

**# 564 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - JANUARY 28, 2010**

The Minutes of the January 28, 2010 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on *February 25, 2010*.

The notice of the January 28, 2010 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 28, 2010 was called to order at 9:00 am with the following Members in attendance:

Peter Voros, Chairman

Michael K. Maloney, Vice-Chairman

Michael L. Sestanovich, Secretary

James McManus, Jr.

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

PUBLIC SESSION VISITORS:

Bill Stepler, CEP Associates, Sponsor of CE
Gary Quinn, B.A. Local 696
Gregory J. Holgate, Plumbers Local 9
Gary Italiano, NJSLMP/ LMP # 10225
Liz Moritz, Administrator, NJSLMP

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 ~ DECEMBER 17, 2009

A motion was made by Donald Dileo and seconded by Michael Maloney to approve the minutes of December 17, 2009. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER - VICE CHAIRMAN

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



1. **SCOPE OF PRACTICE, Charles Manning, Regulatory Affairs**

ADOPTED AMENDMENTS: N.J.A.C. 13:32-1.4
PROPOSED SEPTEMBER 8, 2009 AT 41 NJR 3198 (a)
Comment period ended November 7, 2009

On December 17, 2009, Board Members and Charles Manning agreed to revisit several topics of the "Scope of Practice" proposal for the January meeting, and Chuck Manning provided a revised draft for Board review. While Members discussed this proposal on January 28, 2010, Chuck Manning advised that the Board will not be permitted to vote on this regulation until April 18, 2010 based on the Governor Christie's Executive Orders 1,2 and 3, which freeze all action on regulations for ninety (90) days.

2. **INQUIRY RE HVAC CONDENSER, RICHARD DIAZ, LMP # 11239**
Licensee inquires regarding condenser connections

On January 28, 2010, the Board referred this matter to the State Board of Examiners of Electrical Contractors in a motion made by Michael Maloney and seconded by Robert Reeve. A vote was taken and the motion unanimously passed.

3. **MARK TRIMBLE, LMP # 7513 ... Reporting compliance with the
FINAL ORDER OF DISCIPLINE FILED 12-18-2008**

Correspondence dated December 15, 2009, was received from Christine M. Gravelle, Attorney for Mark Trimble, which details recent restitution checks forwarded by Ms. Gravelle's trust account to the three (3) respective consumers named in this action. Such payments are required in the terms of this filed order, and are made a part of the licensee's file.

On January 28, 2010, the Board acknowledged Mark Trimble's payments.

4. **REPORTING DISCIPLINARY ACTIONS**

RICHARD RIOTTO, LMP # 9549 \$250.00 penalty pd 12-12-2009
OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING
*Violation of N.J.S.A. 45:1-21(e) professional or occupational misconduct;
Consumer Fraud Act, namely N.J.A.C. 13:45A-16.2 (12)
Home Improvement Practices;
Noreen Sweeney, Consumer, File id # 61679*

5. ***Inquiry dated November 10, 2009 from the New Jersey Plumbing Heating Cooling Contractors Association regarding Gloucester Township Utility Authority; Order to Show Cause***

On July 31, 2009 an Order was signed by the Honorable Louis RF. Meloni, JSC, ordering that the Contract for Project No. 5340364-04 be awarded to Underground Utilities Corp as the lowest responsible bidder.

On September 24, 2009, while the Board voiced their objection to the Judge's decision in this matter agreeing that only the licensed master plumber can service/install the backflow preventer, Members discussed the development of a regulation with Chuck Manning to reinforce and restrict the handling of backflows for the Licensed Master Plumber.

On January 28, 2010, the Board sought to establish the entity which performed the actual plumbing work, and in a motion made by Michael Maloney and seconded by Donald Dileo, requested that DAG Donofrio contact the plumbing inspector to determine which licensee filed the permit for this project. A vote was taken and the motion unanimously passed.

6. INSPECTOR - COMPLAINT MATTER # 56607
THOMAS F. WALSH, INSPECTOR, EAST BRUNSWICK, NJ;
TIMOTHY F. HAGAN, EXPIRED LMP # 9358 - EXPIRED 6-30-1999
Note: the file on Timothy Hagan reflects a Board motion of 2-28-2008 to re-test.

On January 28, 2010 the Board acknowledged receipt of Mr. Hagan's pressure seal. A complaint had been filed by the East Brunswick Plumbing Inspector for Hagan's attempt to submit a plumbing permit within that municipality. Mr. Hagan later surrendered his Master Plumber's pressure seal to the Board. He must re-test and pass the Master Plumber's examination in order to re-gain his license.

7. **REPORTING DISCIPLINARY ACTIONS**

MOHDE DANOUN, UNLICENSED, t/a FRIENDLY PLBG AND HTG.
65 GOSHEN ST., PATERSON, NJ 07605

OFFER OF SETTLEMENT / \$2,500 PENALTY - N.J.S.A. 45:14C-12.3.
YELLOW PAGE ADVERTISEMENT "FRIENDLY PLUMBING & HTG."
Fast, friendly, dependable full service - "NJ LIC # 0061DN"
973-904-9400 & 877-775-9400 - File id # 62447

MOHDE DANOUN, UNLICENSED, t/a FRIENDLY PLBG AND HTG.

\$2,500 FINE ADVERTISING PLUMBING SERVICES:

7-29-2009.... \$500
8-27-2009.... \$500
9-22-2009 . \$500
10-13-2009.... \$500

final payment ➔ 12-18-2009..... \$500

Based on full payment by Danoun, this matter is now closed.

8. *Offer(s) of Settlement assessing a \$2,500 fine for:*

***UNLICENSED ENTITIES ADVERTISING PLUMBING SERVICES:
NEWS ARTICLES, INTERNET ADS: CRAIGS LIST & OTHER POSTINGS;***

NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS, COMPLAINANT

Complaints against unlicensed entities advertising plumbing services were submitted by the New Jersey State League of Master Plumbers.

These complaints were assigned file numbers and reviewed by the Board. Members voted on June 25, 2009, to issue an Offer of Settlement with a \$2,500 fine to each unlicensed entity where a review of an advertisement established a violation(s) of New Jersey Plumbing Statutes and Regulations. Some of these violations included references to plumbing, minor or light plumbing, water heaters, or ordinary repairs. . This "Offer" replaces the advertising letter, includes a cease and desist, and assesses a penalty.

Offers of Settlement were issued on January 14, 2010 to the subscribers provided by the NJSLMP; however, the responses to these settlement letters are forthcoming and the investigations of these complaints are continuing. These subscribers are as follows:

Establishes additional investigative and enforcement powers in the Division of Consumer Affairs to deter individuals from engaging in unauthorized practice of professions and occupations.

DAG Joseph A. Donofrio discussed this matter with the Board noting that Provisional Order(s) of Discipline and Uniform Penalty letters are permissible with the advent of Assembly # 4026.

***◆ 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 Michael Sestanovich to proceed into Executive Closed Session to review consumer complaint matters, unlicensed advertisements and unlicensed practice matters, hold one (1) investigative inquiry, discuss disciplinary matters arising from the CE audit, 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.

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 25, 2010**, at 9:00 am in the Sussex Room.

Respectfully submitted,

Lawrence DeMarzo, Deputy Director
Division of Consumer Affairs