

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 New Jersey State Board
of Examiners of Heating, Ventilating,
Air Conditioning and Refrigeration Contractors

FILED *March 3, 2015*
BOARD OF EXAMINERS OF
MASTER PLUMBERS
Rosanna S. Roccia
Acting Executive Director
#1831591 ap id # B

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF EXAMINERS
OF HEATING, VENTILATING, AIR CONDITIONING
AND REFRIGERATION CONTRACTORS

IN THE MATTER OF THE
APPLICATION OF

CHARLES R. JONES

FOR A HEATING, VENTILATING,
AIR CONDITIONING AND
REFRIGERATION CONTRACTING
LICENSE IN NEW JERSEY

Administrative Action

PROVISIONAL ORDER
OF DENIAL OF LICENSURE

This matter was opened to the New Jersey State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors ("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. Charles R. Jones ("respondent") applied for a Heating, Ventilating, Air Conditioning and Refrigeration license in the State of New Jersey. Respondent was previously licensed as a master plumber in New Jersey having been issued a plumbing license by the New Jersey State Board of Examiners of Master Plumbers ("Plumbing Board") on September 1, 1993. On June 27, 1996, the Plumbing Board filed an Order Entering Default and Revoking Respondent's Plumbing

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License. The Plumbing Board found at that time that respondent secured his plumbing license under false pretenses by submitting a work certification which respondent knew contained false information, in violation of N.J.S.A. 45:1-21(b). Additionally, the Plumbing Board then found that respondent obtained his plumbing license under false pretenses which constituted professional misconduct in violation of N.J.S.A. 45:1-21(e). (Exhibit A, Copy of Order Entering Default and Revoking Respondent's License, dated June 27, 1996, attached and made a part of hereto).

2. Specifically, the Plumbing Board found in 1996 that respondent submitted a work certification in support of his plumbing license application which purported to be certified by a Plumbing Board licensee. It was later determined that the Plumbing Board licensee never signed a work certification on behalf of respondent, and he had never employed respondent. Respondent testified and admitted during an investigative inquiry conducted by the Plumbing Board that he never worked for the Plumbing Board licensee who signed the work certification. Respondent also admitted that he knew the work certification submitted in support of his application for a plumbing license contained a signature purporting to belong to the Plumbing Board licensee. (Exhibit A, Copy of Order Entering Default and Revoking Respondent's License, dated June 27, 1996, attached and made a part of hereto). (Exhibit B, Copy of transcript of March 23, 1995 investigative inquiry, attached and made a part of hereto).

3. On his May 5, 2014 application for a Heating, Ventilating, Air Conditioning and Refrigeration license, respondent was asked "Have you ever been disciplined or denied a professional or occupational license or certificate of any kind in New Jersey, any other state, the District of Columbia or in any other jurisdiction"? Respondent answered "No". On his application for licensure, respondent was also asked "Have you ever had a professional or occupational license or certificate of any type suspended, revoked or surrendered in New Jersey, any other state, the District of Columbia or in any other jurisdiction"? Respondent answered "No". (Exhibit C, Copy of respondent's application for a Heating, Ventilating, Air Conditioning and Refrigeration Contractors license, attached and made a part of hereto).

DISCUSSION

On May 28, 2014, the Board considered respondent's application for licensure in conjunction with a review of his disciplinary history concerning the revocation of his plumbing license. The Board also considered respondent's answers to questions on his application for a Heating, Ventilating, Air Conditioning and Refrigeration license in the State of New Jersey. After a thorough review, the Board preliminarily determined that the Plumbing Board in 1996 found that respondent had obtained his plumbing license through fraud, deception and misrepresentation, in violation of N.J.S.A. 45:1-21(a), by submitting a work certification which he knew contained false information by admitting he never worked for, or was paid by, the Plumbing Board licensee.

The Board also preliminarily determined that respondent engaged in fraud in the application process and the use or employment of dishonesty, fraud, deception and misrepresentation, in violation of N.J.S.A. 45:1-21(a) and (b), by answering "No" in response to the questions on the Heating, Ventilating, Air Conditioning and Refrigeration application for licensure which asked "Have you ever been disciplined or denied a professional or occupational license or certificate of any kind in New Jersey, any other state, the District of Columbia or in any other jurisdiction?" and "Have you ever had a professional or occupational license or certificate of any type suspended, revoked or surrendered in New Jersey, any other state, the District of Columbia or in any other jurisdiction"?

CONCLUSIONS OF LAW

1. The above preliminary findings of fact provide grounds for denying respondent's application for a Heating, Ventilating, Air Conditioning and Refrigeration contractor's license in New Jersey, pursuant to N.J.S.A. 45:1-21(a), in that respondent obtained his plumbing license through fraud, deception and misrepresentation by submitting a work certification to the Plumbing Board which he knew contained false information.

2. The above preliminary findings of fact also provide grounds for denying respondent's application for a Heating, Ventilating, Air Conditioning and Refrigeration contractor's license in

New Jersey, pursuant to N.J.S.A. 45:1-21(a) and (b), in that respondent's false answers on his application for licensure as a Heating, Ventilating, Air Conditioning and Refrigeration contractor involved engaging in the use and employment of dishonesty, fraud, deception and misrepresentation.

ACCORDINGLY, IT IS on this 3rd day of March , 2015,

HEREBY PROVISIONALLY ORDERED that:

1. Respondent's application for a Heating, Ventilating, Air Conditioning and Refrigeration contractor's license in New Jersey is hereby provisionally denied.

