

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
598 - BUSINESS MEETING - AGENDA - FEBRUARY 28, 2013**

OPEN PUBLIC SESSION

MEETING SCHEDULED TIME: 9:00 AM - HUDSON ROOM - 6th floor
ROLL CALL OF BOARD MEMBERS

APPROVAL OF THE MINUTES *of the* JANUARY 24, 2013 MTG.

BOARD BUSINESS

Documentation is provided on all matters unless otherwise noted.

PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER - VICE CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

ROBERT B. REEVE, LICENSED MASTER PLUMBER # 7388

JAMES MC MANUS, JR., JOURNEYMAN MEMBER

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER

ADAM J. SABATH ~ PUBLIC MEMBER

Total Board Complement (9):Vacancy/Government Representative

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 2013.
A sample format is provided as a guide for 2013 elections.

2.) GARRETT R. PEPE, LMP # 5741 Instructor # 94 Pending Sponsor #
PETER HAMMER, LMP # 6766 Instructor #95
187 Burton Avenue, Hasbrouck Heights, NJ 07604

Teaching with Mr. Peter T. Hammer
5 Horizon Road, Apt. 2809
Fort Lee, NJ 07024
TEL# 201-288-2645
email Gpepe1228@yahoo.com

3.) "We Teach Associates" Sponsor #15

THOMAS MC GONIGLE, LMP # 4586
107 N. Annapolis Avenue, Atlantic City, NJ 08401
Teaching with JAMES COTTON, LMP # 6831, Instructor # 17

TEL# 609-449-9056
email tmcgonigle@cityofatlanticcity.org

4.) MARK T. HILER, LMP #5353 - CONTINUING EDUCATION SPONSOR

Course outline and Resume
64 Lyonsville Road, Boonton, NJ 07005
Sponsor #(13), CE Instructor #(76)

5.) WILLIAM S. TURKUS - CE INSTRUCTOR #17

Course outline
728A Ralston Plaza, Monroe Township, NJ 08831

6.) JACKI BELIN - RARITAN VALLEY COMMUNITY COLLEGE

Re: Master Plumbers Renewal Class

7.) MONITORING DRUG AND ALCOHOL REPORTS

- A.) APPLICANT ANIBAL RIVERA
 - B.) STEVEN B. ZANNE, LMP #10731
-

8.) MEMORANDUM
DARLENE KANE, BUDGET OFFICER
JANUARY 25, 2013

DIVISION OF LAW BILLING

9.) MASTER PLUMBERS EDUCATIONAL SERVICE OF NEW JERSEY

LETTER FROM JOHN AND DALE GLYNN
RE: CLASS SIZE

10.) SIGNED ACKNOWLEDGMENT - UNLICENSED ADVERTISING

GRANT SALCEDO, UNLICENSED
T/A HUBBY 4 HIRE HOME SOLUTIONS, UNLICENSED
FILE ID: #65838

11.) SIGNED ACKNOWLEDGMENT \$250 PENALTY PAID - 11/29/12

HARRY SOTNEK, LMP #9581, T/A HARRY SOTNEK CO.
RICHIE HERINK, CONSUMER, FILE ID: #86653

12.) SIGNED ACKNOWLEDGMENT \$500 PENALTY PAID - 12/26/12

RICHARD RUSSINKO, LMP #11022, T/A FREY HEATING & PLUMBING
PATRICIA A. MCCARRICK, CONSUMER, FILE ID: #86613

- 13.) SIGNED ACKNOWLEDGMENT \$100 PENALTY PAID - 11/29/12

THEODORE SUPRANOWICZ, LMP #5709, T/A KOVED, LLC
KEVIN F. SCHMALZ, SUB-CODE OFFICIAL, TOWNSHIP OF JACKSON
FILE ID: #86627

- 14.) A3741 - Requires certification of persons installing medical gas piping in dental offices, dental clinics, and animal or veterinary facilities.
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- 15.) UNIFORM PENALTY LETTER ISSUED 2/5/13 WITH \$2,500 PENALTY TO:

