

**#520 MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS -**

The Minutes of the January 26, 2006 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on February 23, 2006.

The notice of the January 26, 2006 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 26, 2006 was called to order at 9:00 am with the following Board Members in attendance:

Mark McManus, Chairman

Ralph Wetzel, Vice-Chairman

Peter I. Voros

Michael K. Maloney

Michael L. Sestanovich

Donald B. Dileo

Paul N. Bontempo

Adam J. Sabath was absent from this meeting

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 4:00 pm:

Barbara A. Cook, Executive Director

Rosemarie Baccile, Executive Assistant

Deputy Attorney General Joseph A. Donofrio

Deputy Attorney General Susan Carboni was present for a brief portion of Executive Closed Session.

Executive Director Barbara A. Cook announced that Alok Jain was not in attendance and that he is no longer employed with Division of Consumer Affairs.

**PUBLIC SESSION VISITORS**

Charles Reiners, LMP # 1105 and Continuing Education Instructor

Bill Stepler, CEP Associates, Instructors of Continuing Education

**PLEDGE OF ALLEGIANCE to the FLAG**

Chairman Mark McManus led the Board in the Pledge of Allegiance to the Flag.

Mr. McManus also requested that the Board join in a moment of silence in recognition of U.S. troops serving overseas.

## **APPROVAL OF THE MINUTES ~ DECEMBER 15, 2005**

### **BOARD BUSINESS**

PRESENT BOARD MEMBERS, CAPACITIES & Recent Appointment:

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 appointed on 12-22-2005  
{replaces Board Member Peter J. Mc Donough, Jr. who resigned 9-5-2002}

COMMISSIONER ADAM J. SABATH ~ STATE MEMBER, NJ DEPT OF LABOR

On January 26, 2006, the State Board of Examiners of Master Plumbers announced the recent appointment of PAUL N. BONTEMPO as a PUBLIC MEMBER to the Board, having been appointed by former Acting Governor Richard J. Codey, on 12-22-2005.

Mr. Bontempo was welcomed by the Board.

RESIGNATION OF LONG -TERM PUBLIC MEMBER  
MARGARET SIEB ~ SECRETARY

Mrs. Margaret Sieb submitted a note to the Board dated December 15, 2005, resigning as a Board Member effective January, 2006. Mrs. Sieb served on the State Board of Examiners of Master Plumbers from 1987 through 1991, and again from 1995 through December, 2005. Her resignation creates one (1) vacancy for a Public Member on the Board.

On January 26, 2006, the Board acknowledged Ms. Sieb's resignation, and Chairman Mark McManus requested that a plaque be ordered in recognition of her service to the Board.

1. CONTINUING EDUCATION AUDIT  
CONCLUSION OF AUDIT 2003-2005  
MARCH 25, 2004 - DEC. 15, 2005

PENALTIES COLLECTED IN DECEMBER, 2005:

COSTS COLLECTED IN DECEMBER, 2005: ÿ None

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 March 25, 2004.

As a result of the CE disciplinary actions issued to date, the Board has collected civil penalties totaling: & stenographic costs totaling: both updated December 5, 2005— --- based solely on the audit of 460 randomly selected Licensed Master Plumbers.

## CONTINUING EDUCATION AUDIT

Further disciplinary actions are underway by way of Provisional and Final Orders of Discipline issued by the Board and developed by the Division of Law. Deputy Attorney General (DAG) Joseph A. Donofrio continues his work on the remaining cases to conclude this portion of the 2003-2005 CE audit. The Board will complete the 2003-2005 audit before initiating any steps toward an audit for 2005-2007 CE compliance.

CE penalties and costs for the month of December, 2005, were collected from the following (2) TWO licensees, and are paid in FULL:

In the matter of the suspension or revocation of the license of ROBERT PARIN, SUSPENDED LMP LIC. # 9607 to practice plumbing in the State of New Jersey FINAL ORDER OF DISCIPLINE (FOD) FILED 7-22-2004

\$1,000 PENALTY PAID -&- CE Certificate provided 12-15-2005

A Final Order of Discipline was filed on July 22, 2004, against the licensee concerning a Continuing Education (CE) matter. According to this order of July 22, 2004, Respondent's license to practice plumbing in the State of New Jersey was suspended unless or until he furnished the Board with a copy of his CE certificate issued by the instructor documenting that he satisfied the five (5) hours of CE requirements for the 2003-2005 biennial cycle pursuant to N.J.A.C. 13:32-6.1.

Respondent was assessed a penalty in the amount of \$1,000 for his failure to timely cooperate with the Board's requests for a copy of his CE certificate requiring the filing of a POD. The penalty was due no later than (15) days after entry of any FOD, and in the event he failed to make that payment, a certificate of debt would be filed. No payment was made as of February 24, 2005; therefore, the license was officially suspended.

