

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
601 - BUSINESS MEETING - AGENDA - MAY 23, 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* APRIL 25, 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. 2014 BOARD OF MASTER PLUMBERS MEETING DATES

2. INTERNATIONAL CODE COUNCIL (ICC)
ANNUAL MEETING & CODE HEARINGS

GREG WEST, MARKETING MANAGER
INTERNATIONAL CODE COUNCIL

3. STEVEN B. ZANNE, LMP #10731 - MONITORING REPORT
JANUARY 25, 2013

4. ANIBAL RIVERA - LMP # 12992 - MONITORING REPORT
FEBRUARY 4, 2013

5. FRANCESCA T. FLANAGAN, ADMINISTRATIVE ASSISTANT
DIVISION OF CONSUMER AFFAIRS, OFFICE OF THE DIRECTOR

**A2882 - REQUIRES PROFESSIONAL BOARDS TO PROVIDE CREDITS
TOWARD REQUIREMENTS FOR LICENSURE FOR VETERANS WITH
SUBSTANTIALLY EQUIVALENT TRAINING.**

6. ADMINISTRATIVE ACTION
FINAL DECISION AND ORDER AFTER UPL EXPLANATION
SHAMROCK, INC., UNLICENSED

7. CONSENT ORDER - MONITORING
FILED APRIL 25, 2013
JOSEPH C. GINELLI, LMP #11856

JOSEPH C. GINELLI, LMP # 11856 CONSENT ORDER FILED APRIL 25, 2013 -
MONITORING

Respondent's license to practice plumbing expired on June 30, 2007 and was automatically suspended by application of N.J.S.A.45:1-7.1(b). Respondent indicated on his application for reinstatement that he was convicted of several criminal offenses: respondent was sentenced to three years probation for Possession of Controlled Dangerous Substance (N.J.S.A. 2C:35-10a(1)) and Hindering Apprehension (N.J.S.A. 2C:29-3a(4)), in Ocean County, New Jersey on May 9, 2008. Respondent was also convicted of Conspiracy (N.J.S.A. 2C:5-2) and Possession of Schedule I,II,III, and IV Controlled Dangerous Substances (N.J.S.A. 2C:35-10a(1)), in Monmouth County, on January 14, 2011. Respondent was ordered to serve 364 days in prison. Respondent was convicted of Conspiracy (N.J.S.A. 2C:5-2) and Possession of Schedule I,II,III, and IV Controlled Dangerous Substances (N.J.S.A. 2C:35-10a(1)), in Middlesex County, on March 18, 2011. Respondent was ordered to serve one year in prison concurrent with the sentence he was then serving Respondent's license to practice plumbing in the State of NJ shall be reinstated subject to the restrictions and conditions in this Order; he shall provide proof of completion of the ISP program / Intensive Supervision Program; shall continue in treatment with Narcotics with proof; and submit to random urine screens a minimum of once per month.

8. **FINAL ORDER OF DISCIPLINE FILED MARCH 25, 2013**
\$250 PAID IN FULL MARCH 6, 2013
JAMES P. KYNE, LMP #4616

PROVISIONAL ORDER OF DISCIPLINE - FILED JANUARY 22, 2013
JAMES P. KYNE, LMP #4616
LICENSED TO PRACTICE AS A MASTER PLUMBER IN NEW JERSEY

Respondent was reprimanded for violating N.J.S.A. 45:1-21c and N.J.S.A.45:1-21(h) and issued 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. 45:1-21c.

9. DISCIPLINARY ACTION \$350 - 4/30/13 - PARTIAL PAYMENT OF THE \$750 PENALTY

IN THE MATTER OF **JEFFREY R. PATTEN**, LMP # 10200, TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY - ADMINISTRATIVE ACTION - PROVISIONAL ORDER OF DISCIPLINE FILED JUNE 17, 2020
FINAL ORDER OF DISCIPLINE FILED 1-20-2012

Respondent is assessed a civil penalty in the amount of \$750.00 pursuant to N.J.S.A. 45:1-21(e) for failing to appear for a Board scheduled July 23, 2009 investigative inquiry, in violation of N.J.A.C. 13:45C-1.3. The order is not dispositive of the underlying allegations contained in the complaint received from consumer S.I.

On September 22, 2011, Respondent appeared for an investigative inquiry concerning his previous failure to appear before the Board on July 23, 2009, as well as to answer questions regarding the consumer complaint.

The Board had concluded that an award of restitution is not warranted in this matter.

10.