2. 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, New Jersey State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors, 124 Halsey Street, Sixth Floor, 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 the terms in this Provisional Order of Denial.

3. 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 Denial will be entered.

4. 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.

NEW JERSEY STATE BOARD OF EXAMINERS
OF HEATING, VENTILATING, AIR CONDITIONING
AND REFRIGERATION CONTRACTORS

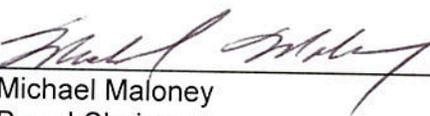
By: 
Michael Maloney
Board Chairman

EXHIBIT A

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: Denise A. Cobham
Deputy Attorney General
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Tel. (201) 648-2478



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

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
:
CHARLES R. JONES :
License no.9740 :
:
TO PRACTICE PLUMBING :
IN THE STATE OF NEW JERSEY :
:

Administrative Action
ORDER ENTERING DEFAULT
AND REVOKING RESPONDENT'S LICENSE

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers, upon the filing of an Administrative Complaint and Notice of Hearing and Notice to File Answer on July 27, 1995 by Attorney General Deborah T. Poritz, by Denise A. Cobham, Deputy Attorney General. The Complaint was personally served on respondent by Investigator Amy Eick on August 10, 1995. Respondent Jones has failed to respond to the allegations contained in the Administrative Complaint, in any manner, up to and including this date.

The Board finds that respondent was duly served with the Administrative Complaint and the Notice of Hearing and Notice to File Answer. The Board further finds that respondent has failed and/or refused to answer or otherwise respond within the time period allowed, or at any time thereafter up to the present. The Board further finds that respondent was duly served with a copy of the within motion papers requesting that the Board take action against his license for failure to respond to the allegations contained in the Administrative Complaint as well as the Attorney General's within application for the entry of default and a determination of penalty which was scheduled for consideration on this date.

It is therefore ORDERED that the matter may proceed as a default.

The Board's review of the certified documents filed in support of the Attorney General's Complaint reveal that on or about May 11, 1992, respondent made application to the State Board of Examiners of Master Plumbers for a plumbers license. In support of his application, Mr. Jones submitted a work certification which purported to be certified by Board licensee, Frederick Walters. On or about January 25, 1995, Mr. Walters caused a sworn statement to be submitted to the State Board wherein he indicated that he never signed a work certification on behalf of Mr. Charles Jones, and he had never employed respondent Charles Jones. Based on that sworn statement, the Board conducted an investigative inquiry pursuant to N.J.S.A. 45:1-18 for the purpose of taking the sworn testimony of its licensee, respondent Charles Jones, and the sworn testimony of Mr. Frederick Walters. During the course of the investigative inquiry, Respondent Jones admitted that he had never worked for Frederick Walters, and that he knew that Frederick Walters was going to certify the work experience certification to be submitted to the Board in support of his application. This Board FINDS that based on the documentation submitted, as well as the testimony of Respondent Jones and Frederick Walters that Respondent Jones secured a plumbing license under false pretenses by submitting a work certification which he knew contained false information since he admitted that he has never worked for, or was paid by, Frederick Walters; and the Board FURTHER FINDS that obtaining a license under false pretenses constitutes occupational misconduct.

The Board FURTHER FINDS that the factual findings noted above constitute grounds for revocation or suspension of respondent's license pursuant to N.J.S.A. 45:1-21(b) and (e).

IT IS ON THEREFORE, ON THIS 27 DAY OF June 1996,
ORDERED THAT:

1. Respondent's license to practice plumbing in the State of New Jersey shall be and hereby is revoked effective immediately.
2. Respondent shall pay a civil penalty in the amount of \$2,500.00.

3. Respondent shall, by the close of business on June 29, 1996, surrender his pressure seal to the offices of the Executive Director of the Board.

N. J. STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

By: Alan Feid
ALAN FEID, CHAIRPERSON

EXHIBIT B

BOARD OF MASTER PLUMBERS
PRELIMINARY INVESTIGATION COMMITTEE

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In the Matter of:

CHARLES R. JONES
FREDERICK E. WALTERS

Transcript of
Proceeding

March 23, 1995
Newark, New Jersey

B E F O R E:

- Allan Feid, Chairman
- Christine T. Degregorio, Executive Director
- Denise A. Cobham, Deputy Attorney General
- Thomas B. McGarity
- Gam Broadley
- Thomas Daly
- Jack Levee
- Michael Landolfi
- Mario Genova
- Suzanne Mustica, Secretary
- Rosemarie Boccile

A P P E A R A N C E S:

Ona Spiridellis, Division of Consumer
Affairs Representative

FRIIS ASSOCIATES
Certified Shorthand Reporters
P.O. BOX 84
WOODBIDGE, NEW JERSEY 07095
(908) 548-2222

1 MS. COBHAM: Good afternoon, Mr.
 2 Jones, Mr. Walters. My name is Denise Cobham, I'm
 3 the Deputy Attorney General assigned to represent
 4 the Board of Master Plumbers.

5 You've been subpoenaed to be here today with
 6 respect to concerns about work certifications and
 7 your license. Do you understand that, gentlemen?

8 MR. JONES: Yes.

9 MR. WALTERS: Yes.

10 MS. COBHAM: The Board is conducting
 11 this investigative inquiry pursuant to NJSA 45:1-18
 12 and 25. You have a right to be represented by
 13 counsel if you so choose. Were you aware of that
 14 before you arrived today?

