

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
508 - BUSINESS MEETING - AGENDA - DECEMBER 16, 2004
OPEN PUBLIC SESSION**

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

ROLL CALL OF BOARD MEMBERS ~

APPROVAL OF THE MINUTES ~ NOVEMBER 18, 2004 MTG.

BOARD BUSINESS

Documentation is provided on all matters unless otherwise noted.

CONTINUING EDUCATION AUDIT

1. CONCLUSION OF AUDIT ÿ MARCH 25, 2004 - DECEMBER 16, 2004

The State Board of Examiners of Master Plumbers has been reporting on its audit of the 2003-2005 five (5) hour CE biennial renewal requirement by providing all disciplinary statistics in Open Public Session since the March 25, 2004 meeting.

As a result of the CE disciplinary actions issued to date, the Board has collected civil penalties totaling *\$54,500.00, and stenographic costs in the amount of *\$690.59, based solely on the audit of 460 randomly selected Licensed Master Plumbers. Further actions are anticipated. {Totals updated 12/03/04}

Disciplinary actions concerning licensees may be obtained by contacting the Board Office at 973-504-6420 or visiting the Board at www.njconsumeraffairs.org.

CONTINUING EDUCATION AUDIT

CONCLUSION OF AUDIT

UPDATED MONIES for the December, 2004 reporting include the following CE PENALTY PAYMENTS:

- * \$250 penalty paid by licensee Richard Scardilli, LMP # 9957 on December 7, 2004;
- * \$1,000 penalty and \$98.67 in costs paid by licensee Michael A. Conroy, LMP # 7000, on November 22, 2004;
- * \$250 penalty paid by licensee John Nemri {suspended} LMP # 7073.

These files are now closed.

At this juncture, however, the Board will conclude the reporting on this audit by listing only those licensees whose actions remain PENDING.

CONTINUING EDUCATION AUDIT

The Board will reserve a portion of Executive Closed Session for CE responses. DAG Darlene Lapola, to counsel and DAG Joseph A. Donofrio to prosecute.

2. IN ADVANCE OF THE 2005-2007 MASTER PLUMBER'S BIENNIAL RENEWAL/ CE REQUIREMENT -

COURSES TAKEN DURING PERIOD 2003-2005

On December 16, 2004, the State Board of Examiners of Master Plumbers will review the resumes and course outlines of those who have expressed interest in teaching Continuing Education (CE) for the 2005-2007 biennial, and who have requested to be scheduled for re-approval as CE Instructors.

Those seeking re-approval are not required to appear at the Board's meetings.

PETER T. SIMCHERA, LMP # 5021 CE INSTRUCTOR # 30

*SOLE SPONSOR 14 VAN DYKE ROAD, WALDWICK, NJ 07463

TELEPHONE # 201-670-7367 {A participant in prior biennials excluding the 2003-2005 biennial}

3. DISCIPLINARY ACTION

*Reporting (1) penalty payment ~ @ \$500 Mr. Widing is maintaining his payment schedule concerning: IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF JOHN WIDING, LMP # 7127 TO PRACTICE AS A MASTER PLUMBER/ 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 : w/ (16) PAYMENTS TO DATE = {\$8,000}

\$500 ~ 9/07/03 1st
\$500 ~ 10/01/03..... 2nd
\$500 ~ 10/28/03.... 3rd
\$500 ~ 11/29/03..... 4th
\$500 ~ 12/31/03..... 5th
\$500 ~ 1/28/04 6th
\$500 ~ 3/01/04..... 7th
\$500 ~ 3/30/04..... 8th
\$500 ~ 4/04/04..... 9th
\$500 ~ 6/01/04.....10th
\$500 ~ 6/28/04 11th
\$500 ~ 8/02/04..... 12th
\$500 ~ 8/31/04..... 13th
\$500 ~ 10/04/04..... 14th
\$500 ~ 11/01/04..... 15th
\$500 ~ 11/29/04..... 16th

(No documents)

REPORTING OF PENALTY PAYMENTS - \$12,500 Paid in full: first payment of \$5,500 on May 6, 2004; final payment of \$7,000 on December 1, 2004

4. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF JOHN NEMRI, LMP # 7073 ACTIVE SUSPENSION TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NEW JERSEY FINAL ORDER DISCIPLINE FILED SEPT. 5, 2003 \$12,500.00 PENALTY ASSESSED -&- PD IN FULL

Respondent's license to practice plumbing in the State of New Jersey was officially suspended by above order. Mr. Nemri appeared before the full Board on November 20, 2003 and provided testimony concerning his license. Said order issued a cease and desist from advertising plumbing services under any trade name unless registering that trade name with the Board.