PAUL BEHRENS, UNLICENSED, T/A ENGLISH SEWAGE DISPOSAL
ADVERTISING FOR PLUMBING - BILLBOARD & YELLOW PAGES
FILE ID: #83915

- 16.) IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF:
VINCENT A. AUFIERO, LMP #6536
CONSIDERATION FOR DEFAULT ON POD FILED JUNE 24, 2010
PROVISIONAL ORDER OF DISCIPLINE FILED JUNE 24, 2010
FINAL ORDER OF DISCIPLINE FILED DECEMBER 20, 2012

REVOCATION

Respondent's license to practice plumbing was provisionally revoked based on the June 24, 2010 Order. On July 24, 2009, Respondent was convicted in Somerset County of four counts of Official Misconduct in the 2nd degree, one county of identity theft in the 3rd degree, one count of insurance fraud in the 3rd degree and

(Continued)

one count of engaging in a pattern of official misconduct in the 2nd degree, and sentenced to eight years in New Jersey State Prison.

Aufiero was ordered to pay \$45,995.63 in restitution to the Somerville Board of Education. While employed for the Somerville Board of Education (SBE) during 2000 and 2007, Respondent used SBE funds to make purchases for his personal use. The POD was issued via UPS to the Respondent's last known address and delivered on October 20, 2010.

Respondent failed to provide a response to the POD, which was served by an Investigator of the

Enforcement Bureau at Aufiero's address.

On October 25, 2012, a motion was made by Robert Reeve and seconded by James McManus to finalize the POD.

The Final Order of Discipline has been filed on December 20, 2012. Respondent's license to practice plumbing in the State of New Jersey is hereby revoked.

17.) DISCIPLINARY ACTIONS

LOUIS L. PASQUALINI, LMP #9742 - \$1,000 - PAID JULY 16, 2012

PROVISIONAL ORDER OF DISCIPLINE FILED MAY 24, 2012

FINAL ORDER OF DISCIPLINE FILED DECEMBER 20, 2012

Based on a complaint from the Township of Jackson for a water heater and gas piping, Respondent is provisionally reprimanded and fined \$1,000: \$500 for failing to comply with the provisions of a regulation administered by the Board pursuant to NJSA 45:1.21(h) in that he failed to supervise the plumbing work performed for consumer "JM" under his permit in accordance with NJAC 13:32.3; and fined \$500 for engaging in the use and employment of dishonesty, fraud, deception, misrepresentation and false pretense, pursuant to NJSA 45:1.21(b) in that he allowed his plumbing seal to be used to secure a plumbing permit for an unlicensed person in violation of NJAC 13:32.4.1.

On September 27, 2012, the Board acknowledged that licensee Pasqualini accepted the terms of the POD and submitted his full payment of the penalty.

A Final Order of Discipline was filed December 20, 2012, closing the matter.

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18.) PROVISIONAL ORDER OF DISCIPLINE - FILED DECEMBER 20, 2012

IN THE MATTER OF: MARK GOGGIN, LMP #9112

LICENSED TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY

Respondent is hereby provisionally reprimanded for the violations as detailed above.

Respondent is provisionally assessed a civil penalty, pursuant to N.J.S.A 45:1-22, in the amount of \$500, in that respondent failed to comply with a regulation of the Board, specifically, N.J.A.C. 13:32-3.2(a), by failing to register with the Board as a bona fide representative for "JT Goggin, LLC" during the eight month period in 2012 when "JT Goggin, LLC" was providing plumbing services to the public. The civil penalty totaling \$500 shall be submitted by certified check or money order made payable the State of New Jersey and shall be sent to Rosemarie Baccile, Acting Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, no later than thirty days after entry of any Final Order in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.

Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within 30 days of the date this Provisional Order is filed by:

Submitting a written request for modification or dismissal to: Rosemarie Baccile, Acting Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, NJ 07101

19.) PROVISIONAL ORDER OF DISCIPLINE - FILED DECEMBER 20, 2012

IN THE MATTER OF: ROBERT PARIN, LMP #9607
T/A BASSP PLUMBING CORP.
LICENSED TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY

Respondent is hereby provisionally reprimanded for the violations as detailed above.

Respondent is provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$250, in that respondent has engaged in professional and occupational misconduct by failing to issue a contract delineating and outlining the services to be provided to R.L., in violation of N.J.S.A. 45:1-21(e). Additionally, respondent is provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$250.00, in that respondent failed to comply with a regulation of

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the Board, specifically N.J.A.C. 13:32-3.3(a)(2), by failing to secure a permit for the plumbing work performed for R.L., in violation of N.J.S.A. 45:1-21(h). Finally, respondent is provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$250, in that respondent failed to comply with a regulation of the Board, specifically N.J.A.C. 13:32-3.3(a)(3), in that respondent failed to properly supervise the plumbing work being performed for R.L., violation of N.J.S.A. 45:1-21(h). The civil penalty totalling \$750 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Rosemarie Baccile, Acting Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101, no later than thirty days after entry of any Final Order in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.

20.) PROVISIONAL ORDER OF DISCIPLINE - FILED JANUARY 22, 2013

JAMES P. KYNE, LMP #4616
LICENSED TO PRACTICE AS A MASTER PLUMBER IN NEW JERSEY

Respondent is hereby provisionally reprimanded for violating N.J.S.A. 45:1-21(c) and N.J.S.A. 45:1-21(h).

Respondent shall provisionally pay a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount

\$250.00 for engaging in gross negligence, in violation of N.J.S.A. 45:1-21(c) . Payment of the civil penalty totaling \$250.00 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.

21.) FINAL ORDER OF DISCIPLINE - FILED JANUARY 22, 2013

JAMES P. FLANAGAN, LMP #10478, T/A AQUA AIR CONTRACTING, LLC
LICENSED TO PRACTICE AS MASTER PLUMBER IN NEW JERSEY

Specifically, respondent had failed to renew his license for the 2001-2003, 2003-2005 and 2005-2007 biennial renewal periods, and his license had been suspended pursuant to N.J.A.C. 13:32-2.6(c) and N.J.S.A. 45:1-7.1(b).

Respondent's business, Aqua Air Conditioning, LLC, was not a licensed plumbing entity at the time the work was performed on the home of consumers

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JAMES P. FLANAGAN, LMP #10478

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M.S. and T.S.. According to the Board's records, "Aqua Air Conditioning, LLC" was later registered with the Board to trade as a plumbing contracting entity.

The work that respondent failed to complete for consumers M.S. and T.S. became the subject of a civil suit in the Superior Court of New Jersey, Ocean County. That suit was resolved by a settlement agreement, whereby respondent agreed to reimburse the consumers \$7,000.00. Respondent also stipulated, as a term of the settlement agreement, that should he default under the terms of the settlement, the consumers shall automatically be entitled to a judgment in the amount of \$8,500.00.

Respondent appeared before the Board on April 28, 2011 for an investigative inquiry into the matters concerning his failure to renew his license for the 2005-2007 biennial period, his alleged unlicensed practice of plumbing, and his failure to satisfactorily complete work for consumers M.S. and T.S.

During the investigative inquiry respondent admitted that he never registered with the Board to trade as "Aqua-Air Contracting". Respondent also acknowledged that M.S. and T.S. had a valid judgment against him in the amount of \$8,500, that he was in violation of the settlement agreement, and had not made any payments towards what he owes the consumers.

Respondent also acknowledged during the investigative inquiry that he contracted with M.S. and T.S. to perform plumbing work, and actually performed plumbing work for them, while his plumbing license was suspended.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on August 7, 2012, provisionally suspending respondent's license to practice as a master plumber in the State of New Jersey, as a disciplinary suspension, until such time as respondent applies for reinstatement, appears before the Board to demonstrate his fitness to resume practice, demonstrated to the satisfaction of the Board that he has reimbursed M.S. and T.S., has paid the civil penalty in accordance with the provisions of any Final Order entered in this matter and has satisfied any requirements for reinstatement of his license pursuant to N.J.S.A. 45:1-7.1(b).

