

STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

AGENDA - OCTOBER 23, 2003 # 495 - BUSINESS MEETING OPEN PUBLIC SESSION

MEETING SCHEDULED TIME: 9:00 AM ~ SOMERSET ROOM, 6TH FL.

ROLL CALL OF BOARD MEMBERS ~

APPROVAL OF THE MINUTES ~ SEPTEMBER 25, 2003, MEETING

BOARD BUSINESS

Documentation is provided on all matters unless otherwise noted.

1. CONTINUING EDUCATION TOPICS for the 2005-2007 MASTER PLUMBER'S LICENSE BIENNIAL RENEWAL REQUIREMENT

Topics to review, revise and approve in conjunction with:
N.J.A.C. 13:32-6.3 Required course topics

On September 23, 2003, Board Members voted to approve the CE topics for publication in the New Jersey Register as a "Public Notice. This "Public Notice," is **tentatively scheduled for publication on November 3, 2003, in the New Jersey Register.**

A copy of this notice has been posted to the Board's website at:

<http://www.nj.gov/lps/ca/plumber/plumbnot.htm>

A link to this notice was placed on the Master Plumber's home page at:

<http://www.nj.gov/lps/ca/nonmed.htm#mas6>

It is noted that **N.J.A.C. 13:32-6.3 Required course topics**, states that:

(a) Three months prior to the beginning of a biennial period, the Board shall determine which topics shall be provided by program sponsors for the upcoming biennial period. The Board shall determine these topics at a regularly scheduled public Board meeting;

(b) The list of topics which shall be required by the Board for a biennial period shall be published as a public notice in the New Jersey Register and shall be available at the Board offices.

All of the above information was provided to Board approved CE Instructors, Plumbing Associations and Board Members on October 8, 2003.

2. CODE ADVISORY BOARD ~ MEGAN J. SULLIVAN
MEMOS of SEPTEMBER 10, 2003 & OCTOBER 1, 2003
MINUTES OF JUNE 13, 2003; AGENDA FOR OCT. 10, 2003

Ms. Sullivan submits her correspondence concerning the above minutes and the next Code Advisory Board meeting on October 10, 2003, in Trenton, NJ.

3. ANTHONY GAETANO, FORMER LICENSED MASTER PLUMBER
5809, EXPIRED; DID NOT RENEW 1983-1985

Anthony Gaetano submits correspondence to the Board dated September 12, 2003, respectfully requesting the reinstatement of his Master Plumber's license. The expired licensee explains that he had been employed in a hospital facility for many years, and recently attended CE planning toward his reinstatement. Mr Gaetano expressed his willingness to pay all outstanding monies to gain the reinstatement of his Master Plumber's license.

4. FRANK GADOMSKI , PLUMBING SUBCODE OFFICIAL,
CITY OF LINDEN, CORRESPONDENCE DTD. 8/6/03

RE: TOM PITCHERELLO, DEPT. OF COMMUNITY AFFAIRS
BFR REQUIREMENTS/ LICENSED MASTER PLUMBERS ~
employed by industrial facilities

Mr. Gadomski submits correspondence to the Board dated August 6, 2003, concerning an issue involving Licensed Master Plumbers employed by industrial facilities and questions how the Bona fide representative requirement applies to those licensees.

5. Barbara A. Cook, Executive Director, reserves a portion of Open Public session to review some pending issues with Board Members.

(No documents)

DISCIPLINARY ACTIONS

6. IN THE MATTER OF THE SUSPENSION OR
REVOCATION OF THE LICENSE OF

LICENSED MASTER PLUMBER # 4297
PROVISIONAL ORDER OF DISCIPLINE TO PRACTICE PLUMBING
IN THE STATE OF NEW JERSEY
PROVISIONAL ORDER FILED 4/24/03*
FINAL ORDER OF DISCIPLINE FILED 6/26/03

The above provisional order filed April 24, 2003, suspended the Respondent's license to practice plumbing in the State of New Jersey unless or until he furnished the Board with a written response to two (2) pending consumer complaint actions. Respondent was assessed a penalty in the aggregate amount of \$5,000

consisting of \$2,500 per complaint, for his failure to timely cooperate with the Board's initial requests for his response on these matters.

*The provisional order reflected its finalization by the Board at 5:00 pm on the 30th business day following entry {May 24, 2003} unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law.

