Prepared on 3/19/2012 by Rosemarie Baccile, Executive Assistant

587- BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS OF MASTER PLUMBERS -MINUTES - FEBRUARY 23, 2012

The Minutes of the February 23, 2012 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on ***March 22, 2012.***

The notice of the February 23, 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 February 23, 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

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* JANUARY 26, 2012 MTG.

A motion was made by Donald Dileo and seconded by Robert Reeve to approve the minutes of the January 26, 2012 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

1. ELECTION OF OFFICERS:
Pursuant to N.J.S.A. 45:14C-6, "Organization of Board; Officers; Executive Secretary; clerical assistants; expenses and expenditures..."
the Board held elections for 2012.

CHAIRMAN
Donald Dileo nominated Peter Voros as Chairman.
The nomination was seconded by Paul Bontempo.
A vote was taken and the motion unanimously passed.
Peter Voros accepted the nomination.

VICE-CHAIRMAN
Robert Reeve nominated Michael Maloney as Vice-Chairman.
The nomination was seconded by Donald Dileo.
A vote was taken and the motion unanimously passed.
Michael Maloney accepted the nomination.

SECRETARY
Donald Dileo nominated Michael Sestanovich as Secretary.
The nomination was seconded by Michael Maloney.
A vote was taken and the motion unanimously passed.
Michael Sestanovich accepted the nomination.

CLOSING
A motion was made by Michael Sestanovich and seconded by Paul Bontempo to close all nominations.

A vote was taken and the motion unanimously passed.

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2. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF JAY V. OPRE, LMP #7336

LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NEW JERSEY -

PROVISIONAL ORDER OF DISCIPLINE
FILED 11-2-2011

Jay V. Opre is a licensed master plumber whose license expired on June 30, 2011, and remains expired. A consumer complaint from consumer BC alleged that the licensee was hired to install a water service to the house to convert from well to city water. Respondent failed to cover trenches that were dug and excessive rain caused those trenches to collapse resulting in damages to the consumer's property. The consumer filed a complaint in Superior Court and a default judgment was obtained for the sum of $6,557.00. Respondent appeared for an inquiry and testified that he refuses to pay the judgment.

With respect to his business practices, Opre advised that he does not issue W-2s to workers, but provides 1099s instead. He also testified that he maintains contact with workers via cell phone and will often stamp, sign and fill out blank permits before he leaves for Florida so workers can complete them when a job arises. He also admitted that he does not keep records of contacts, and is not present for all final inspections.

Respondent is provisionally reprimanded and provisionally suspended with a $1,500 penalty for violations of N.J.S.A. 45:1-21(e) in that he engaged in professional misconduct by not paying the valid $6,557.00 judgment obtained by consumer BC.; violation of N.J.A.C. 13:32-3.5 which provides that any plumbing work that a LMP agrees to perform shall be performed only by the LMP or the employees of the LMP; violations of N.J.A.C. 13:32-3.3(a)2, which requires only the bona fide representative, an authorized employee, or an independent contractor licensed as a master plumber, can secure all permits for plumbing work. Respondent must appear to demonstrate fitness to resume practice and satisfy all requirements for reinstatement.

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3. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF FELDMAN MIDDLETON, LMP #7026

LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NEW JERSEY- FILED JANUARY 26, 2012

Respondent is reprimanded and his license is suspended for a period of one year retroactive to December 3 2009. He is fined an aggregate civil penalty totaling $10,000 for the following violations: $1,500 for each instance that he allowed his plumbing seal to be used to secure a plumbing permit for an unlicensed entity– totaling $4,500, in violation of N.J.A.C. 13:32-4.1c.

Respondent is fined a civil penalty of $1,500 for each instance of allowing plumbing work to be performed under his signed and sealed permits which was not subcontracted to another licensed contractor, nor was it performed by the respondent or the employees of the respondent– for a total of $4,500 in violation of N.J.A.C. 13:32-3.4.

Respondent is fined a civil penalty of $1,000 for performing plumbing work for residential project with a purchase price in excess of $500 without obtaining a written contract in violation of N.J.A.C. 13:45a-16.2(12). Payments are scheduled within said order.

