

**#499 MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS - FEBRUARY 26, 2004**

Minutes of the February 26, 2004, Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on March 25, 2004.

The notice of the February 26, 2004, 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 February 26, 2004, was called to order at 9:00 a.m. The following Board Members were in attendance:

Alexander J. Tucciarone, Chairman

Margaret Sieb, Secretary

Ralph Wetzel

Mark McManus

Ernest Tretola

Board Member James Moore was absent from this meeting.

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 the Board's counseling deputy for this meeting.

**PUBLIC SESSION VISITORS:**

The following individuals were present from the public and signed the attendance register for this meeting:

James Miller, LMP # 9743

Bill Stepler, C.E.P. Associates

Frank A. Czeronka, LMP # 11848

**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 overseas.

**APPROVAL OF THE MINUTES ~ JANUARY 22, 2004 MEETING**

A motion was made by Ralph Wetzel and seconded by Mark McManus to approve the January 22, 2004, minutes. A vote was taken and the motion unanimously passed.

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**BOARD BUSINESS**

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**1. CONTINUING EDUCATION (CE) TOPICS**  
for the 2005-2007 MASTER PLUMBER'S LICENSE  
{Courses taken during 2003-2005}

Board Members held a brief discussion concerning future developments for the 2005-2007 biennial renewal CE requirements.

All CE instructors must be approved by the Board to teach for the 2005-2007 biennial. This approval may be accomplished through formal correspondence. However, those CE Instructors who have been previously approved by the Board are not required to attend a meeting for a personal appearance with Board Members.

A \$100 Continuing Education sponsor application fee is now required, and will be handled through Board correspondence to each CE Instructor.

Any CE Instructor who has had his course previously approved by the Board and who plans to teach the same course may do so. Accordingly, any changes to those courses, however, must be approved by the Board.

**2. FULFILLING THE (5) FIVE REQUIREMENT**  
for the 2003-2005 BIENNIAL RENEWAL

The State Board of Examiners of Master Plumbers conducted an audit into compliance by its licensees concerning the (5) five hour CE requirement for the recent 2003-2005 biennial cycle.

**CONTINUING EDUCATION "RANDOM AUDIT" Continued**

Master Plumbers licenses were renewed for 2003-2005; however, the Board's audit produced a letter to some 460 randomly selected Licensed Master Plumbers, and requested that each licensee furnish a copy of his/her CE Certificate proving completion of the five (5) hour course for the 2003-2005 biennial renewal.

This audit produced information thus far that some licensees had passed away, while others had selected an "Inactive status" for their license. Additionally, many CE certificates of completion were provided by licensees proving attendance at the required (5) five hour course. Licensees found not having attended CE" and those discovered having attended CE"late" since Board notification" will be considered for disciplinary action; however, all files remain in an investigative stage.

On February 26, 2004, the Board reported the following information obtained from licensees during their audit. These findings were read aloud in Open Public Session:

Total licensees involved in audit.....

\* Licensees who responded with certificates and confirmed attendance ..... 211

\* Licensees who responded and were exempt based on their first renewal since licensed ..... 88

\* Unacceptable responses ..... 51  
(ie. Inspector course sheets/ college credits / prior biennial certificates/ miscellaneous excuses }

\* No response at all ..... 58

CONTINUING EDUCATION "RANDOM AUDIT"  
Continued

\* Deceased ..... 4

\* Health issues ..... 5

\* Chose inactive ..... 22

\* Unclaimed Certified Mail returned to Board..... 21

{STATISTICS as of 12:00 noon 2/18/04 - SUBJECT TO CHANGE}

Due to the disciplinary nature of these matters, the Board addressed these disciplinary issues within .

Any disciplinary action warranted by the Board as a result of this CE audit will be reported in Open Public Session upon completion of the audit.

Any fines and penalties sanctioned as a result of this audit will be reported, as well, once available.

3. Revisiting from the January 29, 2004, agenda ~

MICHAEL MALONEY, ASSISTANT BUSINESS MANAGER  
LOCAL # 9 - CORRESPONDENCE DATED DECEMBER 9, 2003  
Re: Request for exemption from CE Requirements for inspectors

Mr. Maloney directed a letter to the Board requesting that its Members consider granting CE credit to those licensees who serve on the plumbing subcode committee at the Department of Community Affairs in Trenton, NJ.

On January 22, 2004, Board Members unanimously agreed with Counseling Deputy Joseph A. Donofrio that such a request would require a regulatory change in order to accommodate this "exemption," and stated that such a change is not warranted.

MICHAEL MALONEY Continued

" DAG Donofrio drafted a response dated January 29, 2004, to Mr. Maloney on behalf of the Board, and a copy was provided to Members.

On February 26, 2004, the Board acknowledged this correspondence and closed this file.

