
18 I'll do the job, though. I'm physically  
19 on the job, all the jobs.

20 MR. DONOFRIO: You actually do the  
21 plumbing work associated --

22 THE WITNESS: I am there on the job.

23 MR. DONOFRIO: You are there on the  
24 job. Are you actually --  
25 - - -

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(Multiple speakers.)

THE WITNESS: You got to tell me when not to talk. I won't talk.

MR. DONOFRIO: She is recording, and she can't talk both of us at the same time. Let me complete the question, and then you will have a full opportunity to provide an answer. I forgot my question.

THE WITNESS: It's all right.

MR. DONOFRIO: When you pull a permit to perform plumbing work, do you actually do the work yourself?

THE WITNESS: With help, yes.

MR. DONOFRIO: Okay. Do you have any employees?

THE WITNESS: No.

MR. DONOFRIO: Describe the help that you utilize when you are doing plumbing work.

THE WITNESS: If I'm working for a contractor, let's say they are doing a bathroom, the guys come in, they rip the bathroom out. One of their workers will happily carry the tub in place. Tubs are

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MR. DONOFRIO: You don't have a contract for the plumbing work that you perform with those contractors?

THE WITNESS: A lot of it is very small jobs. Like, even with a home owner, if you go in and change a faucet, I might write down, "Put a kitchen faucet in with a sprayer." Because I'm doing a little bit of work. I'm not doing a lot of work. I had open heart surgery. I can't do a lot.

MR. DONOFRIO: Any of the work that you do perform plumbing related, is it in excess of \$500?

THE WITNESS: Most jobs are \$500 and less.

MR. DONOFRIO: And you don't obtain a contract?

THE WITNESS: I'm sorry?

MR. DONOFRIO: You don't obtain a contract?

THE WITNESS: I have contracts, but with my license and my name and everything on it. You know, but if someone wants me to write something up, I do. You know,

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light today, though. You know, if I'm putting a waste and overflow on, they might be holding -- you know. Something like that, you know. And the guy pays me whatever we agree on to do X amount of work and that's it.

MR. DONOFRIO: So you utilize the employees of the general contractor in order to perform the plumbing work that you're contracted to perform?

THE WITNESS: Yes. A lot of the guys that I do work with, they are all younger guys, you know. If they call me up to, say, put a hot water heater in, I get a permit for a hot water heater. They'll carry it down. They'll carry it out. I'll hook up the copper. I'll hook up, you know, the valves, the relief valves, whatever, the pan underneath it, you know.

MR. DONOFRIO: Do you routinely enter into contracts with home improvement contractors?

THE WITNESS: Do I -- no. Very rare.

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they're small. If it was a big job, like, you know, two or \$3,000, of course, you have to write a contract, how you're going to get paid and everything else.

But if it's an \$80 job or a \$100 job, you know. Say something, like even with him, most of the jobs are like back flows out of boilers, you know. I'm not talking -- I can't talk.

MR. DONOFRIO: When you indicate "him," you are referring to Gary Rush?

THE WITNESS: Yes.

MR. DONOFRIO: You need to mention his name, because the transcript doesn't know who "he" is.

THE WITNESS: Gary.

MR. DONOFRIO: Let me ask you about your relationship with Gary Rush. Can you describe -- do you have a business relationship with him, first of all?

THE WITNESS: Very -- I don't do a lot with him. I know the kid about four years; maybe a little longer. He was friendly with one of the guys who used to work with me years ago when my wife was

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1 alive. I met him. He does hot air. He  
2 does this and that.

3 He says to me, "When I do a hot  
4 water heater, will you help me?" "If I  
5 need a back flow, will you help me?" A  
6 couple of jobs we did a little bit of  
7 sewer work and a couple of water mains.  
8 That's about it. I don't do a lot with  
9 him.

10 MR. DONOFRIO: How long have you  
11 been doing work for Mr. Rush?

12 THE WITNESS: I know him about  
13 four years. I think 2008 I met him. In  
14 that area. I don't think I did in  
15 four years, six, seven, eight jobs, all  
16 small jobs.

17 MR. DONOFRIO: When Mr. Rush was  
18 here, he indicated probably ten to 15  
19 jobs.

20 THE WITNESS: No.

21 MR. DONOFRIO: Less than that?

22 THE WITNESS: Yes.

23 MR. DONOFRIO: So -- I'm sorry.  
24 What did you say --

25 THE WITNESS: I'm guessing about

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1 eight. A lot of them were small.  
2 Whatever he does on his own, when he don't  
3 call me, I don't know nothing about his  
4 business. All I know is me. Like, if you  
5 call me and say, "Mikey, I want you to do  
6 this job and I need a permit," I get the  
7 permit and I do the job. Sometimes my son  
8 helps me. Sometimes my grandson helps me,  
9 you know. It's all family.

