

**#509 MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS - JANUARY 27, 2005**

The Minutes of the January 27, 2005 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on January 27, 2005.

The notice of the January 27, 2005 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 27, 2005 was called to order at 9:00 a.m. The following Board Members were in attendance:

Alexander J. Tucciarone, Chairman

Ernest Tretola Vice-Chairman

Margaret Sieb, Secretary

Ralph Wetzel

James Moore

Mark McManus

At present, there are (3) three Board Member vacancies. A vacancy remains for the State Member on the Board, which position was formerly held by Board Member Michael Baier, who resigned on January 11, 2002.

Board Member Peter J. Mc Donough, Jr. formally resigned his position in a letter to the Board dated September 5, 2002, creating a vacancy for a Public Member. A vacancy remains for another Public Member on the Board since the resignation of Christine C. Simon on April 25, 2002.

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 served as counseling deputy.

**PUBLIC SESSION VISITORS:**

The following individual was present from the public and signed the attendance register for this meeting:

Charles Reiners, LMP # 1105 and CE Instructor #48

**PLEDGE OF ALLEGIANCE:**

Chairman Alexander Tucciarone led the Board in the Pledge of Allegiance to the Flag. Mr. Tucciarone also requested that the Board join in a moment of silence in recognition of U.S. troops serving our country.

**APPROVAL OF THE MINUTES ~ DECEMBER 16, 2004 MTG.**

A motion was made by Ralph Wetzel and seconded by James Moore to approve the Minutes of the December 16, 2004, meeting. A vote was taken and the motion unanimously passed.

## BOARD BUSINESS

### CONTINUING EDUCATION AUDIT CONCLUSION OF AUDIT

ÿMARCH 25, 2004 - JANUARY 27, 2005

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 \*\$55,450.00, 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. {Updated 1-19-05}

Disciplinary actions concerning licensees may be obtained by contacting the Board Office at 973-504-6420 or visiting the Board at [www.njconsumeraffairs.org](http://www.njconsumeraffairs.org).

UPDATED PENALTIES PAID in the amount of were reported for January, 2005, and include the following payments:

- \* A \$150 penalty payment paid by licensee Kevin Wikfors, LMP #10030, dated December 15, 2004;
- \* A \$300 penalty paid paid by licensee Peter Quinn, LMP #9855, dated December 4, 2004;
- \* A \$500 penalty payment paid by licensee Philip Rosen, LMP # 10600, dated December 15, 2004.

The Board will continue to report on further actions until all files are closed.

## 2. Revisiting from the 5-27-04 Agenda

### CERTIFICATION OF PERSONS INSTALLING MEDICAL GAS PIPING IN LICENSED HEALTH CARE FACILITIES ~

STATE OF NEW JERSEY ~ 210TH LEGISLATURE {ASSEMBLY BILL NO. 82} P.L. 2003, CHAPTER 2005

On January 22, 2004, the Board recognized that A-82 was signed into law on January 7, 2004, by former Governor James E. McGreevey. Members agreed that before any such application process was implemented for this certification, this law must be further explored to establish regulations for establishing parameters in certifying these new individuals for Medical Gas Piping.

On March 25, 2004, Charles Manning was present with Board Members for a discussion of this topic, and presented (1) A draft of this new regulation, and (2) A document entitled "NFPA On Line" pertaining to the National Fire Protection Association.

Subsequent to a lengthy discussion on March 25, 2004, Board Members agreed that Chuck Manning should pursue a legal analysis concerning the terms of this statute, and explore options in creating new regulations which conform to the requirements of ASSEMBLY BILL NO. 82, P.L. 2003, CHAPTER 2005.

On April 22, 2004, Board Members reiterated their concern for this new law, and expressed their unanimous support in the development of regulations for these new requirements. On May 27, 2004, Chuck Manning returned to the Board for a discussion of the 'standards' for this new certification, and advised that he would continue his pursuit in developing new regulations.

2. ~ Continued

On January 27, 2005, Charles Manning of Regulatory Affairs held a discussion with Board Members concerning his drafted regulation presented this date, after which a motion was made by Ernest Tretola and seconded by Ralph Wetzel, to approve the draft as amended.

Mr. Manning noted that he will be returning to the Board on February 24, 2005, to review budget concerns and fee charges for this new Medical Gas certification.

#### **NOT ON THE PUBLISHED AGENDA**

ADOPTION OF THE 2003 NATIONAL STANDARD  
PLUMBING CODE;  
2003 INTERNATIONAL MECHANICAL CODE;  
- and the - 2003 INTERNATIONAL FUEL GAS CODE

On January 27, 2005, Chairman Alexander Tucciarone advised the Board that the State of New Jersey has officially adopted the 2003 Code to include the (3) above codes. Mr. Tucciarone further advised that these codes were published in the New Jersey Register on January 18, 2005.

The Board proceeded to confirm that effective immediately all CE Instructors are to teach the 2005-2007 course requirements on the newly adopted 2003 Code.

3. On January 27, 2005, Members of the Board reviewed correspondence dated December 22, 2004, from Daniel M. O’Gorman. Mr. O’Gorman advised that he has scheduled a class for the Mechanical Contractors Association (MCA) of New Jersey on April 23, 2005. Mr. O’Gorman had requested the Board’s approval for this particular event where no more than 50 people are expected.