15 MR. JONES: Yes.

16 MS. COBHAM: Have you decided to
 17 retain counsel?

18 MR. JONES: No.

19 MR. WALTERS: No.

20 MS. COBHAM: Are you ready to be put
 21 under oath?

22 MR. JONES: Yes.

23 MS. COBHAM: I'm going to ask that we
 24 address Mr. Jones first and then Mr. Walters.
 25 Before you leave the room, Mr. Walters, I'd like

1 the Board to have an opportunity to introduce
2 itself so you will know to whom you'll be speaking.

3 CHAIRMAN FEID: Allan Feid, chairman
4 of the Board.

5 MR. LEVEE: Jack Levee, member of the
6 Board.

7 MR. LANDOLFI: Michael Landolfi,
8 member of the Board.

9 MR. GENOVA: Mario Genova, member of
10 the Board.

11 MR. DALY: Tom Daly, member of the
12 Board.

13 MR. BROADLEY: Gam Broadley, member of
14 the Board.

15 MR. MCGARITY: Thomas McGarity, member
16 of the Board.

17 MS. COBHAM: It's been brought to my
18 attention that Michael Landolfi would like to
19 recuse himself in voting in this matter.

20 MR. LANDOLFI: I'm just going to sit
21 back.

22 MS. COBHAM: Now, I'd ask you to wait
23 outside, Mr. Walters, until we get to you.

24 Mr. Jones, you were served with a subpoena
25 to come here today and you were asked to bring any

1 documentation that would tend to prove or
2 disapprove the facts and dispute here; is that
3 correct?

4 THE WITNESS: Yes.

5 MS. COBHAM: Okay. I see you've
6 brought certain things with you?

7 THE WITNESS: Yes.

8 MS. COBHAM: Would you like to have
9 them marked?

10 THE WITNESS: Yes, you can.

11 MS. COBHAM: Okay. And this I'd like
12 to have -- I guess we ought to have them all marked
13 J-1 through --

14 THE WITNESS: You want to count them?

15 MS. COBHAM: J-1, 2, 3, 4, 5, 6, 7, 8,
16 9.

17 (Documents received and marked J-1
18 through J-9 for identification.)

19
20 C H A R L E S R. J O N E S, having been duly
21 sworn, testified as follows:

22
23 MS. COBHAM: Mr. Jones, are you now a
24 licensed master plumber?

25 THE WITNESS: Yes.

1 MS. COBHAM: When did you make
2 application to the Board of Master Plumbers?

3 THE WITNESS: 1992.

4 MS. COBHAM: And did you submit an
5 application with your picture on it to the Board?

6 THE WITNESS: Yes, the company I work
7 for. Yes.

8 MS. COBHAM: Well, did you submit it
9 or did the company you worked for?

10 THE WITNESS: The company I worked for
11 submitted it. I just signed on it, they submitted
12 it in.

13 MS. COBHAM: Did you submit an
14 application in May of '92?

15 THE WITNESS: Yes.

16 MS. COBHAM: Okay. I'm going to ask
17 you to look at the May '92 application and look at
18 the signature on the front.

19 THE WITNESS: That's my signature.

20 MS. COBHAM: It's your signature?

21 THE WITNESS: Yes.

22 MS. COBHAM: Now, let's see, did you
23 complete that application?

24 THE WITNESS: This -- I just signed
25 it. The company I worked for completed it.

1 MS. COBHAM: What company was that?

2 THE WITNESS: Charles Refrigeration.

3 MS. COBHAM: I can't hear you and the
4 Board members can't hear you.

5 THE WITNESS: Charles Refrigeration,
6 Incorporated.

7 MS. COBHAM: Where is that company
8 located?

9 THE WITNESS: It's in Trenton, New
10 Jersey, 900 Beatty Street. Right now that company
11 is out of business.

12 MS. COBHAM: Who was the licensed
13 master plumber under whom you worked for at Charles
14 Refrigeration in '92?

15 THE WITNESS: There were two master
16 plumbers. They weren't working there. One was
17 John Hal and also Fred Walters. And I worked for
18 Charles Refrigeration. I didn't work for these
19 plumbers, I worked for Charles Refrigeration.

20 MS. COBHAM: Did these plumbers
21 supervise you?

22 THE WITNESS: They did.

23 MS. COBHAM: What basis did they
24 supervise you when you submitted your May '92
25 application?

1 THE WITNESS: Just doing general
2 plumbing work, you know, at that point there. In
3 other words, we are putting water heaters in and
4 different parts and preparing things and did jobs,
5 we were doing new construction work and everything,
6 you know?

7 MS. COBHAM: Okay. Did there come a
8 time when you left that concern?

9 THE WITNESS: When I left Charles
10 Refrigeration? Yep.

11 MS. COBHAM: And did you also make
12 application for licensor to the Electrical
13 Contractors Board?

14 THE WITNESS: Yes, I did.

15 MS. COBHAM: Okay. And was that in
16 March of '94?

17 THE WITNESS: Yes, '94. I put --

18 MS. COBHAM: Is that your signature,
19 sir?

20 THE WITNESS: Yes, it is.

21 MS. COBHAM: And is that a picture of
22 you?

23 THE WITNESS: Yes, it is. I filled
24 this one out. The company -- I wasn't with that
25 company then. I had done this one.

1 MS. COBHAM: When you're speaking
2 about this one, you're speaking of --

3 THE WITNESS: Electrical.

4 MS. COBHAM: -- the electrical people
5 in '94?

6 THE WITNESS: Yes.

7 MS. COBHAM: Did you fill out the work
8 certification form, sir?

9 THE WITNESS: Let me see. Yes, I did.

10 MS. COBHAM: And with whom did you
11 work -- get your work experience?

12 THE WITNESS: In Richard King. It
13 says right here.

14 MS. COBHAM: And with respect to your
15 detailed statement of experience in your plumbing
16 application, okay, who did you put in as your work
17 experience?