10 MR. DONOFRIO: Okay. Of the six to  
11 eight jobs that you've performed for  
12 Mr. Rush, how many involved pulling a  
13 permit?

14 THE WITNESS: I took a permit on  
15 every job I did for him that I know of,  
16 that I did with him. I had a permit and  
17 inspection. And as far as I know, I never  
18 had a problem with an inspector.

19 MR. DONOFRIO: Do you have copies of  
20 those?

21 THE WITNESS: Do not have copies of  
22 the permits. And the reason why is, I  
23 would stamp the permit, you know, give it  
24 to the town hall, and I never have a copy  
25 of the permits. Can I get them? Probably

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1 from the town.

2 MR. DONOFRIO: I think the letter  
3 that you were sent from the board did  
4 indicate that the board wanted you to  
5 bring all the documentation associated --

6 THE WITNESS: I don't have them.

7 MR. DONOFRIO: -- with your  
8 relationship with Mr. Rush. You don't  
9 have them here today?

10 THE WITNESS: Let me explain to you  
11 why. The jobs I do for Gary, when -- if I  
12 do like a back flow, which is a nothing  
13 job, he pays me, you know. We're talking  
14 a small job here.

15 Even the hot water, they carry it  
16 in; they carry it out. I hook up the  
17 plumbing. I mean, you know, when I get  
18 the permit, I stamp the permit. I check  
19 it all out. I'm very friendly with a lot  
20 of inspectors all through the state. I  
21 normally work in the same town; so I know  
22 everybody. I'm not hiding from nobody.  
23 I'm not covering nobody.

24 MR. DONOFRIO: The jobs you just  
25 described, the back flow preventer, that

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1 would require a permit, though?

2 THE WITNESS: Yes.

3 MR. DONOFRIO: So you could provide  
4 the copies of permits to the board?

5 THE WITNESS: Yes. If you really  
6 need them, of course, I can go back to the  
7 towns and get the permits, you know.

8 I just did a job in South Brunswick.  
9 Roughed out a few little bathrooms in the  
10 crawl space. Inspector came in. His name  
11 is Billy. He looked at my work. I met  
12 him. I was there. But even with that, I  
13 stamped the permit.

14 Because a lot of these guys, when  
15 you do a job, if they're doing carpentry  
16 and tile, and they're doing electric, all  
17 the permits are sometimes on one.  
18 Sometimes they want two or three permits  
19 together. They file them at the same time  
20 so the township gives you the job.

21 MR. DONOFRIO: How about a contract?  
22 Did you enter into a contract with Mr.  
23 Rush with Superior each time?

24 THE WITNESS: No.

25 MR. DONOFRIO: When Mr. Rush was

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1 here last, he had indicated that each time  
2 that he employed your services that he  
3 entered into a contract with you.

4 THE WITNESS: No.

5 MR. DONOFRIO: So you never entered  
6 into a contract?

7 THE WITNESS: No. Every job was  
8 small. Let him show the contracts that --  
9 you know. I mean, he might have his own  
10 contract that he had, but the only thing  
11 that we had was the permit, you know.

12 MR. DONOFRIO: What's the most  
13 expensive job that you performed for  
14 Mr. Rush?

15 THE WITNESS: Maybe \$500.

16 MR. DONOFRIO: What was that?

17 THE WITNESS: I just did one in  
18 South Brunswick. I charged him \$500 to  
19 rough out the plumbing. It took me two  
20 days in the crawl space, which was easy.  
21 The other one was a hot water heater and a  
22 back flow in the same house for 350. He  
23 is buying all the materials. He is  
24 delivering everything.

5 They are all small jobs. Every one

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1 is a small job on my end. On my end.

2 MR. DONOFRIO: The South Brunswick  
3 work, was that 56 Haypress Road?

4 THE WITNESS: I think it is a  
5 little, small, little ranch.

6 MR. DONOFRIO: And, I'm sorry, what  
7 work did you perform at that location?

8 THE WITNESS: Okay. Roughed -- I  
9 roughed out two bathrooms and a kitchen  
10 sink.

11 MR. DONOFRIO: And how much did you  
12 charge?

13 THE WITNESS: I charged him \$500 or  
14 \$600 labor.

15 MR. DONOFRIO: But no contract --

16 THE WITNESS: No contract.

17 MR. DONOFRIO: -- for yourself?

18 THE WITNESS: Just a handshake. I  
19 did the job.

20 MR. DONOFRIO: Did you pull a permit  
21 for that job?

22 THE WITNESS: Yes, I did. I got an  
23 inspection and everything.

4 MR. DONOFRIO: And you can provide  
25 that documentation to us?

19

1 THE WITNESS: Can I provide it?  
2 Yeah. I got to go back to the town, if  
3 you want me to. Whatever jobs that I got  
4 permits on, I can provide that.

