

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
# 602 - BUSINESS MEETING - AGENDA - JUNE 27, 2013**

**OPEN PUBLIC SESSION**

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

APPROVAL OF THE MINUTES *of the* MAY 23, 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.) STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
MEETING DATES 2014

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2.) STEPHEN WORTH, PRESIDENT OF WORTH & COMPANY, INC.  
SEEKING MASTER PLUMBERS LICENSE - REQUEST DATED MAY 17, 2013

APPEALING TO THE BOARD for  
WAIVER OF EXPERIENCE REQUIREMENTS NJAC 13:32-2.2

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3.) IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF  
**JAY V. OPRE, LMP #7336 - LICENSED TO PRACTICE AS A MASTER PLUMBER IN  
THE STATE OF NEW JERSEY - FILED 11-2-2011**  
**◆ RESPONSE TO POD DATED MAY 15, 2013, JOHN P. LESCHAK, ESQ.**

Jay V. Opre is a licensed master plumber whose license expired on June 30, 2011, and remains expired. A consumer complaint from consumer BC alleged that the licensee was hired to install a water service to the house to convert from well to city water. Respondent failed to cover trenches that were dug and excessive rain caused those trenches to collapse resulting in damages to the consumer's property. The consumer filed a complaint in Superior Court and a default judgment was obtained for the sum of \$6,557.00. Respondent appeared for an inquiry and testified that he refuses to pay the judgment.

With respect to his business practices, Opre advised that he does not issue W-2s to workers, but provides 1099s instead. He also testified that he maintains contact with workers via cell phone and will often stamp, sign and fill out blank permits before he leaves for Florida so workers can complete them when a job arises. He also admitted that he does not keep records of contacts, and is not present for all final inspections.

Respondent is provisionally reprimanded and provisionally suspended with a \$1,500 penalty for violations of N.J.S.A. 45:1-21(e) in that he engaged in professional misconduct by not paying the valid \$6,557.00 judgment obtained by consumer BC.; violation of N.J.A.C. 13:32-3.5 which provides that any plumbing work that a LMP agrees to perform shall be performed only by the LMP or the employees of the LMP; violations of N.J.A.C. 13:32-3.3(a)2, which requires only the bona fide representative, an authorized employee, or an independent contractor licensed as a master plumber, can secure all permits for plumbing work. Respondent must appear to demonstrate fitness to resume practice and satisfy all requirements for reinstatement.

On September 27, 2012, the Board concluded in a motion made by Michael Maloney and seconded by Robert Reeve, to finalize the FOD.

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- 4.) Response to UNIFORM PENALTY LETTER - DATED MAY 20, 2013 - \$5,000 FINE

**GARY RUSH, UNLICENSED, T/A SUPERIOR SERVICES**

Advertising Plumbing; advertising as a Master Plumber and HVAC Technician;  
Cease and Desist dated December 21, 2011 with \$5,000 fine (unpaid); Testimony  
provided October 25, 2012; Unlicensed Practice of Plumbing, FILE ID : #86822

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- 5.) IN THE MATTER OF Administrative Action  
**RICHARD DIAZ, LMP CONSENT ORDER FILED JUNE 27, 2013**

t/a RICH'S PLUMBING HEATING/HVAC.

LMP # 36BI01123900

TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY

**\$500 PENALTY PAID MAY 21, 2013**

**\$802.50 RESTITUTION PAID MAY 21, 2013**

**CONSENT ORDER SIGNED BY LICENSEE MAY 21, 2013**

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers upon receipt of a consumer complaint filed against Richard Diaz, LMP ("respondent"). Respondent is registered with the Board to trade as "Rich's Plumbing Heating & HVAC".

The Board received a complaint from consumer S.T who had contacted respondent to repair a leak. Respondent sent a technician who diagnosed the problem as a leak in the main drain. The technician proposed to replace the leaky section which required opening a wall to make the repair. The technician quoted a price of \$802.50. S.T. accepted, and the work was performed.