Respondent was ordered to pay a penalty in the amount of \$2,500 within 45 days of the entry of this order for failure to cooperate with the Board concerning pending consumer complaints; Respondent was also ordered to pay the aggregate amount of \$10,000, consisting of a \$2,500 penalty for unauthorized advertising as Astro Plumbing; plus a \$2,500 penalty for unauthorized advertising as Jordan Plumbing; a \$2,500 penalty for unauthorized advertising as Max Heating; and a \$2,500 penalty for advertising as Asfar Plumbing and Heating. Order requested payment within 45 days of filing. These offenses were deemed to be second violations of unauthorized advertisement practices.

This order states that respondent is required to appear before the Board to demonstrate fitness to resume practice, and any practice prior is deemed as unlicensed practice. The Board reserved its right to place restrictions on respondent's practice should that license be reinstated.

The Board may deliberate on the issue of Mr. Nemri's suspension. The penalties are paid; however, the consumer complaints remain unresolved.

(No documents)

5. DISCIPLINARY ACTION

ADMINISTRATIVE ACTION ~ CONSENT ORDER FILED 4-22-04 IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF WILLIAM MOORE III, LMP # 1155 TO PRACTICE AS A PLUMBER IN THE STATE OF NEW JERSEY

An Administrative Action, CONSENT ORDER, was filed at the State Board of Examiners of Master Plumbers against licensee William Moore, LMP # 1155, on April 22, 2004. This matter was opened to the Board upon receipt of information that respondent pled guilty in U.S. District Court to one count of theft of bank funds. Respondent indicated on his 2003-2005 biennial renewal application form that he entered the plea of guilty on February 22, 2002, and provided details to the Board on October 27, 2003. Moore was found guilty of NJSA 45:1-21(f) "Grounds for suspension, found guilty of a crime of moral turpitude..."

The bank was defrauded out of \$72,667.52 as a result of Moore's conduct. Respondent pled guilty, received three years probation, and is required to make restitution in the amount of \$18,000; he has reimbursed the bank in the amount of \$30,667.52.

Respondent was reprimanded by the Board pursuant to N.J.S.A. 45:1-22, based on his conviction for theft of bank funds; said reprimand included a 'STAYED SUSPENSION' of his master plumber's license for a period of (3) years, concurrent with the federal probation period, that is, retroactive to July 31, 2003. The stayed suspension period shall be conditioned on Moore's successful completion and fulfillment of all terms of his criminal probation, including the court ordered reimbursement. On completion of all probation, the stayed suspension shall terminate on July 31, 2006. In the event Moore fails to fulfill his probationary requirements or commits a probation violation, the entire (3) year suspension will become active, and his Master Plumber's license will become an official active suspension. This matter is pending until formal termination on July 31, 2006.

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

{No documents}

For information only

(A) "Unacceptable Response" category ~ UNPAID \$500 PENALTY Provisional Orders will be issued to below (6) licensees assessing additional penalties; (2) will be dismissed.

license_no	LICENSEE	UPL SATISFIED	MAKEUP CE DT	\$500 DT PD	EXPL UPL DENIED	TIMELY DATE
36BI00396300	CHRISTOPHER ROBERT C	No				
36BI00291600	DE ANGELO ROBERT A	No	03/22/04	hearing*	4/22/2004	

36BI00028700	GAHM RONALD _o J	DISMISS UPL				03/08/03 ok coo
36BI00548800	JORSKI JOSEPH J	No				
36BI00702600	MIDDLETON JR, FELDMAN	No	04/19/04			
36BI00329400	MONTON JAMES N	DISMISS UPL				04/26/03 ok
36BI00950200	PTAKIWICZ JACOB	No				
36BI01060000	ROSEN	No	03/27/04			