5 MR. DONOFRIO: I think the board  
6 would like you to do that.

7 THE WITNESS: That's okay. That's  
8 not a problem. Could I get them today?  
9 No. Did I try to get them today? No. Do  
10 you know why? Because I thought may be he  
11 had them, which he don't. You know, I'm  
12 being honest.

13 MR. DONOFRIO: Did -- how did  
14 Mr. Rush pay you each time?

15 THE WITNESS: Cash.

16 MR. DONOFRIO: Did he invoice you?

17 THE WITNESS: No. He said,  
18 "Michael, how much you want to do this  
19 here?" I would say, "Well, give me 250  
20 for this." 300, he would pay me. It's  
21 all small little things, you know. Like I  
22 said, I don't think I did eight jobs in  
23 four years for this guy -- for this kid,  
24 whatever you want to call him, you know.

MR. DONOFRIO: When you and I spoke

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1 on the phone, Mr. Guerro, I think you  
2 indicated that you were aware that  
3 Mr. Rush was engaging in unlicensed  
4 practice of plumbing. Did you not tell me  
5 that?

6 THE WITNESS: I said to you on that  
7 day, I said, "Look I don't know" -- and  
8 I'm being honest -- "how he can write the  
9 word 'plumbing' on his trucks and he ain't  
10 a plumber."

11 He said to me he had a paper that  
12 was signed, blah, blah, blah; that he came  
13 in here once before, blah, blah, blah; and  
14 he's allowed to do that. I ran ads for  
15 years, for years, home improvement work,  
16 plumbing work, for years. My license was  
17 in the ads all the time.

18 MR. DONOFRIO: So you were aware  
19 that he was advertising as a plumber?

20 THE WITNESS: Yes. Well, he has a  
21 thing on his truck, which I seen, you  
22 know, all plumbing work on -- all work  
23 done by licensed contractors.

24 Now, I don't -- look, me, I'm a  
25 plumber. Okay. I get a permit. I do my

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1 job. You know, whatever he wants to do,  
2 it has nothing to do with me. If he wants  
3 me to do plumbing work -- and let's be  
4 honest about it, this is the worst economy  
5 I ever seen since I'm a kid. There's no  
6 work.

7 There's guys out there. There's a  
8 thousand guys out there doing work with no  
9 licenses. They are all butchers. What I  
10 forgot they'll never learn. All right.

11 What are you going to do? I still  
12 have to work unfortunately a little bit.  
13 You know, Social Security is pennies. Try  
14 living today. You can't -- nobody --  
15 nobody wants to hire me. I call 20  
16 plumbers in the last four months for a  
17 job, I know more than them.

18 Why do they want to hire me for?  
19 They want a kid. They don't want a guy  
20 65 years old to work for them, you know.  
21 What are you going to do? You got to do  
22 what you got to do.

23 MR. DONOFRIO: Now, did you ever  
24 personally observe Mr. Rush doing  
25 plumbing?

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1 MR. VOROS: Our job is to make sure  
2 that all the master plumbers in the state  
3 of New Jersey are following all the laws,  
4 the plumbing law, the contract law, and  
5 wage law. And from what you said to us  
6 today, you're coming up short big time.  
7 Now --

8 THE WITNESS: You know what?

9 MR. VOROS: -- Consumer Fraud Act  
10 requires you to have a contract with  
11 everybody. It protects you and it  
12 protects the consumer. If you're doing  
13 business this gentleman, it would protect  
14 your from him. You don't have a contract.  
15 Then you tell us you got people helping  
16 you, but you don't have no employees.

17 THE WITNESS: I don't have anybody  
18 helping me. They have people helping me.

19 - - -  
20 (Multiple speakers.)  
21 - - -

22 MR. VOROS: -- without paying sales  
23 tax. You see --

24 THE WITNESS: Why am I paying sales  
25 tax if I'm not buying the material?

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1 THE WITNESS: The only time he's  
2 ever done plumbing was helping me carry  
3 stuff in. This is the truth. I never  
4 seen him do one stitch of plumbing, never  
5 once, with me. I was there. I seen him.  
6 He had helpers, you know. I never seen  
7 him do any plumbing.

8 MR. DONOFRIO: What's your intention  
9 with regard to your relationship with  
10 Mr. Rush?

11 THE WITNESS: After today?

12 MR. DONOFRIO: Yes.

13 THE WITNESS: He can drop dead.  
14 How's that sound? Because I don't know  
15 what I'm doing here, to be honest. I  
16 didn't hurt nobody. I didn't bother  
17 nobody. You know, I'm an old plumber with  
18 open heart surgery. He's got a stupid  
19 thing on a truck. I got screamed at when  
20 he said, "Oh, I used you" -- what are you  
21 using my name for? What are you bringing  
22 up me for? For what? For this?

23 MR. VOROS: Let me tell you why  
24 you're here today.

25 THE WITNESS: Go ahead.

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1 MR. VOROS: This is stuff that we  
2 are hearing.