18 THE WITNESS: It says Fred Walters. I
19 didn't put this in there, the company put that in
20 there.

21 MS. COBHAM: What company was that?

22 THE WITNESS: Charles Refrigeration.

23 MS. COBHAM: Who in the company
24 determined to put that name in there?

25 THE WITNESS: You know, I guess the

1 secretary and the president of the company. I
2 don't know who.

3 MS. COBHAM: Well, did you want to get
4 your license?

5 THE WITNESS: Yes.

6 MS. COBHAM: And you did sign that?

7 THE WITNESS: Yes, I did sign that.

8 MS. COBHAM: Then where it says that
9 the person being duly sworn says he is the person
10 who's referred in this application for
11 certification as a licensed master plumber and that
12 the statements herein contained are strictly true
13 in every respect, you signed that and swore to
14 that; is that correct?

15 THE WITNESS: Yes, I did.

16 MS. COBHAM: So did you, in fact, work
17 under the supervision of Frederick Walters from
18 October 14, 1986 until the present?

19 THE WITNESS: Yeah, I worked on and
20 off with him. They were using two different
21 plumbers at the time, they weren't using just one.
22 They only put the one plumber down, they didn't put
23 the other plumber we had worked with.

24 MS. COBHAM: Okay. What do you mean
25 on and off?

1 THE WITNESS: I was working for the
2 company, Fred Walters worked -- he did some
3 subcontractor work for Charles Refrigeration and so
4 did John Hal, plumber. And whenever they --
5 whenever they worked for the company, I worked with
6 them on the job -- of the plumbing portion of the
7 job.

8 MR. MCGARITY: Were you paid by
9 Walters?

10 THE WITNESS: No, I was paid by
11 Charles Refrigeration.

12 MR. MCGARITY: It says here Walters.

13 MR. DALY: Does your W-2 say Walters?

14 THE WITNESS: I never seen these W-2s.
15 My W-2s say Charles Refrigeration, they don't say
16 Walters on them.

17 MR. MCGARITY: Do you have them with
18 you?

19 THE WITNESS: I didn't have W-2s, I
20 have my tax forms. I don't have W-2s.

21 MR. MCGARITY: What happened to them?

22 THE WITNESS: I guess my accountant --
23 he gave me this. This is all he has. He's got
24 copies of my taxes, he doesn't keep the W-2s.

25 MS. COBHAM: With respect to your work

1 experience certification in your May '92
2 application to the Board of Master Plumbers, does
3 it indicate the name of your employer as Fred
4 Walters Plumbing and Heating?

5 THE WITNESS: Yes, it does.

6 MS. COBHAM: And you didn't give the
7 Board that information?

8 THE WITNESS: No, I just signed the
9 papers.

10 MS. COBHAM: Okay.

11 THE WITNESS: When I signed the
12 papers, I went in the office, I said, Who's signing
13 for me on this, and he said, Freddy was. So Freddy
14 signed it for me. I said, Okay. And that was the
15 last I heard of it. Freddy was signing off on the
16 papers for me, I didn't look into it or nothing. I
17 wanted a plumbing license, I wasn't going to rock
18 the boat. I had to take the test and everything,
19 but they said they got my time that I had to put
20 in, set it all up, they had it all figured out.
21 That's when I signed it.

22 MS. COBHAM: Do you know he had
23 certified your work experience before the Board
24 contacted you with reference to coming here today?

25 THE WITNESS: No, I didn't. I haven't

1 seen Freddy Walters since -- 1992 was the last time
2 I seen or spoke until I saw him out in the hallway.
3 I've never talked to him.

4 MS. COBHAM: And do you know if that's
5 his signature?

6 THE WITNESS: I couldn't tell you if
7 it is. I don't even know what it looks like.

8 MS. COBHAM: I was referring to the
9 bottom of the work certificate dated May 11, '92.
10 So is it -- what you are telling us is that you
11 just relied on the office staff where you were
12 working --

13 THE WITNESS: Yes.

14 MS. COBHAM: -- out of Trenton to fill
15 out? You have papers and you don't know whether
16 they told the truth or not about your work
17 experience or anything like that?

18 THE WITNESS: All I know is that they
19 filled it out, I asked them, Who's signing for
20 that? They said Freddy was going to sign for it.
21 And I don't -- I never talked to Freddy about it, I
22 don't know what I -- just let the office do it like
23 everything else.

24 MS. COBHAM: I'm going to show you
25 what's been marked J-9 for identification, okay?

1 Is this your tax return -- you and your wife's tax
2 return for 1992?

3 THE WITNESS: Yes.

4 MS. COBHAM: And you indicate your
5 occupation as a sales rep?

6 THE WITNESS: Yes.

7 MS. COBHAM: And with respect to J-8
8 for identification, is this your individual tax
9 return for '91?

10 THE WITNESS: Yes.

11 MS. COBHAM: And do you indicate that
12 your occupation is a sales rep?

13 THE WITNESS: Yes.

14 MS. COBHAM: And in 1990?

15 THE WITNESS: Yes.

16 MS. COBHAM: J-7 for identification,
17 is that your 1040 for 1990?

18 THE WITNESS: Yes.

19 MS. COBHAM: You indicate that your
20 occupation was a sales rep?

21 THE WITNESS: Yes.

22 MS. COBHAM: And looking at J-6 for
23 identification, is that your tax return for '88?

24 THE WITNESS: Yes.

25 MS. COBHAM: And you indicate your

1 occupation as salesman?

