

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
# 553 - BUSINESS MEETING - AGENDA - JANUARY 22, 2009**

MEETING SCHEDULED TIME: 9:00 AM ~  
Note room change: SUSSEX ROOM - 6 TH FL.  
ROLL CALL OF BOARD MEMBERS

APPROVAL OF THE MINUTES of the DECEMBER 18, 2008 MEETING

BOARD BUSINESS

Documentation is provided on all matters unless otherwise noted.

PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

RALPH WETZEL ~MASTER PLUMBER MEMBER ~ VICE-CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

MARK MC MANUS ~ JOURNEYMAN PLUMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER

ADAM J. SABATH ~ STATE MEMBER - CHIEF OF STAFF TO SENATE PRESIDENT RICHARD J. CODEY

1. WWW.EVERYHOMEPRO.COM

Website for locating professionals, correspondence dated November 27, 2008 from Deryck C. Martin, Manager

"Every Home Pro" inquired as to whether or not his company's advertisements conform with existing New Jersey Plumbing Statutes and Regulations. A sample of their web page is provided. {Members may visit the website to explore the services offered by " Every Home Pro." }

2. For the information of the Board, correspondence was submitted by:  
New Jersey State League of Master Plumbers, Inc. (NJSLMP)  
Elizabeth Moritz, Administrator

Fax dated 12-4-2008 - Re Senate Commerce Committee hearing of 11-13-2008

and the NJSLMP objection to:  
Senate Bill #1909 - the installation of back flow prevention devices by  
Landscape Irrigation Contractors; and attachments

3. MICHAEL MARIANO, LMP # 8022, T/A MARIANO PLUMBING  
\$250.00 paid 12-31-2008 - Signed certification - & -  
First payment in a scheduled payment arrangement on a \$1,000 total penalty

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

Violation of ~ N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct

In conjunction with consumer complaint matter:

JAMES TOBIN, CONSUMER, FILE ID # 58762

Installation of water heater on August 22, 2005; permit dated May 19, 2008.

This penalty was assessed for an untimely securing of a plumbing permit on this job.

#### 4. DISCIPLINARY ACTIONS - PENALTY PAYMENTS CONTINUING EDUCATION AUDIT BIENNIAL 2005-2007

Provisional Order(s) of Discipline (POD) filed October 27, 2008 (Group A - Attended a late 'make-up' course) (No documents)

On August 25, 2006 the Board conducted a CE audit involving selected licensees. Respondent(s) indicated on the 2005-2007 biennial renewal application that they will have completed the requirement by June 30, 2005; however, they failed to do so.

Respondent(s) were assessed a \$500 penalty pursuant to NJSA 45:1-22 for failing to complete the required CE for the 2005-2007 biennial by June 30, 2005, in violation of NJSA 45:1-21(h). Respondent(s) were also assessed a \$1,000 penalty for indicating on the application that they would complete the five (5) CE hours by the required date and failing to do so in violation of NJSA 45:1-21(e). The following licensees have complied with the POD, attended a make-up course, and are reported on this Agenda for their penalty payments during December:

EDWARD J. GABRISH, LMP # 10605 \$1,500 penalty paid 12/15/2008

STEPHEN J. JURKOWSKI, # 10855 \$1,500 penalty paid 12/22/2008

DAVID D'AMBROSIA, LMP # 9223 \$1,500 penalty paid 12/22/2008

TOTAL PENALTIES COLLECTED for 2005-2007 CE AUDIT = \$9,000.00

5. WILLIAM G. BROWN, EXPIRED LMP # 5372 - PENALTY PAYMENT EXPIRED LICENSE JUNE 30, 1999; SEAL PRESS SURRENDERED; THOMAS WALSH, EAST BRUNSWICK PLBG. SUBCODE, FILE # 58763-UP

OFFER OF SETTLEMENT AUGUST 1, 2008 - \$2,500 PENALTY Installments of \$250 per month - & - signed certification ÿ First payment \$250.00 paid on December 17, 2008

East Brunswick Officials found William Brown attempting to secure plumbing permits, which were later rejected by Plumbing Subcode Official Thomas Walsh. (No documents)

6. BRIAN C. STAMBAUGH, IN THE MATTER OF THE APPLICATION FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY -  
CONSENT ORDER SIGNED JANUARY 23, 2009 ... Order states in part:

Respondent indicated on his application he had been convicted of criminal offenses, specifically, respondent was sentenced to a one year conditional discharge program on January 20, 2004 based on the charge of use of drug paraphernalia. The charge was dismissed on January 11, 2005 after respondent successfully completed the program.