3 THE WITNESS: I understand.

4 MR. VOROS: One person at a time.

5 THE WITNESS: Okay. When you're  
6 done, I'll talk.

7 MR. VOROS: Okay. What we're  
8 hearing what you are saying, this is all  
9 bells ringing in our heads. It's our job  
10 to regulate the plumbing license. So what  
11 you need to do is listen to the question  
12 and answer, and then you can ask us  
13 questions. All right?

14 THE WITNESS: Are you done?

15 MR. VOROS: Yes.

16 THE WITNESS: Good. See my license  
17 that I keep, which I want, okay, because I  
18 need it. But the bottom line is, there's  
19 really very little work out there today.  
20 Okay? I may even move out of state, go  
21 down to Florida. I'm just saying.

22 I'm at the end of my career doing  
23 plumbing work. If I was legitimately  
24 bigger like, you know, I'm going to get  
25 this job, of course, you're going to write

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1 a contract with your name. I got them  
2 all. The name, the address, the license,  
3 the guarantee. I did that for years, and  
4 years and years.

5 It's like if I go to Mrs. Smith's  
6 house. She wants a kitchen sink faucet.  
7 All right? Okay, Mrs. Smith, it's going  
8 to cost \$150. You buy the material. Do I  
9 write a contract? Sometimes on a piece of  
10 paper, my name, my address, and my  
11 license. Whatever they want. Most of it  
12 is small. I'm doing very, very little.  
13 I'm not going much at all, my friend.

14 MR. VOROS: But these laws are to  
15 protect you and us. You are coming in  
16 here and saying A --

17 THE WITNESS: But I'm not a liar.

18 MR. VOROS: Let me finish. He comes  
19 in here and saying B. If there was a  
20 contract, there wouldn't be discussion.  
21 So that's why you're here.

22 Does anybody have any more  
23 questions?

24 MR. DONOFRIO: Understand that the  
25 concern was that Mr. Rush, as the Chairman

1 mean?

2 I mean, I'm over here. I don't  
3 think -- I really don't think -- I don't  
4 think I did eight jobs. I really don't  
5 remember, to be honest about it. They  
6 were nothing big, you know. Nothing big.  
7 I mean, you know.

8 MR. DONOFRIO: Do you know if he  
9 worked with another licensed master  
10 plumber?

11 THE WITNESS: Do I?

12 MR. DONOFRIO: Do you have any  
13 knowledge --

14 THE WITNESS: I have no idea who  
15 else he works with. If he had somebody  
16 else that he called, I don't know. You  
17 know, like I said, what is this one? This  
18 is October. One, two, maybe I did three  
19 or four jobs this year with this kid.  
20 Nobody big, you know.

21 MR. DONOFRIO: The last job was  
22 the --

23 THE WITNESS: The last job was a  
24 little rough-in in a shack in South  
25 Brunswick in a crawl space, but the crawl

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1 indicated, came in and said that you  
2 performed work for him ten to 15 times.  
3 You say it's six to eight times. He says  
4 in each and every instance that there was  
5 a contract between you and him, you're  
6 telling us differently.

7 So part of your testimony here today  
8 is to corroborate or to disprove what  
9 Mr. Rush is testifying to. So we're  
10 trying to get to the bottom of the  
11 allegations concerning Mr. Rush performing  
12 unlicensed practice.

13 THE WITNESS: What he is probably  
14 saying, contract meaning a permit. That's  
15 probably what he is saying.

16 MR. DONOFRIO: I think we were clear  
17 in the questioning of him. And we can  
18 clarify that when he comes in. But we  
19 were clear with regard to the distinction  
20 between permit and contracts.

21 THE WITNESS: You let him show you  
22 one contract that I wrote with my name and  
23 address and phone number and license.  
24 Just let him show you one, because I'd  
25 like to see it myself. You know what I

1 space was nice. We put plastic down, you  
2 know. I got an inspection. The plumbing  
3 inspector came in. He looked at the job.  
4 Nice job. That's the last job I did. And  
5 that job is done. So, you know.

6 MR. VOROS: Any other board members?

7 MR. MALONEY: Just a couple. I  
8 mean, it's been a while, you go for your  
9 CEUs, right, continuing education?

10 THE WITNESS: Yes.

11 MR. MALONEY: In there it explains  
12 to you about license lending. You know  
13 what that is?

14 THE WITNESS: Of course I know what  
15 it is. I don't lend my license out.

16 MR. MALONEY: That's why there is  
17 all kind of accusations --

18 - - -  
19 (Multiple speakers.)  
20 - - -

21 MR. VOROS: One at a time, please.

22 MR. MALONEY: Let me ask this  
23 question: Did you ever seal a series of  
24 permits for X, Y, Z or A, B, C, and then  
25 "Call me when you have a job"?

