

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
# 600 - BUSINESS MEETING - AGENDA - APRIL 25, 2013**

**OPEN PUBLIC SESSION**

MEETING SCHEDULED TIME: 9:00 AM - ESSEX ROOM - 7<sup>th</sup> floor  
ROLL CALL OF BOARD MEMBERS

APPROVAL OF THE MINUTES *of the* MARCH 28, 2013 MTG.

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**BOARD BUSINESS**

*Documentation is provided on all matters unless otherwise noted.*

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***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

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- 1.) MEMORANDUM  
DARLENE KANE, BUDGET OFFICER  
MARCH 20, 2013

DIVISION OF LAW BILLING

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- 2.) BONA FIDE REPRESENTATIVE FORM

N.J.A.C. 13:32-3.2 BONA FIDE REPRESENTATIVE; REPORTING  
RESPONSIBILITIES; N.J.A.C. 13:32-3.2(a)(4) form provided by the Board

(a) A licensed master plumber seeking to act as a bona fide representative for any firm, partnership, corporation or other legal entity shall register with the Board within (30) thirty days of assuming the role of a bona fide representative and submit the information on a form provided by the Board.

Existing regulations require that the bonafide representative register on a form provided by the Board. This form was updated in compliance with the adopted changes to the regulation, presented for Board review on January 24, 2013, and approved.

This form is now available at the Board's website at [www.njconsumeraffairs.org](http://www.njconsumeraffairs.org).

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- 3.) CE INSTRUCTORS FOR REVIEW FROM THOMAS WALSH  
TOWNSHIP OF EAST BRUNSWICK

1. RUSS CHANEY-CEO OF THE INTERNATIONAL ASSOCIATION OF  
PLUMBING AND MECHANICAL OFFICIALS
2. DAVE JAFFE-REGIONAL REPRESENTATIVE FOR THE CAST IRON  
SOIL PIPE INSTITUTE
3. THOMAS GANFIELD-REGIONAL REPRESENTATIVE FOR  
MAXITROL
4. DAVID PHELAN-DCA/UCC INSTRUCTOR

5. STEVE CELUSNIAK-REGIONAL REPRESENTATIVE

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4.) CE-REQUEST FOR RE-APPROVAL - 2013-2015 BIENNIAL RENEWAL

MIDDLESEX COUNTY ADULT TECHNICAL SCHOOLS CE RESUMER  
AND COURSE OUTLINE

WILLIAM TURKUS - CE INSTRUCTOR #13  
ORLANDO J. OLIVA - CE INSTRUCTOR #98

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5.) MONITORING AA REPORTS

MICHAEL D. EBER, LMP #11654

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6.) OFFER OF SETTLEMENT ISSUED 10/10/12  
PAID \$2,500 PENALTY DATED 12/11/12 FOR PROFESSIONAL  
MISCONDUCT WHEN HE SECURED (3) THREE PERMITS FOR WORK,  
YET FAILED TO COMPLETE THE JOB.  
PAID \$850 IN RESTITUTION - DATED 12/11/12 FOR THE WORK THAT  
WAS NEVER COMPLETED

SCOTT SCHWEYER, LMP #10126  
SALVADOR E. TINAGERO, CONSUMER, FILE ID: #83409

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7.) IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE  
LICENSE OF FELDMAN MIDDLETON, LMP #7026

LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NJ  
FINAL ORDER OF DISCIPLINE FILED JANUARY 26, 2013  
\$10,000 TOTAL PENALTY:

PENALTY PAYMENTS: \$500 PAID 9/19/12, \$500 PAID 12/3/12, \$195 PAID  
2/20/13, \$110 PAID 2/23/13, \$195 PAID 2/26/13

Respondent is reprimanded and his license is suspended for a period of one year retroactive to December 3 2009. He is fined an aggregate civil penalty totaling \$10,000 for the following violations: \$1,500 for each instance that he allowed his plumbing seal to be used to secure a plumbing permit for an unlicensed entity—totaling \$4,500, in violation of N.J.A.C. 13:32-4.1c.

Respondent is fined a civil penalty of \$1,500 for each instance of allowing plumbing work to be performed under his signed and sealed permits which was not

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IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE  
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LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NJ  
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subcontracted to another licensed contractor, nor was it performed by the respondent or the employees of the respondent— for a total of \$4,500 in violation of N.J.A.C. 13:32-3.4.

Respondent is fined a civil penalty of \$1,000 for performing plumbing work for residential project with a purchase price in excess of \$500 without obtaining a written contract in violation of N.J.A.C. 13:45a-16.2(12). Payments are scheduled within said order.

On December 20, 2012, the Board acknowledged receipt of this penalty payment in line with the FOD. This file will remain pending until the \$10,000 penalty is paid in full.

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\$250 PAID IN FULL 3/6/13

8.) 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) . A response to the POD and/or 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.

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9.) ADMINISTRATIVE ACTION - CONSENT ORDER

IN THE MATTER OF THE APPLICATION OF  
CHARLES E. SWEETEN  
FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY

**FILED Date: Feb. 28, 2013**

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers (“the Board”) upon receipt of an application for examination for a plumbing license from Charles E. Sweeten. (“respondent”). Respondent indicated on his application that in 1988 he was arrested and charged with two counts of sexual assault on two boys, ages eight and nine. Respondent provided a letter to the Board, explaining his arrest and conviction history. Respondent also provided court documentation. According to respondent, the sexual assaults occurred in 1982 when respondent was eighteen years old. The boys were brothers, and respondent was residing with their family at the time of the assaults. The brothers reported the offenses to law enforcement authorities six years after the occurrence. Respondent confessed and was granted pre-trial intervention as a first time offender. He successfully completed the program and the charges were dismissed.