According to the FOD, any practice in this State prior to formal reinstatement of license by the Board are grounds for a charge of unlicensed practice. The Board reserved the right to place restrictions on Respondent's practice should his license be reinstated.

On December 14, 2005, Robert Parin submitted the full sum of \$1,000.00 in payment of his penalty with a copy of his 2003-2005 Certificate.

On January 26, 2006, a motion was made by Ralph Wetzel and seconded by Donald Dileo to allow the reinstatement of Mr. Parin's license.

A vote was taken and the motion unanimously passed.

\$250.00 PENALTY PAYMENT - 12-20-2005 ~ LICENSEE MIDDLETON "Unacceptable Response" category CE AUDIT:

On December 20, 2005, Licensee Feldman Middleton, LMP # 7026 submitted the final \$250 of the \$500 penalty payment due— Licensee Middleton had attended his make up course on 4/19/2004. This penalty is now paid in full.

## 2. RICH LEAVITT of ACRYLIC BATHTUB LINERS INQUIRY DATED DECEMBER 8, 2005

Mr. Rich Leavitt submitted an inquiry to the Board dated December 8, 2005. No record on file at the Board

indicates that Mr. Leavitt is a Licensed Master Plumber or a registered plumbing contractor in the State of New Jersey.

On January 26, 2006, Members of the Board reviewed Mr. Leavitt's correspondence. Mr. Leavitt advised that he recently purchased a dealership which will sell and install acrylic bathtub liners, wall surrounds, acrylic shower bases and accessories related to those products.

Mr. Leavitt sought the Board's opinion to gain clarification regarding the installation of these liners and the other stated items. The Board responded to each of Mr. Leavitt's questions as follows:

(A) "Do you have to be a Licensed {Master} Plumber to install the following: bathtub liners, new drain spud and overflow plate, shower valve, shower base liner, or replacement shower base and wall surround system?"

Response:

With regard to the bathtub liner and wall surround, no plumbing license is required. However, the other items cited in this first question: new drain spud, overflow plate, shower valve, shower base liner, or replacement shower base, must all be installed by a Licensed Master Plumber.

(B) "Can I have a sub-contractors agreement with a Licensed Plumber for work that needs a license, and if so, do you need a copy of this agreement on file for your records?"

Response:

The Board recommends that "Yes!" you may obtain a sub-contractor's agreement with a Licensed Master Plumber for work that requires licensure; further, no documents are required, but you may submit them to the Board Office for the benefit of the plumbing contractor's file and for Mr. Leavitt's subject folder.

(C) "There are several companies in New Jersey that are in this business, some doing multiple jobs daily. If a Licensed Master Plumber is needed to install the products mentioned above, how are they able to do that even though not every installer of this product is a licensed plumber?"

Response:

The responsibility for these installations lies with the Licensed Master Plumber or licensed plumbing contractor overseeing the work of his/her employees.

A letter will be sent to Mr. Leavitt outlining the Board's findings.

3. KEVIN J. BLOODGOOD, EXPIRED LMP # 10194  
DID NOT RENEW FOR 1999-2001; 2001-2003; 2003-2005; 2005-2007  
LETTER DATED JANUARY 5, 2006 - REQUEST FOR REINSTATEMENT  
of MASTER PLUMBER'S LICENSE / EXPIRED 6-30-1999

Kevin J. Bloodgood submitted a letter to the Board dated January 5, 2006, seeking the Board's consideration in the reinstatement of his Master Plumber's license.

Board members were directed to Page 58 of the "State Board of Examiners of Master Plumbers Statutes and Regulations" handbook for reinstatement procedures.

On January 26, 2006, after a review of Mr. Bloodgood's licensing file, the following motion was made by Donald Dileo and seconded by Michael Maloney, that the expired licensee must comply with the following in order to achieve the reinstatement of his Master Plumber's license:

N.J.A.C. 13:32-2.6 (f) Renewal of license states:

"A person seeking reinstatement after more than five (5) years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3, and shall submit:

- (A) A completed reinstatement application;
- (B) Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;
- (C) Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5-1; and
- (D) An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer."

A vote was taken and the motion unanimously passed.