1 THE WITNESS: Many years ago I did  
2 this for a company, but I did a lot of  
3 work with them. It would be ten permits,  
4 but I did the jobs and the guy died. It  
5 was a home improvement guy that I used to  
6 do a lot work for years ago.

7 MR. MALONEY: He doesn't in his  
8 truck have permits from you that are  
9 sealed, does he?

10 THE WITNESS: Not that I know of. I  
11 don't do that. If I do a job, I stamp the  
12 permit. Not that I know of. Okay? No.  
13 Not that I know of. And if he did, I'd  
14 bust his head wide open.

15 MR. MALONEY: You know you're being  
16 taped here?

17 THE WITNESS: I don't care if I'm  
18 being taped here. I'm being honest. You  
19 want me to lie? If anybody -- let me tell  
20 you something, are you a plumber, too?  
21 You're a plumber, right? I'm just asking  
22 a question. You're a plumber, right?

23 MR. MALONEY: Yes, I am.

24 THE WITNESS: I got a cousin who was  
25 a plumber, not a licensed plumber. Listen

1 MR. McMANUS: You said you never had  
2 a contract with Mr. Rush, correct?

3 THE WITNESS: I never wrote up  
4 nothing like that with him, no.

5 MR. McMANUS: Okay. Yet he has told  
6 us that he has contracts with you.

7 THE WITNESS: Yes. Let him show  
8 you.

9 MR. McMANUS: Okay. My question is  
10 this: You also referred to maybe he's  
11 talking about the permits and not the  
12 contracts. Is Mr. Rush in possession of  
13 the permits that you've done the work for?

14 THE WITNESS: What we did, when I  
15 stamped the permit and filled out the  
16 permit or when I drew a plan -- it was no  
17 plans. Even this one here, I think I did  
18 a little plan with a little rough-in.

19 You know, he is a general  
20 contractor; so he had electricians, this,  
21 that. And he brought the permits into  
22 town. And then when the job was ready, he  
23 called me and I went and did it, you know,  
24 like normally you do with anybody.

25 MR. McMANUS: So he went to the

1 to this. He did some time. So he got out  
2 of jail and he had -- I'm going back years  
3 ago. He wanted to work. I had some work.

4 He said, "Michael, do me a favor. I  
5 got a little job down the shore. I need a  
6 permit. You come down and help me." So,  
7 like a mamaluke, I gave him a permit. He  
8 goes down and does the job. He does 14  
9 bathrooms. I don't even know about the  
10 job. Takes the money and runs. The  
11 inspector calls me.

12 I go down do there. Everything is  
13 wrong. Looks like a flood. Water is  
14 everywhere. I worked there for two weeks  
15 for free. So that was the last time I  
16 ever really got involved with anybody with  
17 permits like that, because I got screwed  
18 good. Okay?

19 MR. VOROS: Jimmy, you had a  
20 question?

21 MR. McMANUS: Yeah. I'm just a  
22 little confused with the contracts and the  
23 permits. You said you don't have the  
4 permits with you; is that correct?

25 THE WITNESS: Yes, that's correct.

1 building department and filled out the  
2 permits?

3 THE WITNESS: No. I filled out my  
4 permits, stamped it. Said, "Here's the  
5 permit. Go to the town with whatever, the  
6 electrical permit, this permit." That's  
7 what they want you to do today.

8 MR. McMANUS: That was the process  
9 for all eight or ten jobs that you  
10 performed for him?

11 THE WITNESS: Every job that I did  
12 with him, when I filled out the permit,  
13 okay, he went to the township and filed  
14 the permit. Sometimes I would take a ride  
15 with him, but he went to the township with  
16 the permits. Okay? But I went to the  
17 jobs. You can even ask the homeowners,  
18 you know. But everything was small.

19 MR. REEVE: I have one question.  
20 You said you went in and roughed in a  
21 couple of bathrooms and a kitchen sink.

22 THE WITNESS: Uh-hum.

23 MR. REEVE: How was that job going  
24 to get finished?

25 THE WITNESS: What do you mean, how

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1 is it going to get finished? It is  
2 finished.

3 MR. REEVE: Did you set the  
4 fixtures?

5 THE WITNESS: Yeah. I went back and  
6 I set the toilet bowl -- two toilet bowls,  
7 kitchen sink, the washing machine line.  
8 That was it. It was a half a bath -- one  
9 new half a bath, kitchen sink, and a  
10 toilet bowl, and a vanity. And Billy the  
11 inspector came.

12 MR. REEVE: You said you roughed it  
13 in?

14 THE WITNESS: We finished it.

15 MR. REEVE: All that for less than  
16 \$500?

17 THE WITNESS: Well, I did that for  
18 \$500, and I think I charged him for the  
19 fixtures at 1, 2, 3, 4 -- I think I  
20 charged him 250 just to do the finish  
21 work. He bought all the materials.