Respondent indicates he was an “alcoholic” during the time of the sexual assaults. He acknowledged a 1985 DUI arrest, and more recently, a 2008 DUI arrest. Since then, respondent states he has been sober. On March 22, 2012, respondent appeared before the Board for an investigative inquiry. Respondent explained he was drinking at the time of the offenses. He had an “alcohol problem which [he] had not dealt with.” He underwent counseling and sixteen weeks of Alcoholics Anonymous classes as a condition of his pre-trial intervention. Respondent was never formally diagnosed with pedophilia or a paraphilia.

Respondent began drinking at age eleven. By the time he was a teenager, he was drinking heavily. He was

twenty-one when he received his first DUI. His drivers license was suspended for six months. In 2008, he received his second DUI. Respondent pled guilty and his drivers license was suspended for seven months. According to respondent, it has been four years since he had a drink. He currently attends Alcoholics Anonymous meetings once a month. Finally, respondent stated he is not required to register as a sex offender because the charges were dismissed upon completion of his pre-trial intervention.

Subsequent to his appearance before the Board, respondent submitted a letter, dated July 12, 2012, from James Gregory, MA, licensed professional counselor. According to the letter, Mr. Gregory began seeing respondent for counseling sessions. Respondent was seen for nine sessions and according to Mr. Gregory, "has worked very hard at putting his distant past behind him", and "has successfully dealt with and resolved many lingering and painful issues from his past." Mr. Gregory felt, "without reservation that respondent will be able to meet and

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ADMINISTRATIVE ACTION - CONSENT ORDER

IN THE MATTER OF THE APPLICATION OF  
CHARLES E. SWEETEN  
FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY

**FILED Date: Feb. 28, 2013**

successfully complete any and all responsibilities of his profession with the utmost conscientiousness, professionalism, and sincerity."

Having considered all of the available information, including the testimony of respondent during the investigative inquiry, as well as the letter from James Gregory, MA, the Board has determined that respondent may be licensed subject to the conditions outlined in this order. Respondent appears to be doing well at this time. However, the Board is keenly aware of respondent's criminal history and the fact that alcohol played a part in that history. Therefore, any deviation from the terms of this order will result in immediate suspension of license. The Board finds that such a provision is adequate to protect the health, safety and welfare of the public and that good cause exists for entry of this order.

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. Prior to receiving his license, respondent shall submit to an alcohol/substance abuse evaluation by a mental health professional, experienced in alcohol and drug evaluations, at his own expense and pre-approved by the Board. Respondent shall fully cooperate in the evaluation process and agree in advance to permit the evaluator to release any and all documents to the Board for use in any licensing proceeding and agree to comply with all recommendations. Respondent shall notify the Board of the evaluator selected so that the Board may forward information from its files to the evaluator prior to the evaluation. Upon completion of the evaluation, the evaluator shall forward a

full report to the Board, consisting of an alcohol/substance abuse evaluation and including, but not limited to, the evaluator's conclusions relating to respondent's fitness to engage in the practice of plumbing, and including any recommendations by the evaluator as to any treatment or counseling that may be warranted. By signing this order, respondent agrees in advance that he will comply with the recommendations of the alcohol and drug evaluation as a condition of being granted a license.

3. Prior to receiving his license, respondent shall submit to a psychosexual evaluation by a licensed mental health professional, either at the Joseph J. Peters Institute, located in Philadelphia, Pennsylvania or another evaluator experienced in sexual offender risk assessment, at his own expense and pre-approved by the Board. Respondent shall fully

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ADMINISTRATIVE ACTION - CONSENT ORDER

IN THE MATTER OF THE APPLICATION OF  
CHARLES E. SWEETEN  
FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY

**FILED Date: Feb. 28, 2013**

cooperate in the evaluation process and agree in advance to permit the evaluator to release any and all documents to the Board for use in any licensing proceeding and agree to comply with all recommendations. Respondent shall notify the Board of the evaluator selected so that the Board may forward information from its files to the evaluator prior to the evaluation. Upon completion of the evaluation, the evaluator shall forward a full report to the Board, consisting of a psychosexual evaluation and including, but not limited to, the evaluator's conclusions relating to respondent's fitness to engage in the practice of plumbing, and including any recommendations by the evaluator as to any treatment or counseling that may be warranted. By signing this order, respondent agrees in advance that he will comply with the recommendations of the psychosexual evaluation as a condition of being granted a license.

4. The Board reserves the right to enter a subsequent order, with additional restrictions, based on the report and recommendations of the alcohol/substance abuse evaluation and the psychosexual evaluation. Respondent agrees by his signature on this order to comply with all recommendations for treatment, therapy, limitations, conditions or restrictions on license recommended by the evaluators.
5. Respondent shall obey all of the laws of the State of New Jersey, the United States and their political subdivisions, as well as all regulations, rules or laws pertaining to the practice of plumbing in this State or any other State.
6. Respondent hereby consents to the entry of an Order of automatic suspension of license, without prior notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable demonstrating that respondent has relapsed into the use of alcohol or has violated this order or has engaged in acts constituting, or has been convicted of any petty disorderly person's offense, disorderly person's offense or crime whether in the State of New Jersey or elsewhere, which involves controlled dangerous substances, alcohol or other mind altering substances or commission of a sex related offense.

7. Respondent shall have the right to apply for a hearing regarding removal of the automatic suspension on five (5) days notice, but in such event shall be limited to a showing that he has not violated this order or allegations that he engaged in acts constituting, or has been convicted, of any offense or crime in the State of New Jersey, the United States or their political subdivisions which involves controlled dangerous substances, alcohol or other mind altering substances or the use of or commission of a sex related offense, that he did not engage in such acts or was not convicted, as applicable.
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***◆ 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.***

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