

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
# 572 - BUSINESS MEETING - AGENDA - OCTOBER 28, 2010**

**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* SEPTEMBER 23, 2010 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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**DISCIPLINARY ACTIONS**

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1. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF **VINCENT A. AUFIERO**, LMP # 66536 TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY - ADMINISTRATIVE ACTION - PROVISIONAL ORDER OF DISCIPLINE FILED 6-24-2010

*According to the POD filed 6-24-2010, Respondent's license to practice plumbing in the State of New Jersey is provisionally revoked. The order is subject to finalization by the Board at 5pm on the 30<sup>th</sup> business day following entry unless Respondent requests a modification or dismissal of the stated Findings of Fact or Conclusions of Law. The POD details of the licensee's criminal convictions for theft, fraud and occupational misconduct.*

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2. IN THE MATTER OF THE LICENSEE OF **JOSEPH S. CONIGLIO**, LMP # 4881 TO PRACTICE MASTER PLUMBING IN THE STATE OF NEW JERSEY - ADMINISTRATIVE ACTION - ORDER OF SUMMARY SUSPENSION

*Based on the POD filed 6-24-2010, the Respondent was licensed as a Master Plumber until June 30, 2007, after which time he permitted that license to lapse. He was convicted in federal district court of mail fraud and extortion, sentenced to federal prison and ordered to pay \$15,000 in fines. Respondent 's license is suspended without hearing. Any reinstatement request will require the Respondent's appearance before the Board.*

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3. IN THE MATTER OF THE APPLICATION OF **MICHAEL D. EBER** LIC MASTER PLUMBER # 11654, TO BE CERTIFIED AS A MEDICAL GAS PIPING INSTALLER IN THE STATE OF NJ - CONSENT ORDER - FILED JUNE 24, 2010

*Respondent is licensed as a Master Plumber and submitted an application for certification as a medical gas piping installer. Eber indicated on his application for medical gas certification that he was convicted of resisting arrest in 2005 and was sentenced to five (5) year probation. A condition of probation requires Respondent to report to probation for random drug and alcohol testing. Respondent may be certified;, however, he is subject to the conditions outlined in this order.*

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4. IN THE MATTER OF **NICHOLAS TAMBURRI**, LMP # 149 TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY - ADMINISTRATIVE ACTION  
PROVISIONAL ORDER OF DISCIPLINE FILED JUNE 24, 2010

*Mr. Tamburri was licensed to practice plumbing in the State of New Jersey, and when he failed to renew his license prior to expiration on June 30, 2007, his license suspended. Tamburri surrendered his master plumber's pressure seal. Respondent engaged in the unlicensed practice of plumbing by continuing to practice plumbing with an expired license based on a complaint from the Borough of Carteret plumbing officials. Tamburri was fined \$2,000 for unlicensed practice; \$2,000 for permitting an unlicensed entity (Frederick Heating) to perform an act for which licensure is required; and fined \$1,000 for professional misconduct when he failed to respond on the complaint.*

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5. IN THE MATTER OF **MICHAEL J. SITEK** AND APPLICATION FOR THE MASTER PLUMBER'S EXAMINATION - ADMINISTRATIVE ACTION -  
PROVISIONAL ORDER OF DENIAL OF LICENSURE FILED AUGUST 18, 2010

*Michael J. Sitek submitted an application dated March 20, 2009, to the Board for a master plumber's license. The application contains the question "Have you ever been convicted of any criminal offense," and the respondent checked "No." However, the Board received information regarding Sitek's criminal history, and he appeared for an investigative inquiry to testify regarding his indictment, arrests, and drug abuse. Respondent's application for a master plumber's license is denied. The POD is subject to finalization on the 30<sup>th</sup> business day following entry unless he submits a written request.*

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6. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF **PAUL RIVERS**, LMP # 11913 TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY - PROVISIONAL ORDER OF DISCIPLINE, FILED  
AUGUST 18, 2010

*Paul Rivers is provisionally reprimanded for permitting an unlicensed person to perform an act for which a license is required by the Board, in violation of N.J.S.A. 45:1-21(n), and allowed the use of his pressure seal by a person other than the licensee to whom it was issued. The licensee was fined a total of \$2,500 for these violations while he signed and sealed plumbing permit for the job performed by Jeff Rivers, unlicensed at the time.*

*Response scheduled for Executive Closed Session*

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7. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF **JEFFERY RIVERS, LMP # 12405** TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY - PROVISIONAL ORDER OF DISCIPLINE FILED AUGUST 18, 2010

*Jeffery Rivers is licensed as a Master Plumber since June 22, 2007, and has been the bona fide representative for Jeff Rivers Plumbing and Heating. Subsequent to a complaint filed, Respondent is provisionally reprimanded for professional or occupational misconduct by engaging in the unlicensed practice of plumbing and for false pretense in that he represented himself as licensed before he acquired his license. The complaint includes his failure to complete the job plus performing plumbing work which caused damages to the consumer's home. A \$2,500 civil penalty is assessed against him plus \$1,500 in consumer restitution to C.B. file # 55303.*

*Response scheduled for Executive Closed Session*

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8. DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
**SCOPE OF PRACTICE** ADOPTED AMENDMENT: N.J.A.C. 13:32-1.4  
SEPTEMBER 20, 2010 - NEW JERSEY REGISTER

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9. "BFR OWNERSHIP RULE"  
N.J.A.C. 13:32-3.2 BONA FIDE REPRESENTATIVE - REPORTING RESPONSIBILITIES  
CHARLES MANNING, REGULATORY ANALYST  
*A draft is provided by Charles Manning for discussion.*

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10. PETER LEVINE, LMP # 3548, t/a TRIANGLE PLBG.  
Bona fide representative inquiry dated September 29, 2010

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11. DANIEL ACEVEDO, APPLICANT, MASTER PLUMBER'S EXAMINATION  
Mr. Acevedo submits an inquiry regarding the Master Plumber's examination. The Board recently denied Mr. Acevedo when his credentials did not meet the Statutory requirements.