2 THE WITNESS: Yes.

3 MS. COBHAM: And J-1 for
4 identification is your high school equivalency
5 diploma?

6 THE WITNESS: Yes.

7 MS. COBHAM: So that information is
8 correct that's reflected in your application?

9 THE WITNESS: Yes.

10 MS. COBHAM: Well, it says the date
11 you graduated is --

12 THE WITNESS: That's when I did, they
13 didn't issue this until '78. It says the date
14 graduated is June of '68.

15 MS. COBHAM: And the date of issuance
16 on J-1 which is the GED is March of '78, correct?

17 THE WITNESS: Yes.

18 MS. COBHAM: Okay. And you've also
19 submitted a certificate of completion of
20 apprenticeship from the United States Department of
21 Labor and that's J-2 for identification, correct?

22 THE WITNESS: Yes.

23 MS. COBHAM: And you completed an
24 apprenticeship in the trade of refrigeration and
25 air conditioning technician under the sponsorship

1 of Trenton Refrigeration, correct?

2 THE WITNESS: Yes.

3 MS. COBHAM: J-4 for identification is
4 your tax return in '87, correct?

5 THE WITNESS: Yes.

6 MS. COBHAM: You list yourself as a
7 salesman as your occupation, correct?

8 THE WITNESS: Yes.

9 MS. COBHAM: And J-5 for
10 identification is your tax return for '88, correct?

11 THE WITNESS: Yes.

12 MS. COBHAM: You list yourself as a
13 salesman, correct?

14 THE WITNESS: Yes.

15 MS. COBHAM: What have you been doing
16 since '92? What kind of work have you been doing?

17 THE WITNESS: Doing what I always do,
18 air conditioning, heating, plumbing and
19 refrigeration.

20 MS. COBHAM: What have you done as a
21 plumber?

22 THE WITNESS: Just normal plumbing
23 work, putting water heaters in, different things.

24 MS. COBHAM: With whom do you work?

25 THE WITNESS: Right now, ICMS

1 Refrigeration, Inc.

2 MS. COBHAM: Where are they located?

3 THE WITNESS: Located in Bordentown,
4 New Jersey.

5 MS. COBHAM: Does anyone else have any
6 questions?

7 MR. MCGARITY: I do. The W-2 forms we
8 got, is all that your name with Walters?

9 THE WITNESS: Like I said --

10 MR. MCGARITY: You must have cashed
11 all the checks.

12 CHAIRMAN FEID: You asked him a
13 question?

14 MR. MCGARITY: You must have all the
15 checks and cashed it?

16 THE WITNESS: Like I said, I have -- I
17 never seen those W-2s.

18 MR. MCGARITY: Who cashed the checks?

19 THE WITNESS: I don't see no checks.
20 The only things are from Charles Refrigeration.
21 The office set that whole package, I signed the
22 paperwork and they would send it all in. That's
23 the first time I've even seen those W-2s.

24 MR. MCGARITY: In other words, you are
25 telling me these are phonies?

26

1 THE WITNESS: Apparently they are,
2 yes, 'cause they're not mine.

3 CHAIRMAN FEID: Christine has a
4 question.

5 MS. DEGREGORIO: Mr. Jones, the
6 application that came to the Board with your two
7 pictures on it --

8 THE WITNESS: Yes.

9 MS. DEGREGORIO: -- did you mail this
10 in?

11 THE WITNESS: To the Board of Master
12 Plumbers?

13 MS. DEGREGORIO: Yes, to the Board?

14 THE WITNESS: No.

15 MS. DEGREGORIO: You didn't?

16 THE WITNESS: No.

17 MR. MCGARITY: Did you know they put
18 your pictures on these?

19 THE WITNESS: They filled the forms
20 out, I know all about it on everything. I don't
21 know everything that was in the package. They
22 showed me the front sheet, told me I had to have
23 two pictures of myself, I took two pictures of
24 myself, they told me where to sign, I signed it.
25 Said, Freddy signed off on this? And they said,

1 Yes.

2 MR. MCGARITY:

3 done?

4 THE WITNESS: Yes

5 MR. MCGARITY: You knew

6 illegal?

7 THE WITNESS: Illegal? What's --
8 legally worked in the trade all my life. In other
9 words, and they filled the paperwork out and that's
10 what I did. If you call it illegal, it's illegal.

11 MR. MCGARITY: If you knew this was
12 going on --

13 THE WITNESS: The only thing I don't
14 know -- I don't know anything about the W-2s. I do
15 not. Did Freddy Walters sign? I don't know that
16 Freddy Walters -- I was told he signed off on it.
17 Do you follow me?

18 MR. MCGARITY: Let me ask you another
19 question. You knew you didn't work for Freddy?

20 THE WITNESS: I did not work for
21 Freddy Walters.

22 MR. MCGARITY: You knew he was signing
23 your application?

24 THE WITNESS: Yes, I did.

25 MR. MCGARITY: You knew in this

1 application it said who was your employer and how
2 long?

3 THE WITNESS: Yep.

4 MR. MCGARITY: So in other words, you
5 knew that this started off to be a false
6 application?

7 THE WITNESS: Yep, I guess.

8 MR. MCGARITY: That's all I said to
9 you.

10 THE WITNESS: Okay.

11 MR. MCGARITY: You knew it and you
12 were part of this because you gave them the
13 pictures. You knew they were put on there and you
14 signed all this so you must -- you gave it to put
15 it together as false. You falsified and went along
16 with it, true?