After considering the information provided by S.T., as well as the response provided by respondent, the Board finds that the Diaz charged S.T. for repair work without resolving the problem. A proper diagnosis and resolution of the problem should have been undertaken without the need for multiple service calls to S.T.'s residence. As a result, these facts establish a basis for disciplinary action against respondent, pursuant to N.J.S.A. 45:1-21(d), in that respondent's repeated failure to properly diagnose and repair the leak in S.T.'s home constitutes repeated acts of negligence and incompetence. It appearing that respondent desires to resolve this matter without recourse to formal proceedings, having waived any right to such proceedings, and for good cause shown;

Respondent is hereby reprimanded for violating N.J.S.A. 45:1-21(d), above. assessed a civil penalty in the amount of five hundred dollars (\$500.00) for engaging in repeated acts of negligence and incompetence in violation of N.J.S.A. 45:1-21(d). and shall pay restitution to S.T. in the amount of eight hundred and two dollars and fifty cents (\$802.50) for failing to properly diagnose and repair the leak on S.T.'s Property.

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8. VOTE TO FINALIZE FOR A FINAL ORDER OF DISCIPLINE  
PROVISIONAL ORDER OF DISCIPLINE - FILED FEBRUARY 28, 2013  
**DAVID HART, LMP #11230 - t/a CLEAR FLOW, LLC**  
**◆ RESPONSEs TO POD DATED APRIL 16, 2013 & JUNE 2, 2013**

David Hart (“respondent”) is a licensed master plumber in the State of New Jersey, issued license number 36BI01123000 and resides at 626 East Main Street, Grove City, PA, 16127.

Respondent is a 10% equity owner of Clear Flow, LLC and the bona fide representative of the company pursuant to N.J.S.A. 45:14C-2(d) and (h) and N.J.A.C. 13:32-1.3. The other 90% interest of Clear Flow, LLC is owned by Rolando Velazquez, not licensed by the Board. The Board received a complaint from consumer E.P. concerning plumbing work, performed at 48 Blum Street, Newark, New Jersey by Clear Flow, LLC. E.P. alleges that the work was not completed pursuant to contracts dated March 10, 2010 and June 10, 2012, that respondent did not adhere to a subsequent agreement, dated December 2012, to recommence work nor did respondent adhere to an agreement dated April 18, 2011 to refund money.

In connection with the investigation of this complaint, respondent appeared before the Board, on September 27, 2012, for an investigative inquiry, acknowledged that Rolando Velazquez performs all of the plumbing work for Clear Flow, LLC., and advised that respondent’s role is merely to supervise and inspect, which respondent accomplishes via a daily phone call and a visit to New Jersey a couple of times a month, when necessary. The business office of Clear Flow, LLC, is at 15 Roberts Street, Warren, NJ.

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9. IN THE MATTER OF  
**ROBERT PARIN - T/A BASSP PLUMBING CORP.**  
LICENSE # 36BI00 960700  
ADMINISTRATIVE ACTION -  
**FINAL ORDER OF DISCIPLINE FILED MAY 23, 2013**  
**\$750 PENALTY PAID IN FULL 4/1/13**

A complaint from consumer R.L. concerning plumbing work and other construction work, performed as part of the renovation of a bathroom of R.L.’s home. R.L. identified numerous deficiencies in the renovation of the bathroom including the allegations that no permits were taken out for any of the work, the tub was not installed correctly, the tiles were not installed correctly, as well as other issues.

Respondent is hereby reprimanded for engaging in professional and occupational misconduct, pursuant to N.J.S.A. 45:1-21(e), by failing to issue a contract delineating and outlining the services

to be provided to R.L. Respondent is also reprimanded for failing to comply with a regulation of the Board, pursuant to N.J.S.A. 45:1-21(h), by failing to secure a permit for the plumbing work performed for R.L., in violation of N.J.A.C. 13:32-3.3(a)(2); and reprimanded for failing to comply with a regulation of the Board, pursuant to N.J.S.A. 45:1-21(h), in that respondent failed to properly supervise the plumbing work being performed for R.L. in violation of N.J.A.C. 13:32-3.3(a)(3).