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DISCIPLINARY ACTION

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12. THOMAS M. SEGREST, LMP # 8125, t/a AMERICAN EAST COAST PLBG  
MAXINE CARTER, CONSUMER, FILE ID # 70066 - JUNE 24, 2010 AGENDA

RESTITUTION AWARD: \$1,700  
PAYMENT \$1,000.00 DATED SEPTEMBER 7, 2010  
*Final payment of \$700 to follow...*

*The Board awarded the sum of \$1,700 in restitution to the consumer when the plumbing contractor failed to obtain the necessary building and plumbing permits for the services performed for Ms. Carter on the sump pump and french drain work. Additionally, no inspections were conducted as a result of the licensee's failure to obtain the necessary building and plumbing permits.*

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13. **ADVERTISING VIOLATIONS -UNLICENSED ENTITIES**

*(No document here)*

*Offer(s) of Settlement assessing \$2,500 fines for*

*UNLICENSED ENTITIES: ADVERTISING PLUMBING SERVICES  
NEWS ARTICLES, INTERNET ADS: CRAIGS LIST, NEWSPAPERS*

*COMPLAINANTS: PHCC; NEW JERSEY STATE LEAGUE OF MASTER  
PLUMBERS; OTHER LICENSEES; ANONYMOUS*

*Complaints against unlicensed entities advertising plumbing services were submitted to the Board. All complaints were assigned file numbers and reviewed by the Board. Members voted on June 25, 2009, to issue an Offer of Settlement with a \$2,500 fine to each unlicensed entity where a review of an advertisement established a violation(s) of New Jersey Plumbing Statutes and Regulations. Some of these violations included references to plumbing, minor or light plumbing, water heaters, or ordinary repairs.*

*This "Offer" replaces the advertising letter, includes a cease and desist, and assesses a penalty. Offers of Settlement were issued on January 14, 2010 to the subscribers provided by the NJSLMP; however, the responses to these settlement letters are forthcoming and the investigations of these complaints are continuing. Responses reviewed in Executive Closed Session.*

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*Continued* ▸ **PAYMENT OF ADVERTISING VIOLATIONS**

13. **JOSE L. CRUZ, UNLICENSED T/A**

**BRS CONSTRUCTION, LLC - File# 65786**

PAYMENT OF \$2,500 PENALTY  
COMPLAINANT: NEW JERSEY STATE LEAGUE OF MASTER  
PLUMBERS (NJSLMP)

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14. **YISROEL ZIRKIN, UNLICENSED, T/A CONTRACTOR AND HANDYMAN**  
COMPLAINANT GARY ITALIANO, NJSLMP  
FILE ID # 65887

OFFER OF SETTLEMENT JANUARY 14, 2010  
MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010  
\$1,000 PENALTY PAYMENT SUBMITTED ON 10/12/2010

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15. **ROBERT J. HARRISON, UNLICENSED, t/a AUSSIE BOBS ODD JOBS**

OFFER OF SETTLEMENT JANUARY 14, 2010 - \$2,500 FINE  
MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010 - \$500 FINE  
FILE ID # 65659

PENALTY \$500 PAID IN FULL OCTOBER 13, 2010  
COMPLAINANT: NJSLMP

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16. **ADAM GREGORY/MITCH MONAGHAN, UNLICENSED, t/a**  
AM GENERAL CONTRACTING - FILE ID # 65897

OFFER OF SETTLEMENT JANUARY 14, 2010 - \$2,500 FINE  
MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010 - \$500 FINE

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*Continued* ▶ **PAYMENT OF ADVERTISING VIOLATIONS**

17. **BLUE RIDGE HEATING AND COOLING, UNLICENSED**

FILE ID # 65820

OFFER OF SETTLEMENT JANUARY 14, 2010 - \$2,500 FINE  
\$1,000 MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010

PENALTY PAID IN FULL OCTOBER 12, 2010  
COMPLAINANT: SALEM CUMBERLAND PLUMBERS ASSOC.

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18. **JOHN QUINTO, UNLICENSED, t/a HERITAGE PAINT/PAPER PLUS**  
FILE ID # 65611

OFFER OF SETTLEMENT JANUARY 14, 2010 - \$2,500 FINE  
\$500 MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010

PENALTY PAYMENT/PAYMENT ARRANGEMENTS  
FIRST PAYMENT OCTOBER 16, 2010 - \$100

COMPLAINANT: NJSLMP

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19. **BOB CIPOLLA, UNLICENSED, t/a PROFESSIONAL HANDYMAN SERV**  
FILE ID # 65889

OFFER OF SETTLEMENT JANUARY 14, 2010 - \$2,500 FINE  
\$500 MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010

PENALTY PAYMENT/PAYMENT ARRANGEMENTS  
FIRST PAYMENT OCTOBER 15, 2010 - \$100

COMPLAINANT: NJSLMP

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20. DISCIPLINARY ACTION



CHARLES MANNING, REGULATORY ANALYST

*Discussion regarding the development of HVACR Regulations*

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24. *Correspondence to Alexander Tucciarone, Chair, Plumbing Subcode Committee from Lawrence DeMarzo Deputy Director, Division of Consumer Affairs  
Re input on backflow devices*
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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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