Additionally, respondent was sentenced to two years probation on September 22, 2006 based on the charges of possession of schedule I, II, III & IV drugs, receiving stolen property and possession of controlled dangerous substances. Respondent successfully completed his probationary term on August 25, 2008.

1. Respondent is hereby permitted to sit for the examination for licensure, and upon the Board's receipt of proof of passage of the examination and all other licensure requirements, shall be granted a license 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 substances
3. Respondent shall continue in treatment with Narcotics Anonymous.
4. Respondent shall submit to random urine screens a minimum of twice per month.
5. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treatment or other program as outlined in this order or as may be required in the future, in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner.
6. Respondent may seek modification of the terms of this order not sooner than January 31, 2010. 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 any psychiatric condition or the use of any mind altering or intoxicating substances, whether legal or illegal, which could affect his practice of plumbing;
  - (b) Prior to his appearance, the Board may require receipt of a report of an independent psychiatric evaluation with a Board approved psychiatrist.

6. BRIAN C. STAMBAUGH, IN THE MATTER OF THE APPLICATION FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY - CONSENT ORDER SIGNED JANUARY 23, 2009

7. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of documentation of a prima facie showing of a violation of this order or a relapse or recurrence of drug or alcohol abuse or any reliable information that respondent has violated any term of this order or any information which the Board in its sole discretion deems reliable demonstrating that respondent 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.
8. 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.

#### DISCIPLINARY MATTERS

7. KENNETH GANKIEWICZ - IN THE MATTER OF THE APPLICATION FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY - CONSENT ORDER SIGNED JANUARY 7, 2009 ...  
Order states in part:

Respondent indicated on his application he had been convicted of criminal offenses and provided information and documentation concerning his criminal history. Specifically, respondent was arrested on October 2, 2006 and charged with 3rd degree theft by unlawful taking (N.J.S.A. 2C:20-3a) and 4th degree conspiracy-theft by unlawful taking (N.J.S.A. 2C:5-2a). Additionally, respondent was arrested on July 7, 2006 and charged with one count of Possession of a Controlled Dangerous Substance in the 3rd degree (N.J.S.A. 2C:35-10.) Respondent pled guilty to the 3rd degree theft by unlawful taking charge, as well as the 3rd degree possession of a controlled dangerous substance charge. Both convictions were consolidated for sentencing purposes. Respondent was sentenced to three (3) years probation, ordered to undergo a

substance abuse evaluation, comply with recommended treatment and maintain full-time employment. 1. Respondent is hereby permitted to sit for the examination for licensure, and upon the Board's receipt of proof of passage of the examination and all other licensure requirements, shall be granted a license 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 substances

#### 7. KENNETH GANKIEWICZ - IN THE MATTER OF THE APPLICATION FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY

except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his 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.

3. Respondent shall continue in treatment with Narcotics Anonymous. 4. Respondent shall submit to random urine screens a minimum of twice per month. 5. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treatment or other program as outlined in this order or as may be required in the future, in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. Via his signature on this order, respondent agrees that the Board may utilize any information received in connection with any proceeding regarding licensure.

6. Respondent may seek modification of the terms of this order not sooner than January 31, 2010. Prior to any modification or removal of restrictions set forth in this order, respondent shall:

7. Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of documentation of a prima facie showing of a violation of this order or a relapse or recurrence of drug or alcohol abuse or any reliable information that respondent has violated any term of this order or any information which the Board in its sole discretion deems reliable demonstrating that respondent 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.

8. 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. KENNETH RIVIERE, LMP # 9735 - IN THE MATTER OF SUSPENSION OR REVOCATION OF LICENSURE- FINAL ORDER OF DISCIPLINE... Order states in part:

This matter was opened to the Board upon receipt of information that an advertisement had been placed in the January 26, 2003 classified section of the Newark Star Ledger which read: "PLUMBING LICENSE FOR HIRE Call further info. 908-404-9094." During an inquiry, Respondent admitted he placed the ad and admitted his involvement in this matter.

1. Respondent's license to practice plumbing in the State of New Jersey, which is currently suspended by application of N.J.S.A. 45:1-7.1(b), as a result of his failure to apply for renewal within 30 days of its expiration date of June 30, 2005, shall remain suspended for a period of two years upon any request for reinstatement. The first six months of the suspension are to be active and the remaining 18 months are to be stayed and considered a period of probation. Respondent shall not be reinstated until such time as he has paid in full the civil penalties and costs which are outlined in this provisional order.