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11. IN THE MATTER OF THE APPLICATION OF **JOHN J. THEODORA** TO BE  
CERTIFIED  
AS A MEDICAL GAS PIPING INSTALLER IN THE STATE OF NEW JERSEY  
PROVISIONAL ORDER OF DENIAL FILED APRIL 23, 2013

*No response to POD*

John J. Theodora (“respondent”) applied to the Board to be certified as a medical gas piping installer in the State of New Jersey. Respondent indicated on his application that he  
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three convictions for driving while intoxicated. In addition to his application, respondent provided a written explanation concerning the offenses as well as other information.

Respondent appeared before the Board for an investigative inquiry and acknowledged he is not a licensed master plumber, but otherwise meets the qualifications for certification as a Medical Gas Piping Installer pursuant to N.J.A.C. 13:32-7.3.

Respondent acknowledged he is a recovering alcoholic and admitted to having a problem with alcohol. When asked whether he currently attends Alcoholics Anonymous respondent replied “not really”. Respondent stated he does not currently have a sponsor. When asked what prevention techniques respondent currently employs to prevent relapse respondent replied there is a book he reads when things start bothering him and he will go to Alcoholics Anonymous “once in a while” but that it was not a “regular thing”. Respondent’s application for certification as a medical gas piping installer in the State of New Jersey is hereby provisionally denied.

Respondent may reapply for certification as a medical gas piping installer upon successful demonstration to the Board’s satisfaction that respondent is participating in a recovery program and is otherwise maintaining sobriety. Prior to any consideration of respondent’s re-application for certification as a medical piping installer respondent shall appear before the Board, or a committee of the Board, to demonstrate that he is physically and psychologically fit and that he is capable of discharging the functions of a medical gas piping installer in a manner consistent with the public’s health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from any psychological condition or use of any substance, including but not limited to alcohol, which could affect his ability to safely practice; Provide the Board with evidence that he is not presently engaged in alcohol use that is likely to impair his ability to practice with reasonable skill and safety in violation of N.J.S.A. 45:1-21(l).

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12.) REVISITING FROM MAY 23, 2013  
LICENSEE’S SUBMISSION OF BOTH RESTITUTION CHECKS WARRANTED BY  
PROVISIONAL ORDER FILED FEBRUARY 28, 2013 ‘

VOTE TO FINALIZE FOR A FINAL ORDER OF DISCIPLINE  
**JAMES MURRAY**, LMP #8706

Both restitution checks: one for \$500 and the second for \$615 were received at the Board office on April 8, 2013, and are hereby reported as received. A Final Order finalizing these payments in response to the POD is required.

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13.

**IN THE MATTER OF MARK GOGGIN LMP # 9112**

ADMINISTRATIVE ACTION PROVISIONAL ORDER OF DISCIPLINE  
TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY

PROVISIONAL ORDER FILED DECEMBER 20, 2012 *No reply to POD*

Mark Goggin (“respondent”) is a licensed master plumber in the State of New Jersey license number 36BI00911200. According to the Board’s records, “J.T.Goggin, LLC” or “JT Goggin Plumbing” has never been licensed by the Board as a plumbing contractor.

The Board received a complaint from consumer W.D. concerning work that “JT Goggin, LLC” . was contracted to perform at W.D.’s residence. W.D. alleged that “JT Goggin, LLC” performed faulty plumbing work and failed to repair or reimburse W.D. for the damage caused by the work. Specifically, there was a small leak coming from the dishwasher after it was hooked-up and one of the hose bibs started to drip and eventually froze. According to W.D., a gentleman named Tim Goggin performed the work on behalf of “JT Goggin, LLC”

After Tim Goggin failed to rectify the problems with the plumbing, W.D.obtained a small claims judgement against “JT Goggin, LLC”. When Tim Goggin did not pay the judgement, W.D. filed a bank levy against Tim Goggin’s bank account. Shortly after, respondent contacted W.D. Respondent advised W.D. that he was Tim Goggin’s uncle, but was completely unaware of the situation. Respondent also told W.D. that he and Tim Goggin had planned on being partners in a plumbing business, but it never happened. After respondent met with W.D., Tim Goggin payed the required court ordered restitution. However, W.D. continued to have concerns because Tim Goggin continued to falsely advertise that he was a licensed and insured plumber.