The Provisional Order of Discipline also provisionally imposed a reprimand for respondent's violations of N.J.S.A. 45:1-21(b),(e) and (h). Respondent is also provisionally required to reimburse M.S. and T.S. in the amount of eight thousand five hundred dollars (\$8,500.00) in accordance with the stipulation of settlement. Finally, respondent was provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of two thousand five hundred dollars (\$2,500.00) for violating N.J.S.A. 45:1-21(b),(e) and (h).

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JAMES P. FLANAGAN, LMP #10478

(Continued)

A copy of the Provisional Order was forwarded to respondent, via United Parcel Delivery, at respondent's address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Respondent provided the Board with a response to the Provisional Order in a letter received on November 21, 2012. Respondent acknowledges the civil penalty, but requests that a payment plan be established for \$150.00, due on the first of each month over the next 16 months, until payment is made in full. Respondent cited to his financial situation and stated that if it improves, he would make an effort to make higher monetary payments toward the civil penalty.

Regarding the restitution to M.S. and T.S., respondent indicated he was to meet with his bankruptcy attorney on November 27, 2012 to "complete the settlement offer to M.S." According to respondent, if a settlement could not be reached, he was going to make the money owed to M.S. "part of my bankruptcy proceeding."

On December 20, 2012, the Board considered respondent's response to the Provisional Order. The Board finds that respondent has not provided any evidence which would warrant a modification or dismissal of the findings of fact or conclusions of law outlined in the August 7, 2012 Provisional Order of Discipline. The Board has considered the information concerning respondent's stated economic difficulties. However, the Board notes that respondent failed to renew his license for three renewal periods. Consequently, respondent was suspended from practice during this time period, as a matter of law, but continued to engage in unlicensed practice. During this time period, specifically in May 2005, respondent performed the plumbing work for M.S. and T.S. which led to the civil suit being filed and the stipulation of settlement agreed upon by respondent.

The Board finds that respondent has had more than seven years to reimburse M.S. and T.S., but has not done so. Respondent is now asking to make payments to the Board in satisfaction of the civil penalty, but is hoping to have the money owed to M.S. and T.S. discharged in bankruptcy. After deliberation, the Board decided that payment of the stipulation of settlement to M.S. and T.S. supercedes payment of a civil penalty to the Board. Therefore, the Board voted to finalize the Provisional Order by requiring respondent to make monthly payments to the Board in satisfaction of the money owed to M.S. and T.S., pursuant to the stipulation of settlement, and to stay the payment of the civil penalty. The civil penalty will remain stayed contingent on respondent making regular monthly payments to the Board in satisfaction of the stipulation of

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JAMES P. FLANAGAN, LMP #10478
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settlement. ACCORDINGLY, IT IS on this 22nd day of January, 2013,
PROVISIONALLY ORDERED that:

Respondent is hereby reprimanded, pursuant to N.J.S.A. 45:1-22, for violating N.J.S.A. 45:1-21 (b), (e) and (h).

Respondent shall make monthly payments to the Board in the amount of \$200 per month, for the next 20 months, in satisfaction of the \$5,800 owed by respondent to M.S. & T.S. in satisfaction of the stipulation of settlement. The monthly payments shall be by certified check or money order payable to M.S. & T.S. and shall be delivered to Rosemarie Baccile, Acting Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. The monthly payments shall be sent to the Board on or before the first day of each month. The first monthly payment shall be received by the Board on or before February 1, 2013, and then on or before the first day of each succeeding month thereafter.

Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of two thousand five hundred dollars (\$2,500.00) for violating N.J.S.A. 45:1-21 (b), (e) and (h). The entire portion of the civil penalty is to be stayed provided respondent makes the reimbursement payments in accordance with the terms outlined above. If respondent fails to make a restitution payment in accordance with the terms outlined above, the entire \$2,500 civil penalty shall automatically become due and payable.

Respondent's license to practice as a master plumber in the State of New Jersey, which is currently administratively suspended by operation of N.J.S.A. 45:1-7.1, shall now be suspended as a disciplinary action. Prior to the Board entertaining any petition by respondent for reinstatement of his license, respondent shall be required to appear before the Board to demonstrate his fitness to resume practice. Additionally, prior to the Board entertaining any petition by respondent for reinstatement of his license, respondent shall demonstrate, to the satisfaction of the Board, that he has fully reimbursed M.S. and T.S. Further, respondent shall satisfy any requirements for reinstatement of his license pursuant to N.J.S.A. 45:1-7.1(b). Any practice in this State prior to said appearance shall constitute grounds for the charge of unlicensed practice. Finally, the Board reserves the right to place restrictions on respondent's

practice should his license be reinstated.

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22.) CONSENT ORDER - FILED SEPTEMBER 22, 2009

PIOTR KAMECKI, LMP #12211
LICENSED TO PRACTICE AS A MASTER PLUMBER IN NEW JERSEY

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers (the "Board") upon receipt of a complaint alleging that Piotr Kamecki ("respondent"), who is the bona fide representative for Kamecki Plumbing, LLC, is allowing his master plumber's license number, #12211, to be used by Easton Plumbing & Heating, an unlicensed entity. Easton Plumbing & Heating is owned by Marco Otero. Although Mr. Otero is currently licensed as a master plumber in New Jersey, he was not licensed to engage in the practice of plumbing in New Jersey during the time of this complaint.

Accompanying the complaint were copies of printed invoices with Easton Plumbing & Heating as the contractor and listing "N.J. Master Plumber Lic. #12211". Additionally, the complainant provided advertisements, a business card, and an advertising magnet for Eaton Plumbing & Heating, which all listed "N.J. Lic#12211".

Finally, the complaint was accompanied by a copy of an investigation report from the Northhampton County Pennsylvania District Attorney's Office. The investigation concerned a criminal complaint filed by Mario Martucci. Mr. Martucci is a New Jersey licensed master plumber and is the bona fide representative for Action Plumbing. Mr. Martucci complained that Marco Otero engaged in the unauthorized use of his motor vehicle. Mr. Otero was a previous employee at Action

According to Mr. Martucci, Mr. Otero used equipment and material belonging to Action Plumbing in order to "moonlight" and engage in plumbing work.

Respondent was interviewed by an investigator from the Northhampton County District Attorney's Office concerning the use of his New Jersey Licensed Master Plumber's number in advertisements and invoices for Easton Plumbing & Heating. Respondent indicated he has known Mr. Otero for a long time and that Mr. Otero has worked for him.

According to respondent, when Mr. Otero works for him, he has permission to use respondent's plumbing license number for work performed in New Jersey.

These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21 (b) and N.J.A.C. 13:32-4.1(c), in that respondent allowed the use of his seal by a person other than the State licensed master plumber to whom it was issued. Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:32-3.3(a)(5), in that respondent served as a bona fide representative for more than one plumbing contractor. Finally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(n), in that respondent aided and

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abetter an unlicensed person an entity in performing unlicensed plumbing.
Respondent is hereby reprimanded for the conduct outlined above.

Respondent shall pay a civil penalty in the amount of \$1,250 for allowing the use of his seal by a person other than the State licensed master plumber to whom it was issued in violation of N.J.S.A. 45:1-21(b) and N.J.A.C. 13:32-4.(c). Additionally, respondent shall pay a civil penalty in the amount of !,250 for serving as a bona fide representative for more than one plumbing contractor in violation N.J.S.A. 45:1-21(h) and N.J.A.C. 13:32-4.(a)(5).

***◆ 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.