DANIEL M. O’GORMAN, CE INSTRUCTOR # 11, LMP # 7656  
SOLE SPONSOR (Re-approved 9-23-04)

On January 27, 2005, Members of the Board acknowledged Mr. Gorman’s correspondence and noted that he may conduct this course provided he is prepared to teach on the new 2003 Code recently adopted on January 18, 2005.

#### **4. REQUEST FOR RE-APPROVAL:**

IN ADVANCE OF THE 2005-2007 MASTER PLUMBER’S  
BIENNIAL RENEWAL/ CE REQUIREMENT -  
COURSES TAKEN DURING PERIOD 2003-2005

On January 27, 2005, Board Members considered the following request for approval in teaching Continuing Education (CE) for the 2005-2007 biennial.

SPONSOR : PLUMBERS AND PIPEFITTERS LOCAL 9 TRAINING CENTER, LOCAL NO. 9  
EDUCATION FUND 450 Rt. 33 & IRON ORE RD., ENGLISHTOWN, NJ 07726

CONTACT INFORMATION for LOCAL 9:

Telephone number: 732-446-1550  
Fax: 732-446-0171  
Website:WWW.UALOCAL9.ORG

MICHAEL J. BENSON

LICENSED MASTER PLUMBER # 7785  
Instructor #43

JOHN C. BENNETT, LMP # 9470  
Instructor #44

EDWARD K. GIBSON, LMP # 7780  
Instructor # 39

#### APPROVAL MOTION ~

On January 27, 2005, subsequent to the Board's review, a motion was made by Ernest Tretola and seconded by Ralph Wetzel, to approve these instructors and their course outline for teaching the CE requirements necessary for the 2005-2007 biennial renewal. These instructors are reminded to teach the new 2003 Code.

A vote was taken and the motion unanimously passed.

5. LOUIS B. MARZITELLI, EXPIRED, LMP # 5588  
FAILED TO RENEW 1993-1995; 1995-1997; 1997-1999;  
1999-2001; 2001-2003; 2003 - 2005

On January 27, 2005, Members of the Board reviewed correspondence from Mr. Marzitelli dated November 10, 2004, requesting the reinstatement of his Master Plumber's license.

After a brief discussion, a motion was made by Ernest Tretola and seconded by Ralph Wetzel, to approve Mr. Marzitelli's request for reinstatement by re-testing; however, Members noted that he need not reapply since he had been licensed.

A vote was taken and the motion unanimously passed.

6. "FEE REVIEW"  
DARLENE KANE, BUDGET OFFICER  
DIVISION OF CONSUMER AFFAIRS

MEMORANDUM OF DECEMBER 13, 2004

On January 27, 2005, the Board reviewed the fiscal analysis conducted for the State Board of Examiners of Master Plumbers submitted by Ms. Kane. Members acknowledged that there will be no change to the renewal fees for this renewal.

7. DARLENE KANE, BUDGET OFFICER  
DIVISION OF CONSUMER AFFAIRS

MEMORANDUM DATED DECEMBER 10, 2005  
DIVISION OF LAW BILLING

On January 27, 2005, Members of the Board reviewed Ms. Kane's report for the first quarter of Fiscal Year 2005, and made no formal comment.

8. DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF CODES AND STANDARDS

MEGAN K. SULLIVAN, MEMORANDUM  
DATED DECEMBER 3, 2004

Ms. Sullivan provided copies of the Code Advisory Board agenda for December 10, 2004, in addition to the

approved minutes of the Code Advisory Board meeting of June 11, 2004.

On January 27, 2005, Board Members reviewed these documents without a formal comment.

## 9. DISCIPLINARY ACTION

\*Reporting (1) penalty payment ~ @ \$500

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF LICENSE  
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/ (17) PAYMENTS TO DATE = {\$8,500}

\$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  
\$500~ 12/24/04.....17th

On January 27, 2005, Board Members acknowledged Mr. Widing's recent payment.

## 10. ON LINE RENEWAL... MASTER PLUMBERS... 2005-2007 BIENNIAL

Executive Director Barbara A. Cook explained that for the first time with the upcoming 2005-2007 biennial renewal, Licensed Master Plumbers will have an option to renew their licenses "On line." Ms. Cook advised that sometime in April of 2005, correspondence will be issued from the Division to advise licensees of this new option for renewal and provide instructions.

## ADDRESS CHANGES.... TRADE NAME CHANGES

The Executive Director also cautioned that Licensed Master Plumbers who have failed to notify the Board Office of pertinent address changes and/or business trade name changes are subject to review for disciplinary action by the Board.

## **EXECUTIVE CLOSED SESSION MOTION:**

A motion was made by James Moore and seconded by Ernest Tretola to proceed into Executive Closed Session to review seven (7) pending consumer complaint matters, seven (7) administrative closings, the Sears matter, one Consent Order, issues surrounding the CE audit, the DAG quarterly report, an issue regarding plumbing fixtures, 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. 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 24, 2005, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

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Barbara A. Cook  
Executive Director