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

By: Joseph Donofrio
Deputy Attorney General
(973) 648-2779

FILED
November 20, 2014
BOARD OF EXAMINERS OF
MASTER PLUMBERS
Rosemary S. Bacon
Actor Executive Director

MONITORING

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

IN THE MATTER OF THE APPLICATION FOR THE RENEWAL OF

WAYNE E. RATKOWSKI
License No. 36BI01063800

FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of information concerning an arrest and subsequent conviction pertaining to licensee Wayne E. Ratkowski ("respondent"). According to the information, respondent was arrested on January 30, 2013 and convicted on September 20, 2013. Respondent received his New Jersey Master Plumber's license on March 26, 1998, and has been licensed at all times relevant hereto. Respondent answered "no" on his 2013-2015 license renewal application to the question relating to "being arrested, charged, or convicted of any crime or offense since the last renewal."

Specifically, respondent was convicted in Superior Court, Hunterdon County, New Jersey on September 20, 2013 for Operating a Motor Vehicle During a Second/Subsequent Driving While Impaired License Suspension in violation of N.J.S.A. 2C:40-26b, a crime of the fourth degree. Respondent was sentenced to probation for a period of three (3) years, conditioned upon serving one hundred and eighty (180) days in the Hunterdon County Jail. Respondent was also ordered to submit to a substance abuse evaluation and comply with all recommendations, including follow-up treatment. Respondent was also required to submit to random urine screens.

According to the information contained in the Judgment of Conviction, respondent was driving on a suspended license for the fifth time. Respondent's driver's license was suspended four (4) previous times due to driving under the influence. Respondent admitted to a substance abuse history, but did not admit being under the influence at the time of his arrest.

On January 23, 2014 respondent appeared at an investigative inquiry into the matter held by the Board. Respondent acknowledged that at the time of his arrest, his driver's license was suspended for driving under the influence. Respondent stated it was his fourth conviction for driving under the influence. His first conviction for driving under the influence occurred in 2003. The second, third and fourth driving under the influence convictions occurred in one year, either 2009 or 2010.

Respondent acknowledged he answered "no" on his 2013-2015 license renewal application to the question relating to "being arrested, charged, or convicted of any crime or offense since the last renewal." Respondent also admitted he did not report the four prior driving under the influence arrests and convictions on his previous plumbing license renewals. When asked why he did not report his prior driving under the influence arrests and convictions respondent stated; "Because I'm a recovering alcoholic and I've done a lot of things during my alcoholism that I'm not proud of, so I hid from it." Respondent stated he is eight (8) months clean. He attended Alcoholics Anonymous off and on for three to four years, but eight months ago decided to take his alcoholism seriously. He now attends Alcoholics Anonymous regularly and has a sponsor.

Respondent submitted to a substance abuse evaluation prior to his sentencing. The evaluation recommended that respondent attend out-patient treatment. Respondent provided documentation indicating that he has been attending out-patient treatment since October 1, 2013. Respondent has been compliant with treatment and all urine screens have been negative. He is drug screened randomly, at least once every two weeks. Respondent acknowledged a history of alcoholism occurring over the past ten years.

Having reviewed the entire record, including respondent's testimony during the investigative inquiry, the Board has determined that respondent's license to practice plumbing may be renewed subject to the conditions outlined in this order. Respondent appears to be doing well in recovery at

this time. However, the Board is keenly aware of respondent's history and therefore any deviation from the terms of this order will result in immediate suspension of license. The Board finds that such a provision, coupled with the restrictions placed on respondent's license by this order are adequate to protect the health, safety, and welfare of the public, and that good cause exists for entry of this Order.

IT IS THEREFORE ON THIS 27 DAY OF OCTOBER, 2014

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice plumbing in the State of New Jersey shall be renewed subject to the restrictions in this Order.

2. Respondent shall abstain from any and all mood altering or intoxicating substances, including, but not limited to, alcohol, as well as any controlled dangerous substance except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, respondent shall advise any and all treating physicians and/or dentists, of his history of substance abuse. Respondent shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided no later than two (2) days subsequent to the prescription and shall be sent to Rosemarie Baccile, Acting Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, 6th Floor, Newark, NJ 07101.

3. Respondent shall provide proof of probation compliance on a quarterly basis, including proof that any urine screen results have been negative during the course of his probation. For purposes of this order, the first submitted quarterly proof of probation compliance shall be due September 30, 2014 for the months of July and August 2014. The next quarterly proof shall be due on December 31, 2014 for the months of September, October and November of 2014, and then quarterly thereafter.

4. Respondent shall continue in treatment with Alcoholics Anonymous and shall provide

proof of attendance at Alcoholics Anonymous. This information shall be provided directly to the Board on a quarterly basis. For purposes of this order, the first submitted monthly proofs of attendance shall be due on September 30, 2014 for the months of July and August 2014. The next quarterly proofs shall be due on December 31, 2014 for the months of September, October and November 2014 and then quarterly thereafter. The quarterly proofs shall be sent to the address outlined in paragraph #2. If respondent discontinues participation with Alcoholics Anonymous, without first obtaining approval of the Board, he shall be deemed in violation of this order.

5. Respondent may not seek modification of the terms of this order until he demonstrates he has successfully completed his probationary requirements and demonstrates to the satisfaction of the Board that he has been successfully discharged from probation. Prior to any modification or removal of restrictions set forth in this order, respondent shall:

(a) Appear before the Board to discuss his recovery and to demonstrate to the satisfaction of the Board that he is not then suffering from any impairment or limitation resulting from the use of any mind altering or intoxicating substance, whether legal or illegal, which could affect his practice;

6. Respondent hereby consents to the entry of an order of automatic suspension of license without notice, upon the Board's receipt of information, which the Board in its sole discretion deems reliable, demonstrating that respondent has had a relapse or recurrence of alcohol abuse, has driven a motor vehicle without restored driving privileges, or an arrest or conviction related to the use of alcohol or other intoxicating substance, or is not capable of carrying out the functions of a licensee consistent with the public health, safety, or welfare or that respondent has failed to comply with any of the conditions set forth in this Consent Order.

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

8. Respondent shall pay a civil penalty, pursuant to N.J.S.A. 45:1-25, in the amount

five hundred dollars ($500.00) for engaging in the use or employment of dishonesty, deception and misrepresentation by failing to report his driving under the influence arrests and/or convictions, as well as his arrest and conviction for Operating a Motor Vehicle During a Second/Subsequent Driving While Impaired License Suspension, on his license renewals, in violation of N.J.S.A. 45:1-21(b). Payment of the civil penalty totaling five hundred dollars $500.00 shall be submitted simultaneous with the signing of this order, by certified check or money order made payable to the State of New Jersey, and shall be sent to, Rosemarie Baccile, Acting Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

9. Failure to timely remit any and all payments required by this order will result in the filing of a certificate of debt with interest accruing at the rate provided by the Rules of Court and other proceedings permitted by law. Such failure or any violation of this order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board, which could include the suspension or revocation of license.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

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

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Wayne E. Ratkowski

oct 20th 2014
Date