

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
543 - BUSINESS MEETING - AGENDA - FEBRUARY 28, 2008**

MEETING SCHEDULED TIME: 9:00 AM ~ HUDSON ROOM - 6 TH FL.
ROLL CALL OF BOARD MEMBERS

APPROVAL OF THE MINUTES of the JANUARY 24, 2008 Meeting

BOARD BUSINESS

Documentation is provided on all matters unless otherwise noted.

PRESENT BOARD MEMBERS - &- CAPACITIES

MARK MC MANUS ~ CHAIRMAN, JOURNEYMAN PLUMBER

RALPH WETZEL ~ VICE-CHAIRMAN ~ MASTER PLUMBER MEMBER

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER

MICHAEL L. SESTANOVICH ~ INSPECTOR 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. ELECTION OF OFFICERS:

Pursuant to N.J.S.A. 45:14C-6, "Organization of Board; Officers; Executive Secretary; clerical assistants; expenses and expenditures..." the Board will hold elections for 2008.

A form is provided as a guide for this process.

2. Tracking... the MASTER PLUMBERS REGULATIONS "SUN SETTING" MARCH 28, 2008

The New Jersey Office of Administrative Law reported that the State Board of Examiners of Master Plumbers' Regulations will expire on March 28, 2008. On April 26, 2007, Deputy Attorney General Joseph A. Donofrio and Regulatory Analyst Charles Manning held a discussion with Board Members concerning "Sun setting." On July 26, 2007, the Board agreed to schedule a Committee meeting that met on September 13, 2007.

The "Proposed Readoption with Amendments, Repeals and New rules: N.J.A.C 13:32" was signed by Ex. Director Barbara A. Cook and recently sent to the Office of Administrative Law. Charles Manning advised that the publishing date is scheduled for March 17, 2008, and the comment period will end May 16, 2008.

3. REQUEST for SURRENDER OF PRESSURE SEAL(s)PROJECT requested of EXPIRED LICENSEES effective w/ 2007-2009 BIENNIAL

Pursuant to the provisions of N.J.A.C. 13:32-4.1(e): A Licensed Master Plumber who fails to renew the license in accordance with N.J.S.A. 45:1-7.1, or who has had his or her license suspended or revoked for any reason, shall return the pressure seal to the Board within thirty (30) days of the suspension, revocation

or lapse of license. A letter was issued from the Board Office to approximately (160) licensees on record in an "Expired status."

4. Ms. Elizabeth Moritz, Administrator
New Jersey State League of Master Plumbers Inc. (NJSLMP)
Enforcement Issues ~ Doing plumbing work without a license ~
Advertising plumbing work without a license

{No documents}

The State Board of Examiners of Master Plumbers received correspondence January 23, 2008, from the NJSLMP, captioned as above. The Board's reply to the NJSLMP was dated February 14, 2008.

An investigation was conducted into the eleven (11) advertisements submitted by the League, and the identity of each subscriber was identified. An "Advertising Letter" was issued to each of the (9) nine unlicensed entities. However, in the cases of AAAA-1 Water Works and NJR Home Services, a letter was directed to each respective licensee regarding compliance with N.J.A.C 13:32-3.1 Identification of Licensed Master Plumber; vehicles; stationery; advertising. All entities are as follows:

Advertisement Name Identity File #

Rago-Rooter George Rago File# 56222

AAAA-1 Water Works Michael Medaglia File # 56223
Registered trade name LMP # 6061

R&R Boiler Richard JUSDYNSKI File# 56224

Cambridge Kitchens Ben Smutek File# 56225

Quality Comfort Htg.- Andrew Vanjura File# 56226

House Watch Jim Ratigan File #56264

Value Home Improvement Rino Ferdinandi File# 56245

NJR Home Services Scott Schweyher File #56248
States subcontracts to LMP LMP # 10126

4. Continued by Ms. Elizabeth Moritz, Administrator, NJSLMP

Advertisement Name Identity File #

Wow! A Remodeling Revolution-
Granite Transformations Joe Payesky File# 56260

Joe C Joe Canova File# 56262

Fitzsimmons Htg.- Petra Fitzsimmons File# 56263
and Cooling, LLC.