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 2010 when “JT Goggin, LLC” was providing plumbing services to the public.

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 2010 when “JT Goggin, LLC” was providing plumbing services to the public.

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14.) CONSENT ORDER - FILED JUNE 17, 2010  
TERMS MODIFIED ON APRIL 28, 2011 to require the following (a) attendance at AA;  
b) quarterly proofs of attendance at AA; (waived requirement for random urine screens.)

LETTER OF APPEAL DATED MAY 13, 2013  
IN THE MATTER OF THE APPLICATION OF **SEAN T. WHELAN**, CANDIDATE  
MASTER PLUMBERS EXAMINATION

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15.) UNIFORM PENALTY LETTER PAID \$2,500 PENALTY  
ISSUED JUNE 3, 2013 JUNE 12, 2013

**MICHAEL YACCARINO, UNLICENSED**  
T/A YACCARINO'S HOME IMPROVEMENTS  
LAWRENCE MASCARO, JR., CONSUMER, FILE ID: #85426  
DETAILS: HOT WATER HEATER REPLACEMENT FAILURE TO OBTAIN PLUMBING  
PERMITS, PLUMBING WITHOUT  
LICENSURE

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16.) UNIFORM PENALTY LETTER  
\$10,000 PENALTY  
ISSUED OCTOBER 18, 2012 & JUNE 4, 2013 - NO RESPONSE - MAIL RETURNED

**MCCORMICK PLBG., HTG., & AC, UNLICENSED**  
ROBERT T. SCHIFF, LMP #10439 - NO LONGER AFFILIATED WITH THIS  
COMPANY (FORMER BONAFIDE REPRESENTATIVE)  
RAMON GIL, CONSUMER, FILE ID: #74467

DETAILS: REPLACED HOT AND COLD WATER  
VALVES AND DIVERTER VALVE,  
FAILURE TO OBTAIN PLUMBING  
PERMITS, PLUMBING WITHOUT  
LICENSURE

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17.) UNIFORM PENALTY LETTER  
\$2,500 PENALTY  
ISSUED MAY 21, 2013 & JUNE 3, 2013 - NO RESPONSE - MAIL RETURNED

**SURGEON II PLUMBING & AC, UNLICENSED**  
THOMAS MARCINOWSKI, CONSUMER, FILE ID: #80959  
DETAILS: ADVERTISING FOR PLUMBING

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18.)UNIFORM PENALTY LETTER \$2,500 PENALTY  
ISSUED JANUARY 17, 2013 & JUNE 4, 2013 - NO RESPONSE - MAIL RETURNED

**MIKE HAYWOOD, UNLICENSED, T/A HAYWOOD'S HOME IMPROVEMENTS**  
FILE ID: #87884  
DETAILS: ADVERTISING FOR  
PLUMBING

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19.)UNIFORM PENALTY LETTER \$5,000 PENALTY ISSUED OCTOBER 26, 2012  
& JUNE 4, 2013 - NO RESPONSE - MAIL RETURNED

**CARE TEMP, LLC, UNLICENSED**  
BOYD, CONSUMER, FILE ID: #86819

DETAILS: WATER HEATER INSTALLATION, UNLICENSED PRACTICE

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20.)UNIFORM PENALTY LETTER \$2,500 PENALTY  
ISSUED OCTOBER 18, 2012 & JUNE 4, 2013 - NO RESPONSE - MAIL RETURNED

**FRANK L. RANSOM, UNLICENSED, T/A RANSOM PLBG. & HTG., UNLICENSED**  
MICHAEL TEKLIT, CONSUMER, FILE ID: #83505

DETAILS: BATHROOM FIXTURES, FAILURE TO OBTAIN PLUMBING PERMITS,  
PLUMBING WITHOUT LICENSURE

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21.)UNIFORM PENALTY LETTER \$2,500 PENALTY  
ISSUED JANUARY 17, 2013 & JUNE 4, 2013 - NO RESPONSE - MAIL RETURNED