#### 4. DISCIPLINARY ACTION

Reporting penalty and payment of \$200.00 Signed Uniform Penalty letter on 12-16- 2005 & PAID PENALTY IN FULL ON 12-17-2005

Uniform Penalty Letter {UPL} in lieu of  
FORMAL DISCIPLINARY COMPLAINT Violations of ~  
N.J.A.C. 13:32-3.1 (a) - (e) Identification of Licensed Master Plumber; vehicles; stationery;  
advertising; and

Consumer Fraud Act, N.J.A.C. 13:45A-16.2 (12) regarding  
CONSUMER COMPLAINT MATTER  
FILE ID 38244 ~ CONCLUSION @ 11-17-05 mtg. - Item #14

While the Board found insufficient cause for any disciplinary action against the licensee with respect to workmanship issues within the consumer complaint, the Board established the following:

With respect to the administrative obligations of the licensee, Members noted that the licensee's work order did not reflect his Master Plumber's license number, as required under N.J.A.C. 13:32-3.1 (a) - (e) Identification of Licensed Master Plumber; vehicles; stationery; advertising; and assessed a \$100 penalty for that violation by a Uniform Penalty letter;

Secondly, the licensee neglected to obtain a written, detailed estimate according to requirements of the Home Improvement Act, and the Board assessed a \$100 penalty by a Uniform Penalty letter:

Every job is required to have a contract under the requirements of the Consumer Fraud Act, N.J.A.C. 13:45A-16.2 (12): "All home improvement contracts for a purchase price in excess of \$500.00 and all changes in the terms and conditions thereof shall be in writing...;"

A total of \$200 in penalties was assessed by the Board & paid in full by the licensee on 12-17-2005. This matter is now closed.

5. DENISE VOORHEES, EXECUTIVE DIRECTOR  
NEW JERSEY PLUMBING-HEATING-COOLING CONTRACTORS  
ASSOCIATION (PHCC)

INQUIRY DATED DECEMBER 14, 2005  
REGARDING PHCC MAY 18th and 19th, 2006 CONVENTION

Ms. Voorhees submitted a letter dated December 14, 2005, advising that the PHCC is scheduling seminars

for its Spring, 2006, Convention in Atlantic City, NJ. She advised that the PHCC is seeking to have Professor Kirk Alter approved as an instructor— however, without having him appear before the full Board. She also provided his "Biography."

On January 26, 2006, Members of the Board reviewed Ms. Voorhees' correspondence and concluded in a motion made by Donald Dileo and seconded by Michael Maloney:

Professor Kirk may instruct CE strictly for this convention, but he must appear before the Board for an approval should he seek to teach CE in future PHCC courses;

The PHCC is to insure that each licensee receives a CE Certificate, complies with all identification requirements, and signs in and out for the course;

The Association is responsible to track the CE hours to insure that each licensee is instructed a total of five (5) hours of CE as required by the Board and its regulations;

The PHCC is responsible for the Attendance Certification, its notarization, and for submitting those sign-in sheets to the Board upon the completion of the five hours;

The maximum attendees permitted by the Board for this course is 100 licensees;

The PHCC is reminded of the Board's CE requirements, as published in the New Jersey Register on December 5, 2005: The Board has decided to require every licensed master plumber to complete one hour of review of the existing National Standard Plumbing Code as amended by N.J.A.C. 5:23-3.15 and one hour reviewing the laws and regulations pertinent to the practice of a master plumber, specifically N.J.S.A. 45:14C-1 et seq. and N.J.A.C. 13:32. The remaining three hours will be devoted to any one or more of the published topics, numbered (1) through (22).

A vote was taken and the motion unanimously passed.

6. Barbara A. Cook, Executive Director, made no formal comment.

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.

NOT ON THE PUBLISHED AGENDA ÿ E-MAIL REQUEST (#1)

WALTER J. MC COLLUM, LMP # 10979

Subject: Contractor's Registration

Email of January 23, 2006, via "Contact the Governor" Page

On January 26, 2006, the Board reviewed an e-mail submitted from licensee McCollum regarding his concerns expressed to former Acting Governor Codey, and requesting that the "State protect its citizens and remove... installing, testing , repairing gas piping, water heaters and hydronic heating systems... from the {new contractors} registration law..."

On January 26, 2006, the Board responded that the licensee must comply with the law and obtain the Home Improvement Registration card. Members made no further comment on the issue.

NOT ON THE PUBLISHED AGENDA ÿ E-MAIL REQUEST (#2)

HARRIET HEMS WRIGHT, TOWNSHIP OF FRANKLIN, SOMERSET, NJ

Subject: Home Improvement Registration (HIR) and PSE&G

Email of January 20, 2006, via "Ask Consumer Affairs"

On January 26, 2006, the Board reviewed an e-mail submitted from the above representative of Franklin

Township. She advised that PSE&G alleged that they are exempt from the above HIR requirement. Members reviewed this e-mail and clarified that this matter is not within the jurisdiction of the State Board of Examiners of Master Plumbers. The Board then recommended that Ms. Wright contact the Board of Public Utilities (BPU) and direct her concerns to that agency.

**EXECUTIVE CLOSED SESSION MOTION:**

A motion was made by Donald Dileo and seconded by Michael Maloney to proceed into Executive Closed Session to review five (5) consumer complaint matters, three (3) administrative closings, issues surrounding the CE audit, the DAG quarterly report, two (2) unlicensed practice matters, and for consideration of investigation 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 on Thursday, February 23, 2006, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

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Barbara A. Cook  
Executive Director