

**# 586- BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - JANUARY 26, 2012**

The Minutes of the January 26, 2012 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, 2012.***

The notice of the January 26, 2012 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, Trenton, New Jersey.

The Board meeting of January 26, 2012 was called to order at 9:00 am with the following Members in attendance:

Peter Voros. Chairman

Michael K. Maloney, Vice-Chairman

James McManus, Jr., Secretary

Michael L. Sestanovich

Paul N. Bontempo

Donald Dileo

Robert B. Reeve

Adam J. Sabath was absent

Board Complement: (9): One (1) Vacancy remains for a Government Representative

Others in attendance:

The following individuals were in attendance from 9:00 a.m. until closing at 3:00 pm:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)

Rosemarie Baccile, Executive Assistant

Pledge of Allegiance to the Flag

Chairman Peter Voros 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 of the DECEMBER 15, 2011 MTG.

A motion was made by Donald Dileo and seconded by Michael Sestanovich to approve the minutes of the December 15, 2011 meeting. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

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

DISCIPLINARY ACTIONS

1. IN THE MATTER OF **KARL HOLL**, LMP # 5695, LICENSED TO PRACTICE
PLUMBING IN THE STATE OF NEW JERSEY -
ADMINISTRATIVE ACTION
PROVISIONAL ORDER OF DISCIPLINE FILED JULY 28, 2011
FINAL ORDER OF DISCIPLINE FILED 1-20-2012

Pursuant to N.J.S.A. 45:1-21(h), Respondent Karl Holl violated the provision of a Board administered regulation, specifically N.J.A.C. 13:32-3.3(a), in that as the bona fide representative, he did not provide the required supervision concerning the plumbing work performed for the consumer, V.E. A consumer complaint was filed and investigated. Respondent is reprimanded and assessed a \$5,000 civil penalty, pursuant to N.J.S.A. 45:1-25.

2. IN THE MATTER OF **JEFFERY RIVERS**, LMP # 12405 TO
PRACTICE PLUMBING IN THE STATE OF NEW JERSEY, PROVISIONAL ORDER
OF DISCIPLINE FILED AUGUST 18 2010
ADMINISTRATIVE ACTION
FINAL ORDER OF DISCIPLINE FILED 1-20-2012

Respondent is reprimanded for engaging in professional or occupations misconduct, pursuant to N.J.S.A. 45:11-21(e) by engaging in the unlicensed practice of plumbing. Additionally, he is reprimanded for engaging in the use of employment of dishonest, fraud, deception, misrepresentation, false promise or false pretense, in that he represented himself as a licensed master plumber before he had acquired his license, in violation of N.J.S.A. 45: 1-21(b).

A complaint indicated that respondent, unlicensed during this time period, entered into a contract with CB, to perform plumbing work, while trading as Jeff Rivers Plumbing.

The surety bond posted by the respondent shall be made available to reimburse consumer CB in the sum of \$1,500 in that the Board finds the consumer had been aggrieved and damaged through the failure of the respondent to perform his duties as indicated by the evidence and judgment obtained by this consumer.

Respondent is assessed a \$1,500 penalty for engaging in the unlicensed practice of plumbing.

DISCIPLINARY ACTIONS

3. **IN THE MATTER OF JEFFREY R. PATTEN, LMP # 10200, TO
PRACTICE PLUMBING IN THE STATE OF NEW JERSEY - ADMINISTRATIVE
ACTION - PROVISIONAL ORDER OF DISCIPLINE FILED JUNE 17, 2020
FINAL ORDER OF DISCIPLINE FILED 1-20-2012**

Respondent is assessed a civil penalty in the amount of \$750.00 pursuant to N.J.S.A. 45:1-21(e) for failing to appear for a Board scheduled July 23, 2009 investigative inquiry, in violation of N.J.A.C. 13:45C-1.3. The order is not dispositive of the underlying allegations contained in the complaint received from consumer S.I.

On September 22, 2011, Respondent appeared for an investigative inquiry concerning his previous failure to appear before the Board on July 23, 2009, as well as to answer questions regarding the consumer complaint.

The Board had recommended that the Respondent return the \$1,000 deposit paid by consumer S.I.. Further, the Board reserves the right to take further action based on the facts contained in the complaint from SI.

4. **IN THE MATTER OF WALTER D. WINNER, JR., LMP # 9349, TO
PRACTICE PLUMBING IN THE STATE OF NEW JERSEY, ADMINISTRATIVE
ACTION - FINAL ORDER OF DISCIPLINE 1-20-2012**

Respondent is ordered to pay restitution to the consumer JG in the amount of \$2,200 within 60 days and shall provide proof of payment to the Board within ten days of that restitution. Respondent is assessed a civil penalty in the amount of \$2,500, the entire portion to be stayed as long as he provides the ordered restitution. The civil penalty is assessed pursuant to N.J.S.A. 45:1-21(e) for failing to cooperate with the Boards' investigation and failing to provide information concerning the consumer complaint from JG.

