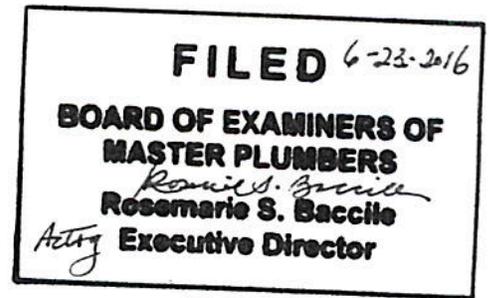


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF THE APPLICATION :
FOR THE RENEWAL OF :
 :
 EDWARD V. GORMAN :
 License No. 36BI00818000 :
 :
 FOR A PLUMBING LICENSE :
 IN THE STATE OF NEW JERSEY :

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Edward V. Gorman ("respondent") is a licensed master plumber in the State of New Jersey having received his license on July 1, 1988 and has been licensed at all times relevant hereto. Respondent answered "yes" on his 2011-2013 license renewal application to the question relating to "being arrested, charged, or convicted of any crime or offense since the last renewal."
2. According to the information provided, the Monroe, New Jersey police were dispatched to respondent's home based on a call alleging domestic violence from respondent's girlfriend. When the police arrived, respondent's girlfriend indicated that respondent was "heavily intoxicated" and was "throwing things around."
3. The police report records that respondent's speech was slurred and the police could

not understand what he was saying at the time they responded to the call. When the police asked respondent how much he had to drink, respondent replied "not enough". Respondent's girlfriend did not exhibit any physical injuries and she did not wish to apply for a temporary restraining order. As the police were leaving the premises, respondent's girlfriend followed them out and said respondent had just spit on her.

4. As the police turned back toward the home, respondent told them he had just released a dog that had been locked in a room and said he would "send the dog out to them." The police returned to the home, but respondent locked the door. The dog could be heard barking and scratching at the door. Respondent then began trying to open the door and was yelling "sick'em, kill'em all." The door opened and the dog lunged towards the officers in a vicious manner. The officers utilized their pepper spray and neutralized the dog. Respondent began resisting arrest by swinging his arms and fists towards the officers. The police were forced to pepper spray respondent in order to place him under arrest.

5. Respondent was originally charged with Aggravated Assault (N.J.S.A. 2C:12-1b(5)(a)) and Resisting Arrest (N.J.S.A. 2C:29-2a(3)). Respondent pled guilty in Gloucester County, New Jersey Superior Court on March 8, 2010 to Aggravated Assault, in violation of N.J.S.A. 2C:12-1b(5)(a). The Resisting Arrest charge was dismissed. Respondent was sentenced to two years probation and ordered to pay various penalties and costs.

6. According to respondent, alcohol was a factor leading to his arrest. After his arrest, but prior to his court appearance, respondent admitted himself into the rehabilitation facility Seabrook House. Upon completion of a 30 day inpatient program, respondent followed-up with an Intensive Outpatient Program at the recommendation of Seabrook House. The first three months of the program included mandatory group meetings four times per week, including Alcoholics Anonymous meetings. After completing the Intensive Outpatient Program, respondent participated

in a program called "Rehab After Work" where respondent attends one group meeting per week in addition to one individual one on one session per week every Saturday.

7. As a condition of his probation, respondent was required to report to his probation officer once per month for two years. Respondent was also drug/alcohol tested anywhere from twice per week to nine times per month. Respondent was also required to attend three to four Alcoholics Anonymous meetings per week.

8. A review of the information concerning respondent's 2010 conviction for Aggravated Assault revealed that respondent was previously arrested on August 7, 2003, in Little Egg Harbor Township, New Jersey and charged with Assault by Auto/Vessel (N.J.S.A. 2C:12-1c(1)). That charged was subsequently dismissed. Respondent was also convicted of Consumption of Alcohol on August 30, 2003, in Winslow Township, New Jersey Municipal Court and paid a fine.

9. On May 24, 2012, respondent appeared at an investigative inquiry into the matter held by the Board. Respondent was represented by Allen E. Richardson, Esq. Respondent discussed the 2003 arrest in Egg Harbor Township. Respondent had been drinking, passed out behind the wheel and caused minor damage to his car. The original charge of Assault by Auto was eventually dismissed and respondent pled guilty to driving while intoxicated. Respondent acknowledged his blood alcohol level exceeded the legal limit. Respondent lost his driving privileges for six months. When asked whether he had reported the 2003 arrest on any of his subsequent biennial renewals, respondent replied, "No, I did not." When asked why he did not report the 2003 arrest, respondent gave a conflicting answer saying he relied upon his nephew or neighbor to complete the renewal applications and also saying he couldn't "decipher" whether the arrest and conviction was serious enough to warrant reporting to the Board.

