

**#542 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES OF JANUARY 24, 2008**

The Minutes of the January 24,, 2008 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on February 28, 2008.

The notice of the January 24, 2008 meeting has been mailed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers, and has also been posted on the Bulletin Board at the Office of the Secretary of State in Trenton, New Jersey.

The Board Meeting of January 24, 2008 was called to order at 9:00 am with the following Members in attendance:

Mark McManus, Chairman
Ralph Wetzel, Vice-Chairman
Peter I. Voros, Secretary
Michael K. Maloney
Michael L. Sestanovich
Paul N. Bontempo
Donald Dileo
Adam J. Sabath was absent

BOARD MEMBER - VACANCY - (1)

As of this Board meeting date, there is one (1) Board member vacancy for a Public Member. That position was formerly held by Board Member Margaret Sieb who resigned on December 15, 2005.

Others in attendance:

The following individuals were in attendance from 9:00 a.m. until the close of the meeting at 2:00 pm:

Barbara A. Cook, Executive Director
Rosemarie Baccile, Executive Assistant
Joseph A. Donofrio, Deputy Attorney General, Counseling Deputy

PUBLIC SESSION VISITORS:

Bill Stepler, CEP Associates

Thomas Walsh, LMP # 7854, Plumbing Subcode Official,
Township of East Brunswick, and Member New Jersey State League of Master Plumbers
{NJSLMP}

Ms. Elizabeth Moritz, Administrator
New Jersey State League of Master Plumbers Inc. (NJSLMP)

PLEDGE OF ALLEGIANCE to the FLAG

Chairman Mark McManus led the Board in the Pledge of Allegiance to the Flag and requested that Members join in a moment of silence in recognition of U.S. troops serving our Country.

APPROVAL OF THE MINUTES ~ DECEMBER 20, 2007 MEETING

A motion was made by Michael Maloney and seconded by Peter Voros to approve the minutes of the December 20, 2007 meeting. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

Documentation is provided for Board Members on all matters unless otherwise noted.

PRESENT BOARD MEMBERS - &- CAPACITIES

MARK MC MANUS ~ CHAIRMAN, JOURNEYMAN PLUMBER

RALPH WETZEL ~ VICE-CHAIRMAN ~ MASTER PLUMBER MEMBER

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER

ADAM J. SABATH ~ STATE MEMBER - CHIEF OF STAFF
TO SENATE PRESIDENT RICHARD J. CODEY

TOTAL BOARD COMPLEMENT (9):Vacancy /Public Member - formerly held by Mrs. Sieb

**1. ASSEMBLY BILL # 3623, STATE OF NEW JERSEY
INTRODUCED OCTOBER 23, 2006**

Sponsored by: Assemblywoman Bonnie W. Coleman and
Assemblyman William D. Payne; Co-sponsored by Assemblywoman Evans
Synopsis: Establishes certificate of rehabilitation for certain persons with criminal records.

The Board reviewed Assembly Bill # 3623 and Executive Director Barbara A. Cook advised that since the publishing of this agenda, this bill was signed into law.

**2. Ms. Elizabeth Moritz, Administrator
New Jersey State League of Master Plumbers Inc. (NJSLMP)**

RE: Enforcement Issues ~ Doing plumbing work without a license ~
Advertising plumbing work without a license

The State Board of Examiners of Master Plumbers received correspondence from the NJSLMP, captioned as above, and dated November 27, 2007; the Board's reply is dated December 13, 2007. Six (6) advertisements offering plumbing services without a valid New Jersey Master Plumber's license were submitted by the NJSLMP. An investigation was conducted into the identity of each subscriber, and an "Advertising Letter" was issued by the Board to each unlicensed entity, named as follows:

My Handyman to the Rescue Gerry Goodman File # 55525

Value Home Improvements Victor Ferdinandi File # 55527
Rino Ferdinandi File # 55528

Case Handyman.com H. Case File # 55523

Dominick's Home Improvements Gino Russo File # 55526

Bayshore Heating and Cooling David Smalley File # 55522

CBV Creations by Victoria File # 55524

3. DISCIPLINARY ACTIONS

Reporting penalty payment of \$2,750

Paid in full October 15, 2007 - Order signed October 1, 2007

ANTHONY LIPO, LMP # 2404

ADMINISTRATIVE ACTION - CONSENT ORDER

Respondent was assessed a \$2,500 penalty for engaging in gross and repeated acts of negligence in violation of NJSA 45:1-21c and d, and a \$250 penalty for an advertising violation pursuant to NJSA 45:1-21 (h) when he failed to include his master plumber's license on his advertising, stationery and invoices as required by NJAC 13:32-3.1.

The Board determined that licensee Lipo (Respondent) caused damage to the home of consumer (MH) by incorrectly performing plumbing work. Respondent did not perform a television inspection of the sink line until the snake was stuck after a second attempt to clear the line. The consumer opted to replace the line since it was impossible to determine exactly where the snake was located. A subsequent plumber charged \$2,650.00. The Board determined that the licensee should have pursued the use of a camera and another snake with an adaptor when he first happened upon the obstruction. His failure to pursue the use of the camera and adaptor, as well as his failure to remove the snake from the kitchen sink line constitutes gross and repeated acts of negligence. The Respondent shall cease and desist from leaving snakes or other equipment at a job site and remove all of his equipment henceforth. He shall pursue the use of a camera and snake with adapter when attempting to snake a line/discovering an obstruction.

4. ERIK MAHER, Licensed Master Plumber # 11130 T/A Pipe Works

RE: OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct - violations - in conjunction with:

CONSUMER COMPLAINT MATTER

ERIK R. MAHER, LMP # 11130, T/A PIPE WORKS

GRACE REINER, CONSUMER, FILE ID # 50978

Resolved with \$1,200 in restitution

Members concluded that the consumer has been satisfied by the licensee's returning the sum of \$1,200 in restitution to the consumer; however, the Board found that disciplinary action was appropriate against Mr. Maher in the form of an Offer of Settlement, with a \$500 penalty for his failure to obtain the permits necessary for this job.

5. EXECUTIVE DIRECTOR'S REPORT

Ms. Barbara A. Cook, Ex Director reported that at the present time, there is very little activity in the realm of registering Medical Gas applications.

It is noted that applications for the Master Plumber's examination and Master Plumber's business registration forms are reviewed by Board Members during the course of each business meeting.

Applications for Medical Gas piping installers, brazers and instructors will also be reviewed by the Board during the business meeting.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Ralph Wetzel to proceed into Executive Closed Session to conduct one Investigative Inquiry, conduct investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, and review matters within the attorney-client relationship exception to the Open Public Meetings Act. A vote was taken and the motion unanimously passed.

The subject of this discussion shall remain confidential until such time as the reasons for having this matter in Executive Closed Session are no longer applicable. The next regularly scheduled meeting is for February 28, 2008, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director