17 THE WITNESS: I didn't falsify
18 nothing, I signed my name.

19 MR. MCGARITY: You signed it, you
20 falsified, you knew your name didn't belong on
21 there, you never worked for Walters.

22 THE WITNESS: Yes, I worked with
23 Walters and -- I worked with Walters, never paid
24 us, doesn't mean I don't work -- I work for
25 Walters.

1 MR. MCGARITY: Your social security,
2 your unemployment, your workmen's compensation was
3 all paid --

4 THE WITNESS: By Charles
5 Refrigeration, yes.

6 MR. MCGARITY: That's correct.

7 THE WITNESS: Yes.

8 MR. MCGARITY: So you did not work
9 with Walters -- for Walters?

10 THE WITNESS: I did work -- I didn't
11 work for Walters, yes.

12 MR. MCGARITY: How long did you work
13 for him?

14 THE WITNESS: For who?

15 MR. MCGARITY: For Walters.

16 THE WITNESS: He started working with
17 us -- I don't know, I guess it was on and off from
18 '86 on up to when I left in '92.

19 MR. MCGARITY: What do you mean by on
20 and off, a week now?

21 THE WITNESS: He gets jobs -- and what
22 happens is Charles Refrigeration would get jobs.
23 Now, all their jobs are not plumbing jobs, all
24 their jobs is different jobs. When they would get
25 a plumbing job, they would go to Freddy Walters.

1 Freddy Walters would go in and subcontract with
2 them, seal the permits.

3 MR. MCGARITY: They would give you to
4 him?

5 THE WITNESS: Yeah, exactly, I would
6 work under Freddy Walters.

7 MR. MCGARITY: And tomorrow morning
8 you would go back to work for the refrigeration?

9 THE WITNESS: If the job was done,
10 yes, or at this time took a --

11 MR. MCGARITY: You did not put in all
12 this time that is supposed to be classified here
13 underneath the supervision of a master plumber?

14 THE WITNESS: Technically, yes.

15 MR. MCGARITY: Okay. Falsification of
16 an application.

17 MR. DALY: On your W-2 you say you're
18 a sales rep you just said?

19 THE WITNESS: I also put salesman.
20 The tax guy told me you can. All the years I have
21 wrote salesman.

22 MR. MCGARITY: There's a falsification
23 of your employment.

24 MR. DALY: The tax man told --

25 THE WITNESS: Wait a minute. It says

1 voluntarily to put down what your -- what you are.
2 You can put down there you're a cat chaser, it
3 doesn't matter what -- my tax man, he said put
4 salesman.

5 MR. MCGARITY: Why didn't you --

6 THE WITNESS: Do you do it on yours?

7 MR. MCGARITY: Sure, I put it down.

8 THE WITNESS: Do you have to?

9 MR. MCGARITY: Sure, I answer the
10 questions.

11 THE WITNESS: On the tax form you
12 don't have to put it down there.

13 CHAIRMAN FEID: We are not going to
14 argue that.

15 MR. MCGARITY: I'm not going to argue
16 with you.

17 CHAIRMAN FEID: We just want the
18 facts.

19 THE WITNESS: You got the facts.

20 CHAIRMAN FEID: Charles Refrigeration
21 wanted you to have a license?

22 THE WITNESS: Because Charles
23 Refrigeration wanted to do plumbing work and make
24 more money.

25 CHAIRMAN FEID: Okay.

1 THE WITNESS: You know?

2 CHAIRMAN FEID: That's all I wanted to
3 know.

4 THE WITNESS: They were tired of
5 paying Freddy Walters to -- work under Freddy
6 Walters' license.

7 CHAIRMAN FEID: Charles is out of
8 business?

9 THE WITNESS: They're bankrupt.
10 They're gone.

11 MR. LEVEE: They're gone?

12 THE WITNESS: They have been gone.

13 MS. COBHAM: Any other questions?

14 CHAIRMAN FEID: Do you know who the
15 principals were at the time?

16 THE WITNESS: No.

17 CHAIRMAN FEID: Is it a big company?

18 THE WITNESS: It depends on what you
19 mean.

20 CHAIRMAN FEID: Ten employees, hundred
21 employees?

22 THE WITNESS: High, they were up to
23 ten. They went down lower to six, maybe.

24 CHAIRMAN FEID: You don't know the
25 owners of Charles Refrigeration?

1 THE WITNESS: No.

2 CHAIRMAN FEID: Okay. Any further
3 questions of the Board?

4 MR. MCGARITY: No.

5 MS. COBHAM: We have no further
6 questions. Thank you. The Board will be in touch
7 with you by writing.

8 (Witness excused.)

9 (Jack Levee has now left.)

10 MS. COBHAM: Mr. Walters, I'd like to
11 ask you to be sworn.

12

13 F R E D E R I C K E. W A L T E R S, having been
14 duly sworn, testified as follows:

15

16 MS. COBHAM: Mr. Walters, I'd like to
17 ask you if you know Charles Jones the man that was
18 outside here sitting with you who had been
19 subpoenaed to come before this Board; do you know
20 him?

21 THE WITNESS: We did some work
22 together. I worked with his company.

23 MS. COBHAM: Okay.

24 THE WITNESS: I didn't know his last
25 name until recently.

1 MS. COBHAM: What was the company?

2 THE WITNESS: Charles Refrigeration.

3 MS. COBHAM: When did you work with
4 Mr. Jones?

5 THE WITNESS: '90, 1992 we did a
6 couple small jobs together. That's about it. You
7 know, back and fourth I went in and did some gas
8 pipes for them.