The Board received a complaint from consumer JG that he entered into a contract with respondent to remodel two bathrooms. JG provided that he issued the check for \$2,200 to the respondent, Winner, and advised that respondent cashed the check, but never began the work.

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4B. **RONALD P. DE SANTIS, LMP # 12081**

**IN THE MATTER OF THE SUSPENSION OR REVOCATION OF LICENSE TO
PRACTICE PLUMBING IN THE STATE OF NEW JERSEY
PROVISIONAL ORDER OF DISCIPLINE FILED 8-18-2011
LICENSEE AND HOUSING OFFICIAL, FRANKLIN TOWNSHIP, NJ**

On January 26, 2012, the Board acknowledged receipt of responses to the POD and proceeded into Executive Session to seek the advice of counsel.

On this date, the Board returned to Open Session, and in a motion made by Donald Dileo and seconded by Paul Bontempo, voted to dismiss the POD and accept the

settlement of a two-year active suspension to begin from November 1, 2011 to October 31, 2013, with a surrender of his Master Plumber's pressure seal.

Prior to reinstatement, Mr. De Santis is to appear before the Board to establish evidence of rehabilitation and to discuss his readiness to resume practice, proof of his compliance with ISP, what he has been doing during the suspension period and other standard provisions that are protective of the consumer.

A vote was taken and the motion unanimously passed.

NOT ON THE PUBLISHED AGENDA

8. *Revisiting from December 15, 2011,
Chuck Manning, Regulatory Affairs*

DEPARTMENT OF COMMUNITY AFFAIRS, TRENTON
N.J.S.A 52:27D-509 **“PROPANE GAS CUSTOMER PROTECTION ACT”**

Discussion: Documents for education in Propane (LP GAS)

On December 15, 2011, a motion was made by Michael Maloney and seconded by Robert Reeve to promulgate for proposal the amendments to the regulations. A vote was taken and the motion unanimously passed. The Board also discussed the need for the testing service (Prometric) to include questions on propane services.

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Continued

N.J.S.A 52:27D-509 **“PROPANE GAS CUSTOMER PROTECTION ACT”**

Discussion: Documents for education in Propane (LP GAS)

On January 26, 2012, a discussion was held on education tools for instructing LP Gas. A motion was made by Michael Sestanovich and seconded by Paul Bontempo to amend the regulation to include these educational tools:

- (a) Fundamentals of LP Gas;
- (b) Gas installations for UA Journey workers and Apprentices

A motion was made by Paul Bontempo and seconded by Robert Reeve that all applicants and Bachelor's degree candidates are required to incorporate both (a) and (b) into their curriculum, and every Master Plumber's Continuing Education course will include one hour of

LP Gas.

A vote was taken and the motion unanimously passed.

NOT ON THE PUBLISHED AGENDA
MEDICAL GAS STATUTES & REGULATIONS
Enforcing requirements for certifications

On January 26, 2012, subsequent to a discussion, a motion was made by Donald Dileo and seconded by Michael Sestanovich, to send a letter to the Medical, Dental and Veterinarian Boards, stating that the State Board of Examiners of Master Plumbers recommends that medical gas work be performed by Certified Medical Gas individuals, in compliance with the following Statute:

45:14C-28 Certification required for installation, maintenance of medical gas piping in certain facilities.

1. a. No person shall install, improve, repair or maintain medical gas piping unless certified by the State Board of Examiners of Master Plumbers in accordance with the provisions of this act.

b. No person shall provide instruction regarding the installation, improvement, repair or maintenance of medical gas piping unless certified by the State board in accordance with the provisions of this act.

For purposes of this act, "medical gas piping" means that medical gas piping within a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), located after the source valve and intended for patient use.

L.2003,c.205,s.1.

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NOT ON THE PUBLISHED AGENDA

Revisiting

BONA FIDE REPRESENTATIVE REGULATION

CHARLES MANNING, REGULATORY AFFAIRS BONA FIDE REP RULE
NJAC: 13:32-3.2 - DRAFT

On February 24, 2011, the Board reviewed this above draft and agreed that the proof of ownership of the entity must be provided in filing bona fide representatives at the Board. A motion was made by Robert Reeve and seconded by Michael Maloney to approve the change.

A vote was taken and the motion unanimously passed.

On January 26, 2012, Charles Manning advised that the comment period ended and

one comment had been received. A motion was made by Michael Sestanovich and seconded by Robert Reeve to **adopt the regulation** as proposed with a response to the one comment.

A vote was taken and the motion unanimously passed.

**◆ 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.**

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Paul Bontempo to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, and review matters within the attorney-client relationship exception to the Open Public Meetings Act. A vote was taken and the motion unanimously passed.

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EXECUTIVE CLOSED SESSION MOTION:

Continued

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 **January 26, 2012**, at 9:00 am in the Hudson Room.

Respectfully submitted,

Rosemarie S. Baccile, Executive Assistant