2. Respondent shall immediately surrender his master plumber's pressure seal. The seal shall be sent to, Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

3. Respondent shall pay a civil penalty in the aggregate amount of \$10,000, consisting of a \$2,000 penalty for attempting to secure a plumbing permit for an unlicensed person; a \$2,000 penalty for permitting his license and seal to be used by another person; a \$2,000 penalty for willfully allowing an unlicensed person to use his seal; a \$2,000 penalty for aiding or abetting unlicensed practice and a \$2,000 penalty for initially misrepresenting his testimony during the October 23, 2003 inquiry. Payment shall be made no later than 60 days from the entry of this final order, by certified check or money order made payable to the State of New Jersey and shall be sent to Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

4. Respondent is hereby assessed costs in the amount of \$5,387.17. Payment for the costs shall be by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than 60 days from the entry of this final order to the address set forth in numbered paragraph 3 above.

5. 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.

6. Failure to comply with any of the terms of this Final Order 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 this Final Order 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.

7. Prior to resuming active practice in New Jersey, respondent shall be required to comply with all terms set forth in this order and shall be required to appear before the Board.

9. PETER DILL, LMP # 8815 - IN THE MATTER OF SUSPENSION OR REVOCATION OF LICENSURE- FINAL ORDER OF DISCIPLINE.. Order states in part:

1. Peter Dill ("Respondent") is a plumber licensed in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Respondent plead guilty to a charge of Theft by Deception (N.J.S.A. 2C:20-4) on March 26, 2003 and was sentenced to probation for three years.

3. Respondent failed to renew his license before June 30, 2003 and his license expired. On September 23, 2004, Respondent appeared before the Board requesting reinstatement of his license. During his appearance, Respondent provided testimony regarding his conviction, compliance with criminal probation and his participation in NA/AA and urine screening.

4. On or about August 2, 2006, the Deputy Attorney General forwarded a letter to Respondent's address of record at 19 Brook Road, New Providence, New Jersey, via regular mail and certified mail, return receipt request #7004 1160 0002 0538 3413. The letter requested that Respondent provide documentation concerning his continued compliance and/or completion of probation, documentation concerning his involvement with NA/AA, and documentation of compliance with urine screen monitoring. The regular mail was not returned and the return receipt for the certified mail was signed for by MT Lieder with a delivery date of August 15, 2006.

5. On or about September 14, 2007, the Deputy Attorney General forwarded a letter to Respondent's address of record at 19 Brook Road, New Providence, New Jersey, via regular mail and certified mail, return receipt request #7005 0390 0004 5807 5715.

6. To date, Respondent has failed to respond to the Board's request that he provide documentation concerning his continued compliance and/or completion of probation, documentation concerning his involvement with NA/AA, and documentation of compliance with urine screen monitoring.

Based on the foregoing findings and conclusion, a Provisional Order of Discipline was entered on May 22, 2008. A copy of the Order was forwarded to respondent's address of record by certified and regular mail. Respondent replied to the Provisional Order by correspondence, dated June 2, 2008. Respondent apologized for his failure to respond to the Board's request for information in a timely manner. Respondent blamed the delay on not opening his mail and assumed full responsibility for the delay. Respondent also requested that the matter be dismissed. Respondent cited to the fact that he never had an infraction against his plumbing license for any reason such as unethical pricing, workmanship, safety or health issues. Respondent indicated he successfully completed probation and is still an active member of Alcoholics Anonymous. Finally, respondent indicated he is a father of three (3) children and needs to provide for them. Dill was released early from probation, October 28, 2005, due to his full compliance with the probationary terms, according to his probation officer.

1. Respondent is hereby reprimanded for failing to timely provide the requested information to the Board in violation of N.J.S.A. 45:1-21(e).

9A. PROPOSAL PUBLISHED in the  
NEW JERSEY REGISTER ~ MONDAY, JANUARY 5, 2009  
SCOPE OF PRACTICE  
PROPOSED AMENDMENT: NJAC 13:32-1.4

Proposal reflects addition labeled (i): "A licensed master plumber may perform construction work that is necessary for the completion of plumbing work a licensed master plumber has contracted to perform."

It is noted that applications for the Master Plumber's examination, Master Plumber's business registration forms, and Bona fide Representative registrations are reviewed by Board Members during the course of each business meeting.

Applications for Medical Gas Piping installers, brazers and instructors are also reviewed at this time.