10. Respondent stated "I'm an alcoholic", but claims he is currently in recovery. After his arrest, respondent voluntarily entered into a thirty day intensive inpatient rehabilitation program. After the completion of the program, respondent continued with an intensive outpatient

program called "Rehab After Work" which he attends one night a week and he participates in individual one-on-one weekly counseling sessions. Additionally, respondent attends Alcoholics Anonymous meetings two nights a week. Respondent testified that he considers his recovery to be a life-long process. Finally, respondent acknowledged there may have been times when he was performing his duties as a licensee in an intoxicated state, possibly as a result of drinking the previous night.

CONCLUSIONS OF LAW

1. The above findings of fact establish a basis for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(i), in that respondent is incapable of discharging the functions of a license in a manner consistent with the public's health, safety and welfare in that respondent admitted he is an alcoholic and has acknowledged there have been times when he was performing his duties as a licensee in an intoxicated state. The Board therefore provisionally finds that respondent is incapable of discharging the functions of a licensed master plumber by potentially presenting for work in consumer's homes and offices in an intoxicated state.

2. The above findings of fact establish a basis for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(l), in that respondent is presently engaged in alcohol use that is likely to impair his ability to practice the profession or occupation with reasonable skill and safety.

3. The above findings of fact establish a basis for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(a), in that respondent applied for renewal of his license to practice plumbing through fraud, deception, or misrepresentation in that he failed to disclose that he had been arrested in 2003.

4. The above findings of fact establish a basis for disciplinary action

against respondent's license, pursuant to N.J.S.A. 45:1-21(f), in that respondent's conviction for Aggravated Assault, pursuant to N.J.S.A. 2C:12-1b(5)(a), is a crime relating adversely to the practice of plumbing, in violation of N.J.S.A. 2C:12-1b(5)(a).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on February 27, 2014. The Provisional Order suspended respondent's license to practice plumbing in the State of New Jersey until such time as he provides proof satisfactory to the Board that he has been participating with, and complying with, and is currently engaged in treatment with "Rehab After Work" and "Alcoholics Anonymous", consistent with his testimony before the Board. Such proof was to include, but not be limited to, reports of any psychologists, counselors, therapists or psychiatrists who are involved in respondent's treatment. Respondent was also to maintain sobriety and continue in treatment.

The Provisional Order was forwarded to Allan E. Richardson, Esq., counsel for respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following its entry unless respondent requested a modification or dismissal of the above Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal, and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Counsel for respondent provided a letter to the Board in response to the Provisional Order of Discipline. The letter indicated that respondent has suffered "significant health issues and is totally and permanently disabled." It was requested that the Board rescind the Provisional Order of Discipline. Counsel's letter was accompanied by a letter from respondent's wife describing the respondent's condition. According to respondent's wife, respondent has met all requirements by "successfully completing his Alcohol Rehabilitation Program and meeting and now enjoys a sober life". However, respondent is now on permanent disability due to his illness and other health issues

and "no longer able to work." Respondent's wife also provided documentation from the Social Security Administration confirming respondent's permanent disability.

On February 25, 2016, the Board considered the response to the Provisional Order of Discipline. Other than the letter from his wife, respondent has failed to provide proof in the form of requested documentation from psychologists, counselors, therapists or psychiatrists associated with "Rehab After Work" and "Alcoholics Anonymous" substantiating his participation with those organizations. The Board cannot solely rely upon a letter from respondent's wife stating that respondent "met all requirements by successfully completing his alcohol rehabilitation program and meetings and now enjoys a sober life." There has been no evidence provided indicating respondent is currently involved in recovery. By his own admission, respondent considered his recovery to be a "life long process."

Finally, the Board finds that respondent's permanent disability, which no longer enables him to work, would also prevent him from carrying out the responsibilities of a licensee, and as a bona fide representative, consistent with the requirements of N.J.A.C. 13:32-3.1 et seq. and consistent with the public's health, safety and welfare.

ACCORDINGLY, IT IS ON THIS 26 DAY OF MAY, 2016

HEREBY ORDERED that:

1. Respondent is hereby reprimanded for the violations as outlined above.
2. Respondent's license to practice plumbing in the State of New Jersey shall be suspended until such time as he complies with the following requirements:

(a) Prior to reinstatement of his plumbing license, respondent shall appear before the Board and provide proof satisfactory to the Board that he has been participating with, and complying with, and is currently engaged in treatment with "Rehab After Work" and with Alcoholics Anonymous, consistent with his testimony before the Board on May 24, 2012. Such proof shall

include, but not be limited to, reports of any psychologists, counselors, therapists or psychiatrists who are involved in respondent's treatment.

(b) Prior to reinstatement of his plumbing license, respondent shall appear before the Board and provide proof satisfactory to the Board that he is no longer incapable, for medical or any other good cause, of discharging the functions of a licensee, and as a bona fide representative, in a manner consistent with the public's health, safety and welfare.

(c) Prior to reinstatement, the Board may require receipt of a report of an independent substance abuse evaluation, psychological evaluation or psychiatric evaluation with a Board approved substance abuse evaluator, psychologist or psychiatrist.

3. Prior to reinstatement, the Board reserves the right to place additional restrictions upon respondent's license and practice.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

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