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4. JOINT APPRENTICESHIP COMMITTEE LOCAL UNION 322
WALTER F. EMERLE, TRAINING COORDINATOR

CORRESPONDENCE DATED JANUARY 20, 2012
REGARDING APPRENTICESHIP PROGRAMS PIPE-FITTERS AND PLUMBERS

Reporting Local 322's "Two dimensional" method of training and developing plumber and pipefitter apprentices.

On February 23, 2012, the Board discussed the correspondence from Local 322 and confirmed that both Local 9 and Local 322 teach combined courses of plumbing and pipefitting in their training centers.

Applicants who have completed apprenticeship training at either Local 9 or Local 322 approved by the United States Department of Labor are eligible for the Master Plumber's examination upon fulfilling all requirements.

DISCIPLINARY ACTIONS

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5. PENALTIES PAID IN FULL:

NORTHERN HEATING & COOLING , UNLICENSED ADVERTISING
FILE ID: #65819 - OFFER OF SETTLEMENT

$2,500 - PAID

STEPHEN GOLDMAN, UNLICENSED ADVERTISING
FILE ID: #71509 - OFFER OF SETTLEMENT
$500 - PAID

DJ FORREN, UNLICENSED ADVERTISING
FILE ID: #65827 - OFFER OF SETTLEMENT
$500 - PAID

JOHN SANTORELLI, LMP #12022, PROFESSIONAL MISCONDUCT
FILE ID: #61150 - OFFER OF SETTLEMENT
$500 - PAID
Failing to respond to the Board concerning an investigation of a consumer complaint.

CHRISTOPHER GRIPE, LMP #7847, PROFESSIONAL MISCONDUCT
FILE ID: #78591 - OFFER OF SETTLEMENT - $500 - PAID
CONSUMER COMPLAINT

Failing to issue a written estimate; failing to include his license number on his documents; failing to obtain a timely permit — the permit was obtained after the job and the work had failed inspection.

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6. PAYMENT ARRANGEMENTS / PENALTIES & RESTITUTION PAID IN FULL:

MICHAEL MEDAGLIA, LMP #6061 - OFFER OF SETTLEMENT
T/A WATER WORKS
RALPH AND CAROL OBERNAUER, CONSUMER, FILE ID: #70849
$1,000 - PAID

THOMAS A. SMITH, LMP #10014 - OFFER OF SETTLEMENT
T/A SMITH PLUMBING & HEATING
CONTINUING EDUCATION AUDIT FOR BIENNIAL 2005-2007
PROVISIONAL ORDER OF DISCIPLINE FILED OCTOBER 27, 2008
$1,500 - PAID

KARL HOLL, LMP #5695 - OFFER OF SETTLEMENT
CONTINUING EDUCATION AUDIT FOR BIENNIAL 2003-2005
PROVISIONAL ORDER OF DISCIPLINE FILED DECEMBER 12, 2006
$2,000 - PAID

JOHN QUINTO, UNLICENSED ADVERTISING -
OFFER OF SETTLEMENT
T/A HERITAGE PAINT/PAPER PLUS, UNLICENSED
SENT IN BY SALEM CUMBERLAND PLUMBERS ASSOC., FILE ID: #65611
$500 - PAID

CARLOS LUNA, UNLICENSED ADVERTISING -
OFFER OF SETTLEMENT
SENT IN BY SALEM CUMBERLAND PLUMBERS ASSOC., FILE ID: #65816
$1,500 - PAID

6. PAYMENT ARRANGEMENTS / PENALTIES & RESTITUTION PAID IN FULL:

JOSEPH J. FOSTER, LMP #11097 - OFFER OF SETTLEMENT
JUDY FISHER, CONSUMER, FILE ID: #70854

CONSUMER COMPLAINT, FILE ID# 70854
$1,500 PENALTY AND $1,000 CONSUMER RESTITUTION

On July 22, 2010, the Board established the licensee's failure to fully comply with NJSA 45:1-21(e) and engaged in professional misconduct when dealing with this consumer who paid for a boiler; however, the licensee failed to issue a contract or obtain a permit, inspection report or chimney

certification.

A $500 penalty is assessed for failing to indicate his license number on advertisements; $500 for failing to obtain the necessary permit; and $500 for failing to issue the required contract. An award of $1,000 in consumer restitution was warranted.

◆ 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 Robert Reeve 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.

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 March 22, 2012, at 9:00 am in the Hudson Room.

A vote was taken and the motion unanimously passed.

Respectfully submitted,

Rosemarie S. Baccile, Executive Assistant