22 MR. REEVE: That requires a permit.  
23 It's over \$500.

24 THE WITNESS: I had a permit.

5 MR. REEVE: You said you didn't --

1 gave me two bouncy checks. And then I got  
2 pissed off and the plumber inspector  
3 passed everything. And I still didn't get  
4 paid. So you're right. Everybody is  
5 right in saying you should write up a  
6 contract. Yeah, maybe you should. Okay?  
7 But, you know, most of jobs that I'm doing  
8 now are nothing in my eyes.

9 If you guys want me from today on to  
10 write a piece of paper, a contract, to put  
11 a basin in, or a ballcock, or a kitchen  
12 sink faucet, I mean, you know.

13 MR. VOROS: Let me tell you what I  
14 want. I want you to follow the plumbing  
15 law, that little book we sent in. In  
16 there it says to write a contract, if you  
17 want to keep your license. If you don't  
18 want to keep your license --

19 THE WITNESS: Of course I want to  
20 keep my license.

21 MR. VOROS: It doesn't seem like you  
22 understand what I'm telling you.

23 THE WITNESS: I understand you  
24 pretty good, because I'm very, very  
25 bright. Okay. But I'm just trying to

1 THE WITNESS: I had a permit. I had  
2 an inspection --

3 MR. REEVE: It also requires a  
4 contract, because that's over \$500.

5 THE WITNESS: All right. So maybe  
6 one time I didn't. Most of the time, if I  
7 do a bigger job, I always had a contract,  
8 you know.

9 MR. VOROS: You're kind of like a  
10 little old lady needs a kitchen sink and I  
11 don't need a contract for that. 65 to 70  
12 percent of the problems that come to this  
13 board is because you said you're going to  
14 put a gray sink in for her and she has a  
15 dark gray sink. If there's a contract,  
16 we're not going to have that problem;  
17 we're not going to be here.

18 THE WITNESS: You're right. All I  
19 want to say is one thing. In all the  
20 years I'm doing plumbing work, I haven't  
21 had too many people mad at me. I don't  
22 think -- I was only in here one time, and  
23 many years ago, for a woman that didn't  
4 pay me. I'm going back 20, 25 years ago,  
25 where I roughed out a lot of work, and she

1 explain to you -- let me tell you  
2 something else. I got a license and I  
3 respect my license. I go to the meetings.  
4 I go when you renew your license. Half of  
5 the guys in the room don't even know  
6 nothing about plumbing. They're all young  
7 guys, a lot of them. All right?

8 But the bottom line is, instead of  
9 me being here and you guys are breaking my  
10 chops in my eyes, why don't you find all  
11 the guys that ain't licensed all over the  
12 world and break their chops. I'm being  
13 legit here. I'm came down here respect of  
14 everybody in this room that's licensed  
15 and -- I mean, if I'm out of line, I'm out  
16 of line, I apologize.

17 MR. DONOFRIO: I think you are,  
18 Mr. Guerro, frankly --

19 THE WITNESS: Okay.

20 MR. DONOFRIO: -- because you're not  
21 aware the extent to which this board  
22 investigates unlicensed practice; so don't  
23 make an assumption. Okay?

24 Secondly, you are here because we  
25 have accusations of unlicensed plumbing

1 concerning Mr. Rush. He implicated your  
2 name as performing the plumbing. So  
3 you're here as part of our investigation.  
4 Okay? I don't think we're being out of  
5 line.

6 THE WITNESS: When you say, okay, if  
7 I'm working for a contractor to see if  
8 he's a contractor, and I'm doing small  
9 work for a contractor, I know the laws. I  
10 know the bylaws of plumbing. I know  
11 everything. All I'm saying to you,  
12 everybody in this room, that if that's --  
13 even if you do a \$200 or \$300 job, and if  
14 that's what I got to do from today on I  
15 will do that.

16 MR. DONOFRIO: But understand, part  
17 of the advice that the Chairman is giving  
18 you is for your own self-protection.

19 THE WITNESS: I know that.

20 MR. DONOFRIO: It's not to, quote,  
21 bust your chops. Okay?

22 THE WITNESS: He brought up my name,  
23 which I feel as though -- and I even  
24 yelled at him. I said, "I do small jobs  
25 for you. You got these big trucks. I've

1 MR. VOROS: You want to make a  
2 closing statement? You got one more  
3 question?

4 MR. McMANUS: One more thing,  
5 Mr. Chairman. You know, you stated you're  
6 a smart guy, and I'm sure that you will do  
7 this in the future, hopefully so;  
8 otherwise, we will be visiting you again.  
9 For the record, to your knowledge, how  
10 many employees does Mr. Rush employ?

11 THE WITNESS: When I was on the job?

12 MR. McMANUS: Yes.

13 THE WITNESS: I saw, like, three or  
14 four guys working with him, okay, that I  
15 seen. Not on every job, but that I seen.  
16 Okay?