5. THOMAS F. WALSH, PLUMBING SUBCODE, EAST BRUNSWICK
UCC OFFICIALS' AUTHORITY TO IMPOUND PRESSURE SEAL
CORRESPONDENCE DATED FEBRUARY 8, 2008

6. DISCIPLINARY ACTION

Reporting penalty payment of \$500

Paid in full February 6, 2008

CLOSED

MICHAEL A.MANDELL, LMP # 4877

ADMINISTRATIVE ACTION - CONSENT ORDER

Respondent was reprimanded for his actions and paid a civil penalty in the aggregate amount of \$500 for ordering one of his servicemen to remove and take the consumer's plastic grill knobs, in violation of N.J.S.A. 45:1-21(e), professional misconduct. Respondent admits that he was in error and that it was unprofessional to order his serviceman to remove the plastic knobs from M.K.'s grill. The dispute arose regarding the payment of a bill.

7. DISCIPLINARY ACTION

JOHN NEMRI, LMP # 7073

ADMINISTRATIVE ACTION - CONSENT ORDER OF REINSTATEMENT

FILED 11-15-2007

Respondent's license was suspended pursuant to a Final Order of Discipline entered by the Board on August 28, 2003, based on several statutory and regulatory violations, specifically deception and misrepresentation by advertising under different trade names while unauthorized to do so. He served as a bonafide representative for at least four entities and failed to cooperate with the Board's investigations. Respondent appeared before the Board and paid \$2,500 for failing to cooperate and \$10,000 for advertising under different trade names.

Respondent fulfilled all of the requirements of the Final Order and therefore his license is reinstated subject to the (11) eleven terms set forth in the Consent Order, with an automatic suspension should he fail to comply with any of the conditions set forth in the order. These terms include, but are not limited to, his timely cooperation on all investigations, and his compliance with all advertisements, employees and address changes.

8. DISCIPLINARY ACTION

JOSEPH DE MAIO, LMP # 6918

ADMINISTRATIVE ACTION - FINAL ORDER FILED 11-15-2007

-SUSPENDED-

Respondent is a Licensed Master Plumber and bona fide representative for GTF Mechanical Contractors. A complaint alleged that Respondent signed and sealed a plumbing permit for use by a person other than the licensee; and represented that Norge Plumbing, an out-of-state contractor from Pennsylvania, had been awarded the contract for work at Wal-Mart in Boonton, NJ. Respondent's license to practice plumbing shall not be reinstated unless or until he appears before the Board regarding his involvement with GTF Mechanical, Norge Plumbing, and the plumbing work performed at Wal-Mart constructed in Boonton, NJ.

Respondent did not appear for an Investigative Inquiry proceeding on February 23, 2006; however, placed his license in an inactive status and surrendered his pressure seal. The Provisional Order entered on September 21, 2006, was served; however, no response has been received by the Respondent to date, and therefore, the suspension is in effect.

9. DISCIPLINARY ACTION

CARL TERMINE, LMP # 10922

FINAL ORDER OF DISCIPLINE FILED 10-5-2007

-REVOKED-

Respondent was licensed as a Master Plumber in New Jersey at the time of his conviction by United States District Court for the Eastern District of New York on November 13, 2002. Respondent pled guilty on that

date to accepting a bribe in order to expedite paperwork related to a plumbing inspection and approval. The licensee voluntarily surrendered his New Jersey license and plumbing seal.