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(B) "WENT LATE" to CE when audited ~ UNPAID \$250 PENALTY

Provisional Orders will be issued to below (4) licensees assessing additional penalties:

lic #	LICENSEE	LATE DATE	DID IT LATE	\$250 PENALTY PD
36BI00665800	ALU, RUSSELL	2 /21/04	Yes	No
36BI00024100	GRUNFELD JOSEPH	01/16/04	Yes	No
36BI00783500	JOHNSON RANDOLPH L	02/19/04	Yes	No
36BI00996400	SOREY, MARK	T 12/15/03	Yes	No

For information only

(C) Category "Certified Mail Unclaimed" FINAL ORDERS were issued with penalties plus a deadline by which to respond to avoid suspension....other suspensions may follow:

license_no	licensee	CLOSED	FINAL ORDER FILED	ACTION
36BI00703800	ABRAHAM, JOHN	No	7/22/2004	SUSPENDED
36BI00331100	CINEGE SR, NEIL A	No	7/22/2004	SUSPENDED
36BI00480400	CUMMINS JR, ARTHUR F	No	7/22/2004	
36BI00084000	DE BARO, GERALD	No	7/22/2004	SUSPENDED
36BI00186300	EAGER, PHILIP E	No	7/22/2004	
36BI00172300	FIORITO, JOSEPH J	No	7/22/2004	
36BI00702700	HOLLOWAY, WILLIAM A	No	7/22/2004	
36BI00832700	LEVISAY, ROY A	No		
36BI00256100	MONTO, ROCCO R	No	7/22/2004	

36BI00960700	PARIN, ROBERT	No	7/22/2004	SUSPENDED
36BI00512400	PAUTLER JR, CHARLES M	No	7/22/2004	SUSPENDED
36BI00943700	STRATTON II, SAMUEL N	No	7/22/2004	SUSPENDED
36BI00354200	THUNELL JR, JOHN J	No	7/22/2004	SUSPENDED
36BI01003000	WIKFORS, KEVIN J	No	7/22/2004	*PD \$150 OCTOBER 11,2004

(D) ACTION: These matters are scheduled for Prosecuting & Counseling Deputies to review with the Board in Executive Closed Session.

"Investigative Inquiry group May 4, 2004" Defaulted on either his POD.... -Or- ... a Consent Order

LIC. #	LICENSEE	CLOSED	\$4,000 POD FILED	CONSENT ORDER ISSUED
36BI01172500	ALBERTI, JASON A.	No	5/27/2004	No
36BI00976700	DE BIASSE, STEPHEN J	No		No
36BI00930700	DI VINCENT MICHAEL	No	5/26/2004	No
36BI00966900	FISHER, STEVEN R	No		Yes
36BI01110600	HILL, STEVE	No	5/27/2004	No
36BI00427400	HITCHNER SR, JOHN C	No	5/27/2004	No
36BI00569500	HOLL, KARL A	No	5/27/2004	No
36BI00435500	KORAL, PHILIP	No	5/27/2004	No
36BI01071300	MORKIS JR, ROBERT J	No		Yes
36BI00240700	MULLER JR, HENRY H	No		No
36BI00545200	PALMIERI, NICHOLAS F	No	5/27/2004	No
36BI00829800	PRIETO, VICENTE	No		Yes
36BI00964200	RYEN JR, RICHARD R	No		Yes
36BI00408500	SEEBERGER, CHARLES W	No		Yes
36BI00666500	SHREWSBURY JR, WILLIAM J	No		Yes
36BI00404200	TYRONE, THOMAS A	No		No
36BI00733400	VACIRCA, VITO	No	5/27/2004	No
36BI00671000	WINTHER JR, CHARLES R	No	5/27/2004	No

For information only:

(E) CATEGORY/ HEALTH /HARDSHIP:

PODs are pending with DAG *Each issuing a \$750 penalty ~

* EDWARDS, LMP # 7488

* LUKOVSKY, LMP # 9744

* DUFFY, LMP # 4416