IN THE MATTER OF THE
SURRENDER OF THE LICENSE OF

DENNIS P. McNERNEY
License # **36BI00730500**

Administrative Action

**CONSENT ORDER
OF REVOCATION
OF LICENSE**

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers (“the Board”) upon receipt of information that Dennis P. McNerney (“respondent”) was convicted on June 12, 2009 of Aggravated Sexual Assault (1st degree) on a victim at least 13 but less than 16 years old (N.J.S.A. 2C:14-2a(2)), and Endangering the Welfare of a Child (2nd degree) he had a legal duty to care for (N.J.S.A. 2C:24-4a). Respondent was sentenced to a six year custodial sentence.

The information received also indicates that respondent was sentenced under the purview of the New Jersey Sex Offender Act. As a result, the judge ordered respondent to serve his sentence at the Adult Diagnostic and Treatment Center.

AGENDA - MAY 23, 2013 - OPEN PUBLIC SESSION - PG. 5

Continued

DENNIS P. McNERNEY
License # 36BI00730500

**CONSENT ORDER
OF REVOCATION
OF LICENSE**

Respondent’s plumbing license is currently suspended by application of N.J.S.A. 45:1-7.1b for failing to renew the license within 30 days of its expiration on June 30, 2009. Respondent was released from the Adult Diagnostic and Treatment Center on November 14, 2012 and subsequently sought reinstatement of his license. Respondent appeared before the Board on February 28, 2013 concerning his request for reinstatement. Respondent acknowledged the details of his offending behavior and acknowledged he is subject to parole supervision for life. Respondent is also subject to Megan’s Law reporting requirements.

Following his appearance, respondent advised the Board by letter dated March 18, 2013, that he requested the “termination of my Master Plumber’s License.”

The Board finds that respondent’s conviction for first degree Aggravated Sexual Assault involving a minor, as well as his conviction for second degree Endangering the Welfare of a Minor, are crimes involving moral turpitude and relate adversely to the activity regulated by the Board. Accordingly, the Board may take disciplinary action against respondent’s license to practice as a master plumber in New Jersey pursuant to N.J.S.A. 45:1-21(f).

The parties having agreed to the resolution of this matter without formal proceedings, and

respondent having agreed and given his voluntary consent to the within Order and waiving any right to a hearing in this matter, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown;

IT IS, therefore, on this 23RD day of April, 2013,

ORDERED AND AGREED THAT:

1. Respondent's license to practice plumbing in the State of New Jersey be and hereby is surrendered effective immediately. Such surrender is to be deemed a revocation of respondent's plumbing license, with prejudice. Respondent shall not hereafter apply for reinstatement of licensure.

2. Respondent shall immediately cease and desist from representing himself as a licensed master plumber in the State of New Jersey and cease and desist from practicing as a licensed master plumber in the State of New Jersey. Respondent agrees that any future employment or engagement in the practice of plumbing with a licensed plumbing contractor shall be consistent with the requirements of his parole supervision and Megan's Law requirements.

3. Respondent having previously surrendered his pressure seal to the Board, consistent with his suspension pursuant to N.J.S.A. 45: 1-7.1b, now consents to the permanent surrender of his pressure seal consistent with the terms of this Order.

AGENDA - MAY 23, 2013 - OPEN PUBLIC SESSION - PG. 6

11. VOTE TO FINALIZE FOR A FINAL ORDER OF DISCIPLINE
PROVISIONAL ORDER OF DISCIPLINE - FILED DECEMBER 20, 2013
\$750 PENALTY PAID IN FULL 4/1/13
ROBERT PARIN, LMP #9607 - no written response to POD *

12. VOTE TO FINALIZE FOR A FINAL ORDER OF DISCIPLINE
PROVISIONAL ORDER OF DISCIPLINE - FILED FEBRUARY 28, 2013
VIA UPS - 3/19/13
DAVID HART, LMP #11230 - NO RESPONSE

13. VOTE TO FINALIZE FOR A FINAL ORDER OF DISCIPLINE
PROVISIONAL ORDER OF DISCIPLINE - FILED FEBRUARY 28, 2013

VIA UPS - 3/19/13

JAMES MURRAY, LMP #8706 - NO RESPONSE

14. NOT COMPLYING WITH CONSENT ORDER - FILED FEBRUARY 22, 2007
IN THE MATTER OF THE APPLICATION OF **JAMES P. REGAN**

15. NOT COMPLYING WITH CONSENT ORDER - FILED JUNE 17, 2010

IN THE MATTER OF THE APPLICATION OF
SEAN T. WHELAN

16. NOT COMPLYING WITH FINAL ORDER OF DISCIPLINE -
FILED JANUARY 20, 2012
IN THE MATTER OF **KARL HOLL, LMP #5695**

AGENDA - MAY 23, 2013 - OPEN PUBLIC SESSION - PG. 7

◆ 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.