17 MR. McMANUS: How many trucks does  
18 he have on the road; do you know that?

19 THE WITNESS: I seen, like, I think  
20 three.

21 MR. McMANUS: Thank you.

22 THE WITNESS: Maybe four, but I  
23 think I seen three. Couple blue ones and  
24 a white one, you know.

25 MR. McMANUS: Thank you.

1 been telling you for a long time, how do  
2 you get away with this word?" Even the  
3 electrical guys that he uses, you know,  
4 and plumbers, even the electrical guys,  
5 you know.

6 So I mean, I came in here today to  
7 be here. I'm not a wiseguy. I'm not  
8 looking for no trouble. I'm not asking  
9 for no trouble. And every job that I did  
10 with a permit was passed. Okay? And if  
11 you (sic) don't want me work with this  
12 kid no more, I could care less.

13 MR. VOROS: We want to you follow  
14 the law.

15 THE WITNESS: I will follow the law  
16 from today on, if that's what I'm supposed  
17 to do. Even with small jobs, you know,  
18 I'll go out, and I'll make a printer make  
19 up 25, 30 little contracts with my address  
20 and my license, like I did for years and  
21 years and years, you know. I did many  
22 jobs like that for years the right way.

23 MR. VOROS: That would be good.

24 THE WITNESS: I figured, now that  
25 I'm like semi-retired, I mean, you know.

1 MR. VOROS: Would you like to make a  
2 closing statement?

3 THE WITNESS: My closing statement  
4 is, I hope I don't get in no trouble. I  
5 didn't mean to do anything wrong to  
6 anybody, especially our trade that we do,  
7 like, you know, make it look like we're  
8 fly-by-night guys, because we're not, you  
9 know.

10 And, you know, I'm just trying to  
11 get by, you know, making a buck. Things  
12 are rough. I'm old, you know. I can't do  
13 what I used to do ten years ago. I wish I  
14 could, you know. I'm talking about work.

15 If I do a little job, I'm exhausted  
16 at the end of the day, you know. So, you  
17 know, I apologize if I talk a little rude,  
18 you know. I don't mean to. But, you  
19 know, in my heart, I feel as though I  
20 don't even know what I'm doing here. I  
21 really mean that from my heart. Okay?

22 From today on, from today on, like I  
23 said, if I do a little job, I will write  
24 it up. But if you add up all the little  
25 jobs I do in a year, it don't come to

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1 probably five, \$6,000 worth of work, you  
 2 know. That's it. You know, I feel bad  
 3 I'm here. I really feel bad, because, I  
 4 mean, I'm not a troublemaker.  
 5 I'm not -- you know, I love the  
 6 trade. I love my trade. I love young  
 7 kids that don't know what they're doing,  
 8 and I teach them and explain to them, and  
 9 I show them the right way with heating and  
 10 plumbing, you know, and what we did years  
 11 ago comparison to what we are doing today,  
 12 you know.  
 13 MR. VOROS: All right. What we're  
 14 going to need from you to settle this  
 15 case, we're going to need the permits you  
 16 pulled with jobs you did with Mr. Rush,  
 17 and that will help settle the case.  
 18 THE WITNESS: I will start working  
 19 on that Monday. Okay?  
 20 MR. VOROS: And the final inspection  
 21 reports on those jobs?  
 22 THE WITNESS: Yeah. No problem.  
 23 MR. VOROS: I appreciate it. Thank  
 24 you for coming in.  
 5 THE WITNESS: It might take me a

1 longer, because it's the end of year, you  
 2 know. I'm just saying. Sometimes the  
 3 townships are a little screwed up. I'll  
 4 try my best.  
 5 With him I'll call him and say,  
 6 "Let's go back on everything." I mean,  
 7 I'm not trying to hide nothing.  
 8 MR. VOROS: Right. But what we're  
 9 trying to protect is, if you come up short  
 10 on a permit that you can't get, and we  
 11 find out it was with him, you might lose  
 12 your license if we don't have proof. So  
 13 just try to work hard on that for us.  
 14 THE WITNESS: I will work very hard.  
 15 I'm 99 and nine-tenths sure, he never did  
 16 a job with my license without me knowing  
 17 about. I did it. Okay?  
 18 MR. VOROS: Okay.  
 19 THE WITNESS: I'm 99 and nine-tenths  
 20 sure, because I wouldn't stamp a permit.  
 21 And, by the way, there are guys -- I just  
 22 did one in Lakewood. I was supposed to  
 23 get a house in Lakewood with my son to  
 24 rough it out, and I stamped the permit,  
 25 and they didn't use me.