9 MS. COBHAM: You're going to have to
10 speak up.

11 THE WITNESS: I'm sorry. She is
12 asking questions, I'm answering her. I got some
13 work off of them. In other words, some gas pipes
14 or put a toilet in. In other words, I subbed off
15 on them.

16 MR. MCGARITY: Of who?

17 THE WITNESS: Charles Refrigeration.

18 MS. DEGREGORIO: Was that Charles
19 Jones, Charles Refrigeration?

20 THE WITNESS: No, I didn't know his
21 last name until I said --

22 MS. DEGREGORIO: Was it his company or
23 no?

24 THE WITNESS: Not that I know. Who I
25 worked for was Charles Refrigeration. Somebody --

1 Tim. Some guy named Tim.

2 MS. COBHAM: I'd like you to take a
3 look at what purports to be the work experience
4 certification submitted to the Board of Master
5 Plumbers on May 11, 1992.

6 THE WITNESS: Correct.

7 MS. COBHAM: Now, it says name of
8 employer, it says Frederick E. Walters, Inc.
9 Plumbing and Heating?

10 THE WITNESS: Right.

11 MS. COBHAM: License 6329?

12 THE WITNESS: Correct.

13 MS. COBHAM: Is that your license
14 number?

15 THE WITNESS: Yep.

16 MS. COBHAM: Do you do business as
17 Frederick E. Walters, Inc. Plumbing and Heating?

18 THE WITNESS: Yep.

19 MS. COBHAM: Has Frederick E. Walters
20 Plumbing and Heating ever employed Charles Jones?

21 THE WITNESS: No, I got a letter from
22 the State from 1989 to 1992 that I had no
23 employees. Would you like to see it?

24 MS. COBHAM: Yes.

25 THE WITNESS: Okay. Paperwork is

1 good. Okay.

2 MS. COBHAM: I'm going to have these
3 two items marked.

4 THE WITNESS: You can have a copy, I'd
5 like to keep -- take it back. That's the only
6 original I have unless you really, really want it.

7 MS. COBHAM: We'll make a copy. Can
8 we just put a sticker on it?

9 THE WITNESS: That's fine. I don't
10 care.

11 (Document received and marked S-1 for
12 identification.)

13 MS. COBHAM: I'm going to show you
14 what's been marked S-1 for identification, Mr.
15 Walters.

16 THE WITNESS: Okay.

17 MS. COBHAM: I'm going to ask you to
18 look at the signature where it says I certify that
19 the above information is correct to the best of my
20 knowledge; is that your signature?

21 THE WITNESS: Nope, I already sent a
22 letter to you saying that it isn't my signature and
23 he never worked for me. I said to Christine.

24 MS. COBHAM: Okay. So Charles Jones
25 never worked for you and you never signed this work

1 experience certification?

2 THE WITNESS: Nope.

3 MS. COBHAM: Do you know who signed it
4 in your stead?

5 THE WITNESS: No, I'll give a copy of
6 a check, you can match it. Would you like to see
7 that?

8 MS. COBHAM: Okay.

9 THE WITNESS: What year? Any year?

10 MS. COBHAM: '92 would be great.

11 THE WITNESS: I only have '94 and '95.
12 Will you settle for that?

13 MS. COBHAM: All right. I guess I
14 would like to have this one marked.

15 THE WITNESS: If you take a copy of
16 it, I'd like to have the check back.

17 MS. COBHAM: We'll have to get a copy
18 back to you, okay?

19 (Document received and marked S-2 for
20 identification.)

21 MS. COBHAM: I'd like you to look at
22 S-2 for identification and ask you if you recognize
23 what it is?

24 THE WITNESS: This here?

25 MS. COBHAM: Yes.

1 THE WITNESS: This is a check -- my
2 check.

3 MS. COBHAM: Is S-2 a copy of check
4 1913 drawn on your personal account on January 12,
5 '94?

6 THE WITNESS: Yes.

7 MS. COBHAM: And is that your
8 signature on the bottom of the check?

9 THE WITNESS: Yes.

10 MS. COBHAM: Thank you. I have no
11 further questions.

12 CHAIRMAN FEID: Any other questions?

13 MR. BROADLEY: Do the checks prove
14 that he didn't sign the application?

15 MS. COBHAM: I think the Board has to
16 determine that.

17 MS. DEGREGORIO: Can I ask Mr. Walters
18 something? Mr. Walters, when I contacted you --

19 THE WITNESS: Yep.

20 MS. DEGREGORIO: -- and I said the
21 seal -- your seal was on his reference form --

22 THE WITNESS: Right.

23 MS. DEGREGORIO: -- you never signed
24 and you never sealed the reference form?

25 THE WITNESS: Correct. Now, you know,

1 we -- I carried a seal in the truck, I've learned
2 in the past year or two to keep it in my
3 possession.

4 MS. DEGREGORIO: Do you have it with
5 you right now?

6 THE WITNESS: No, I left it at home in
7 my drawer.

8 MS. DEGREGORIO: You have the original
9 seal?

10 THE WITNESS: Yes, because when I was
11 walking the streets here -- I have all my records
12 from 1989 'til present, I didn't want to lose my
13 seal. If I lost my records -- so I didn't --
14 that's why I didn't bring it today. So like I
15 said, the seal is in -- I've learned because every
16 time I go to a job everyone is looking for your
17 seal to stamp permits and I've learned -- you know,
18 like I said, I don't leave it in the truck, I leave
19 it in a special place now because somebody gets a
20 signed permit -- and I've already had problems, I
21 don't need to be up here again.