Pursuant to NJSA 45:1-21(b) Respondent's conviction and repeated conduct of accepting bribes since 1992, represents the use or employment of dishonesty, fraud, deception, et als.; professional misconduct NJSA 45:1-21(e); and having been convicted of a crime involving moral turpitude and one which relates adversely to the activity regulated by the Board. A Provisional Order was entered September 21, 2006, revoking his license; served and made final. Although Termine surrendered his seal and license, the Board believes that the revocation is appropriate based on egregious conduct impacting the practice of plumbing.

10. DISCIPLINARY ACTION

TODD RANSON, EXPIRED LMP # 8354

FINAL ORDER OF DISCIPLINE FILED 10-5-2007 - SUSPENDED

Respondent was licensed to practice plumbing; however, failed to renew his license and same expired June 30, 2001. A \$2,500 penalty is assessed for the unlicensed practice of plumbing violating NJSA 45:1-7.1c, by providing plumbing services to a consumer and holding himself as a licensee while suspended. He failed to cooperate with the Board's investigation and is fined \$2,500 in violation of NJSA 45:1-21(e) professional misconduct, plus \$500 for failing to return his pressure seal within 30 days of suspension.

A Provisional Order was entered September 21, 2006, and service has been effected; therefore his license remains suspended. Any future request for reinstatement requires retesting and an appearance before the Board. Restitution is due and owing to the consumer in the amount of \$4,000.00

11. DISCIPLINARY ACTION

PASQUALE P. BASILE, LMP # 8940

CONSENT ORDER SIGNED 12-16-2007

-REINSTATED LICENSE WITH RESTRICTIONS-

Respondent's license to practice plumbing expired on June 30, 2001. Respondent indicated on his application for reinstatement he had been convicted of a criminal offense, was arrested on March 26, 2001, and charged with two counts of burglary (N.J.S.A. 2C:18-2). Respondent plead guilty to both counts on April 8, 2002, and was then sentenced to 364 days in Cumberland County Jail, suspended, with five years probation on both counts to run concurrently. Respondent's probation was successfully terminated on June 2, 2007.

1. Respondent is reprimanded for engaging in criminal activity, burglary, and being convicted of a crime which relates adversely to the practice of plumbing in violation of N.J.S.A. 45:1-21(f);

2. Respondent's license to practice plumbing in the State of New Jersey is hereby reinstated subject to the restrictions in this Order;

3. Respondent shall abstain from any and all 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.

4. Respondent shall submit to random urine screens a minimum of twice per month;

5. 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 drug or alcohol abuse or a positive urine result; et als.

12. REQUEST FOR REINSTATEMENT

TIMOTHY F. HAGAN, EXPIRED - # 9358
FAILED TO RENEW 2001-2003; 2003-2005; 2005-2007; 2007-2009
EXPIRATION JUNE 30, 1997

Mr. Hagan corresponds with the Board in a letter dated February 5, 2008 and requests the reinstatement of his license.

N.J.A.C. 13:32-2.6 (f) Renewal of license states: "A person seeking reinstatement after more than five (5) years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3.

13. REQUEST FOR REINSTATEMENT

DANIEL N. STRINGER, LMP # 9794
FAILED TO RENEW 1995-1997; 1997-1999; 1999-2001; 2001-2003;
2003-2005; 2005-2007 - EXPIRATION JUNE 30, 1995

Mr. Stringer corresponds with the Board in a letter received on January 24, 2008, requesting the reinstatement of his license.

N.J.A.C. 13:32-2.6 (f) Renewal of license states: "A person seeking reinstatement after more than five (5) years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3.

14. PLUMBING-HEATING-COOLING CONTRACTORS ASSOCIATION

DENISE VOORHEES, EX. DIRECTOR, JANUARY 30, 2008 LETTER
SEMINARS FOR APRIL 10 AND 11, ATLANTIC CITY, NJ
REQUEST re CLASS SIZE -&-approval for "Professor Kirk Alter"

15. EXECUTIVE DIRECTOR'S REPORT Ms. Barbara A. Cook, Ex Director reserves this time. {No documents}