On June 26, 2003, DAG Donofrio formally confirmed with Members of the Board that there had been no response whatsoever from Gene Skow concerning the Provisional Order of Discipline. Subsequently, the final order was entered by default, filed on June 26, 2003, and issued to Mr. Skow on June 30, 2003.

On August 13, 2003, Mr. Skow responded to the issue of this discipline action and submitted correspondence to the Board. His response is scheduled for today's Agenda in Executive Closed Session.

7. IN THE MATTER OF THE APPLICATION FOR EXAMINATION
TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NEW JERSEY

FINAL ORDER OF DENIAL OF LICENSURE FILED 9/25/03
{no penalties or costs involved}

The above order was filed on September 25, 2003, and states that within convictions provide grounds for denial to admit respondent, Robert D. Clemons, to take the Master Plumber's licensing examination to practice plumbing in New Jersey, pursuant to N.J.S.A. 45:1-21(f). The crimes of which Clemons was convicted are ones of moral turpitude and those which relate adversely to the practice of plumbing.

8. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF
TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY
ADMINISTRATIVE ACTION ~ CONSENT ORDER FILED SEPT. 5, 2003
\$5000 PENALTY AND \$400 COSTS PAID IN FULL ON SEPT. 25, 2003

As per this Consent Order, licensee August is reprimanded for engaging in repeated acts of negligence, a violation of N.J.S.A. 45:1-21(d), concerning a matter involving consumer "J.N.," the manager of Westgate Square Condominium Association, and Mr. August. The licensee shall cease and desist from engaging in future billing improprieties, and any future violations will subject licensee August to enhanced penalties pursuant to N.J.S.A. 45:1-25, and may result in the suspension of his license. The \$5,000 penalty and \$400 stenographic costs were paid in full and met in a timely fashion according to the Consent Order.

9. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF
TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NEW JERSEY
ADMINISTRATIVE ACTION ~ CONSENT ORDER SIGNED SEPT. 7, 2003 &
FILED SEPT. 25, 2003 ~ COSTS of \$161.30 PAID IN FULL

\$12,000 PENALTY : (2) PAYMENTS TO DATE:

\$500 ~ 9/07/03 1st

\$500 ~ 10/1/03..... 2nd

Consent Order states that Respondent Widing is reprimanded for violations:

(A) N.J.A.C. 13:32-3.2, in that he failed to registered with the Board as a bona fide representative for Jet Services while Board records reflected his trade name as John Widing Plumbing and Heating;

(B) N.J.S.A. 45:14C-21 and N.J.S.A. 45:1-21(n) by permitting the use of his license by an entity or individuals not authorized to do so;

(C) N.J.A.C. 13:32-3.3 and N.J.A.C. 13:32-3.4 in that he failed to provide any adequate supervision of the plumbing services undertaken at the Morris Early Childhood Center by Jet Services under the auspices of his license.

Licensee Widing is assessed civil penalties pursuant to N.J.S.A. 45:1-22, in the aggregate amount of \$12,000 which shall be submitted in monthly installments of \$500 beginning with the signing of this order, {received}, and then one on the first of every month hereafter over a period of 24 months. Costs in the amount of \$161.30 were also assessed, and subsequent violations will subject Licensee Widing to enhanced penalties pursuant to N.J.S.A. 45:1-25.

10. IN THE MATTER OF THE SUSPENSION OR REVOCATION
OF THE LICENSE OF SUSPENSION
TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NEW JERSEY
FINAL ORDER DISCIPLINE FILED SEPT. 5, 2003

The above Final Order of Discipline filed on September 5, 2003, by Executive Director Barbara A. Cook and prepared by Deputy Attorney General Joseph Donofrio, and issued by the State Board of Examiners of Master Plumbers officially enters the following actions:

- * Suspends the Master Plumber's license of John Nemri, LMP # 7073, until such time that he appears before the Board, and the Board reserves the right to place restrictions on that license should same be reinstated;
- * Nemri shall cease and desist from advertising plumbing services under any trade name unless he has registered that trade name with the Board;
- * Respondent Nemri shall pay a penalty in the amount of \$2,500 within 45 days of the entry of this order for his failure to cooperate with the Board's investigation {not received};
- * Respondent Nemri shall pay the aggregate amount of \$10,000 for advertising under unauthorized trade names and shall be submitted no later than 45 days from entry of this order ...{not received};

Prior to resuming active practice in New Jersey, respondent shall be required to appear before the Board {or committee thereof} to demonstrate fitness to resume practice, and any practice in New Jersey prior to said appearance shall constitute grounds for a charge of unlicensed practice.