22 CHAIRMAN FEID: Any further questions?
23 Thank you for appearing.

24 MS. DEGREGORIO: Wait. I have
25 something for Ms. Cobham.

1 MS. COBHAM: Sir, looking at this blue
2 paper from the Board of Master Plumbers --

3 THE WITNESS: Right.

4 MS. COBHAM: -- when James Barry was
5 the director, received on April of '83, is that
6 your seal?

7 THE WITNESS: Yeah.

8 MS. COBHAM: Okay. Frederick E.
9 Walters, 6329, no stars, correct?

10 THE WITNESS: Right.

11 MS. COBHAM: All right. Looking at
12 the work experience certification that was
13 submitted as signed by you, there is a seal there;
14 is that your seal?

15 THE WITNESS: That's when I got --

16 MS. DEGREGORIO: With the stars.

17 THE WITNESS: I can check. I don't
18 know. Is this 6329?

19 MS. DEGREGORIO: Sir, this is your
20 seal, you've never replaced your seal or anything?

21 THE WITNESS: I don't know.

22 MS. DEGREGORIO: You wouldn't -- did
23 you ever ask the State to replace it? I have no
24 record.

25 THE WITNESS: No. What's the

41

1 difference in the two stars? I don't know.

2 MS. DEGREGORIO: Do you have anything
3 sealed in your place? If it is a copy, it won't
4 show up.

5 THE WITNESS: No, it's a copy.

6 CHAIRMAN FEID: Let him stamp a piece
7 of paper and mail it to you.

8 MS. DEGREGORIO: Stamp it and mail it
9 to us.

10 THE WITNESS: I'm very curious. I've
11 never seen somebody switch my seal.

12 MS. DEGREGORIO: If this is yours --

13 THE WITNESS: Right.

14 MS. DEGREGORIO: -- then this has to
15 be bogus. To my knowledge, the State used them
16 with stars.

17 MS. COBHAM: On the blue paper from
18 1983, is that your signature?

19 THE WITNESS: Yes.

20 MS. COBHAM: Yes?

21 THE WITNESS: This one here I've never
22 noticed the stars.

23 MS. DEGREGORIO: That's his reference
24 form supposedly signed by you.

25 THE WITNESS: Right, yeah, that's the

1 one.

2 MS. COBHAM: Would you please seal a
3 piece of paper and send it to us?

4 THE WITNESS: Okay. Do I have your
5 address?

6 MS. COBHAM: Yes, we sent letters to
7 you.

8 (Witness excused.)

9 (Proceeding concluded at 4:50 p.m.)
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C E R T I F I C A T E

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I, STEPHANIE KEARNS, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

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

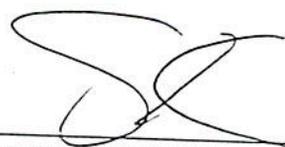

STEPHANIE KEARNS, C.S.R.
Certified Shorthand Reporter

EXHIBIT C

Application for HVACR by Grandfathered

1. Are you at least 21 years of age? Yes
2. Have you for at least two years prior to the date of your application, engaged in the practice of installing, servicing, maintaining, planning the installation, laying out the installation, or supervising the installation and/or servicing of HVACR systems? Yes

Personal Information

Title:

First Name: Mr.

Middle Name: Charles

Last Name: R

Maiden Name: Jones

Gender: Male

Social Security Number: 149424910

Citizenship/Immigration Status: U.S. Citizen or Naturalized Citizen

Date of Birth: 10/25/1950

Place of birth:

City: Trenton

State: NJ

Country: U.S.A

*You must submit to the board a copy of your birth certificate.:

Address Information

Home Address

Street:

City: 500 Willow Street

State: Bordentown

Zipcode: NJ

County: 08505

Phone: Burlington

Email: 6092987760

6092987760

cmsgeothermal@gmail.com

Mailing Address

Street:

City: 500 Willow Street

State: Bordentown

Zipcode: NJ

County: 08505

Phone: Burlington

Email: 6092987760

6092987760

cmsgeothermal@gmail.com

Which address should be used as your 'Address of record'?

Student Loan Questions

Are you in default in regard to any student loan obligation(s)?

No

Child Support Questions

- a. Do you currently have a child-support obligation? No
- b. Have you failed to provide any court-ordered health insurance coverage during the past six months? No
- c. Have you failed to respond to a subpoena relating to either a paternity or child-support proceeding? No
- d. Are you the subject of a child-support-related arrest warrant? No

1. Have you ever changed your name? No
2. Have you ever been summoned; arrested; taken into custody; indicted; tried; charged with; admitted into pre-trial intervention (P.T.I.); or pled guilty to any violation of law, ordinance, felony, misdemeanor or disorderly persons offense, in New Jersey, any other state, the District of Columbia or in any other jurisdiction? Parking or speeding violations need not be disclosed, but motor vehicle violations such as driving while impaired or intoxicated must be. No
3. Have you ever been convicted of any crime or offense under any circumstances? This includes, but is not limited to, a plea of guilty, non vult, nolo contendere, no contest, or a finding of guilt by a judge or jury. No
4. Have you ever been disciplined or denied a professional or occupational license or certificate of any kind in New Jersey, any other state, the District of Columbia or in any other jurisdiction? No
5. Have you ever had a professional or occupational license or certificate of any type suspended, revoked or surrendered in New Jersey, any other state, the District of Columbia or in any other jurisdiction? No

46 * — end POD

RSB —