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1 little time to get them, you know, because  
 2 some were a few years ago, you know what I  
 3 mean? I even asked him, I said, "Don't  
 4 you have copies of what we did on all  
 5 those things?" Because he's got a  
 6 business.  
 7 When I had a real business, I had a  
 8 store in South River. I had all home -- I  
 9 was a licensed plumber. I had a showroom  
 10 for nine years. My wife ran everything  
 11 for me, every single thing from soup to  
 12 nuts with everybody getting paid, all the  
 13 supply houses getting paid.  
 14 When my wife got killed in a car  
 15 crash, I had a nervous breakdown. I  
 16 didn't care if I lived or died. Now she's  
 17 dead, and it took me four years to come  
 18 out of it, to be honest about it. By that  
 19 time the economy is bad, you know. And  
 20 I'm older and I'm sick. So all these  
 21 things, you know.  
 22 MR. VOROS: Is 30 days enough for  
 23 you to get those things?  
 4 THE WITNESS: I think so. If not, I  
 25 will call. Maybe might take a little

1 And I had to call the guy up, the  
 2 plumbing inspector, and say, "Hey, is my  
 3 license, my thing there?" "Yeah." I said  
 4 -- I had to fax him a letter that I'm not  
 5 doing the job, because that's what we do,  
 6 you know.  
 7 I mean, that's about it. I'm here.  
 8 I did what I could do. Like I said, I'll  
 9 try my best to get the other thing  
 10 together, you know --  
 11 MR. VOROS: Thank you.  
 12 THE WITNESS: -- as soon as I can,  
 13 you know. As long as -- I mean, the  
 14 townships that we worked in, they're all  
 15 local. They got to have a copy of the  
 16 permit --  
 17 MR. VOROS: Right.  
 18 THE WITNESS: -- you know, for the  
 19 plumbing, you know. All right. That's  
 20 it.  
 21 MR. VOROS: Okay. Thank you for  
 22 coming in.  
 23 THE WITNESS: I came in. I -- I'm  
 24 not looking for a problem.  
 25 MR. VOROS: Right. All right.

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1 THE WITNESS: All right? This is  
2 mine. There's nothing in here to brag  
3 about. All right? See, these are things  
4 that he had copies of, but they're nothing  
5 with me, with my license, and my name and  
6 all of that.

7 MR. DONOFRIO: Let me see what  
8 you're referring to.

9 THE WITNESS: See, this is his.  
10 This is all his. This is nothing to do  
11 with me.

12 MR. DONOFRIO: It looks like what  
13 you are showing me are copies of job  
14 invoices that Superior provided to the  
15 consumer, but not to you.

16 THE WITNESS: Here, like, for  
17 example, okay? A job like this, what I  
18 did was like a \$500 job. Different  
19 things. This one was \$400. That's all I  
20 got, a couple of little things, you know.

21 MR. DONOFRIO: Why don't we do this,  
22 Mr. Chairman. In addition to Mr. Guerro  
23 obtaining the permits and the inspections  
24 results, if you can get us all  
25 documentation associated with your

1 hands on as much as I can, I'll do the  
2 best I can. If I have to come back here  
3 again, I will.

4 MR. DONOFRIO: Okay.

5 THE WITNESS: I'm not trying to hide  
6 nothing and do nothing like that, you  
7 know. I want to make -- my closing  
8 statement is, I don't cover anybody.  
9 That's my closing statement.

10 MR. VOROS: Okay.

11 THE WITNESS: Okay? If I take a  
12 permit out, I'm on that job. I've been  
13 doing it my whole life. Okay? I don't  
14 need somebody to go and rough something  
15 out or do something wrong or God forbid  
16 have a fire, or God forbid have a flood,  
17 or burn some kid with hot water that they  
18 don't know what they're doing. I'm on the  
19 job. All right, guys?

20 MR. VOROS: Thank you. Have a good  
21 day.

22 THE WITNESS: Bye-bye.

23 - - -

24 (The proceedings concluded at 10:26 a.m.)  
25 - - -

1 relationship with Superior as well,  
2 including what you've provided.

3 THE WITNESS: This is not mine.  
4 These were his that I got.

5 MR. DONOFRIO: Whatever is in your  
6 possession concerning your relationship --

7 THE WITNESS: This is what I have in  
8 my possession.

9 MR. DONOFRIO: Okay.

10 THE WITNESS: This is it.

11 MR. DONOFRIO: Can we have that  
12 then?

13 THE WITNESS: I would like to make  
14 copies, and I'll bring them back to you.  
15 I'll mail them to you. I said that to you  
16 on the phone. Wasn't I talking to you?

17 MR. DONOFRIO: Well, you were also  
18 advised to bring all of your documentation  
19 in today, and you don't have it. If you  
20 can give us all documentation concerning  
21 your relationship with Mr. Rush and  
22 Superior, as well as the documentation the  
23 Chairman indicated, the permits and  
24 inspection results.

25 THE WITNESS: Whatever I can get my

1 CERTIFICATE

2 I, Kim L. Montalvo, a  
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