**CALABREEZE HOME IMPROVEMENTS, UNLICENSED**  
FILE ID: #85481 DETAILS: ADVERTISING FOR PLUMBING - "LIVING LONG BEACH  
ISLAND"

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22.)UNIFORM PENALTY LETTER \$10,000 PENALTY  
ISSUED OCTOBER 26, 2012 & JUNE 4, 2013 - NO RESPONSE - MAIL RETURNED

**FAIRFIELD PLUMBING, UNLICENSED**

LARRY & LEZLIE WINTER, CONSUMERS, FILE ID: #86401

DETAILS: HOT WATER HEATER REPLACEMENT FAILURE TO OBTAIN PLUMBING  
PERMITS, PLUMBING WITHOUT  
LICENSURE

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23.)UNIFORM PENALTY LETTER \$2,500 PENALTY  
ISSUED OCTOBER 26, 2012 & JUNE 4, 2013 - NO RESPONSE - MAIL RETURNED

**DAVE TOWERS, UNLICENSED, T/A ALL PRO HEATING & AC, UNLICENSED**

PRAVEEN KALLA, CONSUMER, FILE ID: #86676

DETAILS: HOT WATER HEATER, FAILURE TO OBTAIN PLUMBING PERMITS,  
PLUMBING WITHOUT LICENSURE

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24.)UNIFORM PENALTY LETTER \$5,000 PENALTY  
ISSUED MAY 21, 2013 & JUNE 3, 2013 - NO RESPONSE - MAIL RETURNED

**ALLIANCE SERVICE, UNLICENSED**

VERA GSELL, CONSUMER, FILE ID: #88323

DETAILS: SNAKED AND REPLACED PIPES, UNLICENSED PRACTICE

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25.)OFFER OF SETTLEMENT - UNLICENSED PRACTICE - PAID \$1,500 PENALTY  
ISSUED AUGUST 21, 2013 APRIL 8, 2013

**JORGE F. QUIJANO-GARCIA, UNLICENSED**

JOHN DEGRACE, LMP #9529, COMPLAINANT, FILE ID: #72759

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26.)OFFER OF SETTLEMENT-PROFESSIONAL MISCONDUCT - PAID \$500 PENALTY  
ISSUED JANUARY 5, 2012  
JANUARY 15, 2013

**ALFRED LENKIEWICZ, JR., LMP #8596**  
T/A GENERAL SEWER & PLUMBING  
DANIELLE C. ADAMS, CONSUMER, FILE ID: #71652

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27.)OFFER OF SETTLEMENT - UNLICENSED PRACTICE - PAID \$1,500 PENALTY  
ISSUED OCTOBER 10, 2012 & MARCH 19, 2013

**DAVID GERSHENOW, UNLICENSED**  
T/A DMG MECHANICAL, INC.  
REGISTERED HOME IMPROVEMENT CONTRACTOR  
GERALD ROSENBERG, CONSUMER, FILE ID: #77679

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28.)**JOSEPH GINELLI - MONITORING REPORT**

DATED FEBRUARY 14, 2013, MARCH 11,  
2013, MAY 1, 2013, JUNE 3 & 10, 2013

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29.)CONTINUING EDUCATION

**WADSON LOPES - INITIAL APPROVAL FOR**  
CONTINUING EDUCATION INSTRUCTOR

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30.)CHUCK MANNING, REGULATORY ANALYST  
DIVISION OF CONSUMER AFFAIRS, OFFICE OF THE DIRECTOR

*In the matter of* DEVELOPMENT OF REGUATIONS *for:*  
A2882 - REQUIRES PROFESSIONAL BOARDS TO PROVIDE CREDITS  
TOWARD REQUIREMENTS FOR LICENSURE FOR VETERANS WITH  
SUBSTANTIALLY EQUIVALENT TRAINING.

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31.)EMAIL DATED MAY 28, 2013 - BILL COMMENT REQUEST FOR S2727  
A2727 - ESTABLISHES "STUDY COMMISSION ON E-LICENSING"

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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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