\*4. "ASK CONSUMER AFFAIRS" INQUIRY

## CONSUMER DENNIS MILLER

\* RE: DCA INTERPRETATION/ NO. 8 ORDINARY REPAIRS ~  
"GAS PIPING"

The Board Office received an "Ask Consumer Affairs" inquiry, whereby consumer Dennis Miller presented a question concerning gas piping.

Mr. Miller states specifically that he is "looking for an answer to requirements for the installation of gas piping, and "trusts" that the DCA interpretation No. 8 Ordinary Repairs will provide the answer to his questions." On February 26, 2004, Board Members held a discussion of this item and noted that:

\* Gas piping is not plumbing;

\*Gas piping does not require the license of a Master Plumber;

\*Permits and inspections are required for gas piping in accordance with the Uniform Construction Code.

The Board Office will draft a response to Mr. Miller advising him of these findings.

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

\* Revisited from January 22, 2004 Agenda ~

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

Synopsis: Requires certification of persons installing medical gas piping in licensed health care facilities.

Sponsored by: Assemblyman Samuel D. Thompson Assemblyman Herbert Conway, Jr.

Co-sponsored by: Assemblymen Wisniewski, Asselta, Doria, DiGaetano, Sarlo, Chivukula, Assemblywoman Greenstein, Senators Matheussen, Coniglio, Bennett, Codey, Allen and Palaia

On January 22, 2004, the Board noted that A-82 was signed into law on January 7, 2004, by Governor James E. McGreevey.

On that date, Members agreed that before any such application process is implemented for this certification, this law must be further explored to establish regulations which would provide parameters in certifying individuals for Medical Gas Piping.

On February 26, 2004, Board Members held a discussion with Chuck Manning concerning the development of regulations for this statute. Mr. Manning will return to the Board with a draft upon its completion.

Revisited from January 22, 2004 Agenda ~

## 6. DEPARTMENT OF COMMUNITY AFFAIRS RULE ADOPTION, DIVISION OF FIRE SAFETY

..... STANDARD FOR THE CERTIFICATION OF FIRE PROTECTION  
EQUIPMENT INSTALLERS AND MAINTAINERS  
ADOPTED NEW RULE N.J.A.C. 5:74  
ADOPTED MAY 7, 2003 ~ EFFECTIVE JUNE 2, 2003  
EXPIRATION DATE DECEMBER 22, 2004

On January 22, 2004, Members of the Board held a discussion of this matter, noting particularly that there is no "grandfathering" of Master Plumber licenses for FIRE PROTECTION EQUIPMENT INSTALLERS AND MAINTAINERS.

At the request of the Board, DAG Joseph A. Donofrio prepared a letter to the Department of Community Affairs, expressing the Board's dissatisfaction concerning the lack of exemption from the certification requirements for Licensed Master Plumbers.

This letter was prepared on February 11, 2004, for signature by the Executive Director, Barbara A. Cook, Chairman Alexander Tucciarone, and DAG Donofrio; however, as of February 26, 2004, its release is pending.

On February 26, 2004, Chairman Alexander Tucciarone advised that he is both the Chairman of the Plumbing Subcode Committee and a Member of the Code Advisory Board at the Department of Community Affairs. Mr. Tucciarone advised that he is aware that Licensed Master Plumbers have been denied the opportunity for grandfathering into this trade for FIRE PROTECTION EQUIPMENT INSTALLERS AND MAINTAINERS. Chairman Tucciarone advised the public that they may contact their lobbyists to voice their support on this issue.

For general information on these certifications, contact:  
The Division of Fire Safety  
609-633-6139

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## 7. DISCIPLINARY ACTIONS

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\*Reporting (2) penalty payments ~ @ \$500 each = \$1,000:

Mr. Widing is maintaining his payment schedule concerning:

IN THE MATTER OF THE SUSPENSION OR REVOCATION  
OF THE LICENSE OF  
JOHN WIDING, LMP # 7127

TO PRACTICE AS A MASTER PLUMBER IN THE 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 : (5) PAYMENTS TO DATE:

\$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

On February 26, 2004, the Board acknowledged receipt of Mr. Widing's penalty payments.

8. Barbara A. Cook, Executive Director, reserved a portion of Open Public session to review some pending issues with Board Members.

On February 26, 2004, no formal comment was made by the Executive Director above those expressed in Item #1 concerning the Continuing Education audit and its findings.

**EXECUTIVE CLOSED SESSION MOTION:**

A motion was made by Mark McManus and seconded by Ernest Tretola to proceed into Executive Closed Session to review approximately nine (9) consumer complaints, two (2) administrative closings, the DAG status report, 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 for Thursday, March 25, 2004, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

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Barbara A. Cook  
Executive Director