

**#554 MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS -MINUTES - FEBRUARY 26, 2009**

The Minutes of the February 26, 2009 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on March 26, 2009.

The notice of the February 26, 2009 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 26, 2009 was called to order at 9:00 am with the following Members in attendance:

Peter I. Voros, Chairman

Ralph Wetzell, Vice-Chairman

Michael L. Sestanovich, Secretary

Michael K. Maloney

Paul N. Bontempo

Mark McManus

Adam J. Sabath and Donald Dileo were absent

**BOARD MEMBER - VACANCY - (1)**

As of this Board meeting date, there is one (1) Board member vacancy for a Public Member. That position was formerly held by Board Member Margaret Sieb who resigned on December 15, 2005.

Others in attendance:

The following individuals were in attendance from 9:00 a.m. until the close of the meeting at 3:00 pm:

Rosemarie Baccile, Executive Assistant

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

**PUBLIC SESSION VISITORS:**

Thomas F. Walsh, New Jersey State League of Master Plumbers (NJSLMP) and East Brunswick Plumbing Subcode Official

Liz Moritz, NJSLMP

Bill Stepler, CEP Associates

Michael Dolan, PHCC

Anthony Cimino, LMP

Brian Hopkins Applicant

Barry M. Ward, NJSLMP

Gary Italiano, 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 ~ JANUARY 22, 2009 MEETING

A motion was made by Ralph Wetzel and seconded by Michael Sestanovich to approve the minutes of the January 22, 2009 meeting. A vote was taken and the motion unanimously passed.

## BOARD BUSINESS

### PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

RALPH WETZEL ~MASTER PLUMBER MEMBER ~ VICE-CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

MARK MC MANUS ~ JOURNEYMAN PLUMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER

ADAM J. SABATH ~ STATE MEMBER - CHIEF OF STAFF TO SENATE PRESIDENT RICHARD J. CODEY

TOTAL BOARD COMPLEMENT (9):Vacancy /Public Member - formerly held by Mrs. Sieb

### ELECTIONS OF OFFICERS:

On February 26, 2009, 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 2009.

### CHAIRMAN

Board Member Michael Maloney nominated Peter Voros as Chairman.

Board Member Michael Sestanovich seconded that nomination.

Peter Voros accepted the nomination.

A vote was taken and the motion unanimously passed.

### VICE-CHAIRMAN

Board Member Mark McManus nominated Ralph Wetzel as Vice-Chairman.

Paul Bontempo seconded that nomination.

Ralph Wetzel accepted the nomination.

A vote was taken and the motion unanimously passed.

### SECRETARY

Board Member Mark McManus nominated Michael Sestanovich as Board Secretary. Paul Bontempo seconded that nomination. Michael Sestanovich accepted the nomination. A vote was taken and the motion unanimously passed.

## CLOSING

A motion was made by Ralph Wetzel to close all nominations, and that motion was seconded by Mark McManus. A vote was taken and the motion unanimously passed. Board Members unanimously voted to elect the nominees.

2. Re- approving CE Sponsors for the 2009-2011 Master Plumbers Biennial Renewal Resume and course outline were provided for:  
WILLIAM S. TURKUS -SPONSOR # 17 (Instructor # 32) -  
ALAN REISS (Instructor # 80) -&- ANTHONY RAGO (Instructor # 79)

On February 26, 2009, a motion was made by Ralph Wetzel and seconded by Paul Bontempo to approve this Sponsor, Instructors and course outline. A vote was taken and the motion unanimously passed.

3. JOHN P. RUSSENBERGER, Professional Engineer January 8, 2009 Correspondence - Qualifying for the Master Plumber's examination and licensure

On February 26, 2009, Deputy Attorney General (DAG) Joseph A. Donofrio reviewed John P. Russenberger's credentials, and clarified that although the writer is a professional engineer, he is not qualified by statute as a candidate for the Master Plumber's examination. A motion was made by Mark McManus and seconded by Ralph Wetzel, that the Board correspond with Mr. Russenberger to advise him accordingly of this decision. A vote was taken and the motion unanimously passed.

## DISCIPLINARY ACTIONS - PENALTY PAYMENTS

4. TROY M. KAYS, LMP # 11712, t/a ALL AMERICAN MECHANICAL  
OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING  
dated JUNE 25 2008 - \$500 PENALTY PAID & CLOSED, FILE ID # 55752

Violation of ~ N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct /failure to follow up on his permit

In conjunction with: CONSUMER COMPLAINT MATTER  
RICHARD D. CARLSON, JR., CONSUMER, FILE ID # 55752

## DISCIPLINARY ACTIONS - PENALTY PAYMENTS

5. GEORGE SUPINSKI, LMP # 1014, T/A GEORGE SUPINSKI  
ALBERT SCOTT, BOROUGH OF KEANSBURG, FIRE OFFICIAL,  
FILE ID # 57539 - Structure fire at 7 North Shore Street, Keansburg, NJ  
\$500 penalty paid 12-16-2008 & CLOSED

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

Violation of ~

N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct

Licensee his submits payment of \$500 for gross negligence when a fire was caused as a result of his company's installation of a boiler at 7 North Shore Street, Keansburg, NJ. The Board rescinded a second penalty of \$500 when documents proved that the licensee had filed in time for his permit and passed inspection.

6. JOHN J. MAJKA, LMP # 7816, DECEASED 10-20-2008  
FRANK OLIVO, LMP # 7851- SUPERVISING LICENSEE  
JOSEPH A. MAJKA AND SONS, SCOTT D. MAJKA, SON, Candidate  
for the Master Plumber's examination  
REQUEST FOR CONTINUANCE OF BUSINESS (COB)<

Correspondence dated February 2, 2009 reported the passing of the licensee, the pending candidacy of the licensee's son, and the supervision of the business by licensee Frank Olivo, LMP # 7851. In a separate letter, Mr. Olivo extends his supervision of the business, Joseph A. Majka & Sons, provided that the Board approved the COB.

On February 26, 2009, the Board considered the request for a COB from Scott D. Majka, the son of the deceased licensee, and Members granted a sixth-month continuance, supervised by licensee Olivo, to commence effective January 1, 2009 and end on June 1, 2009, in a motion made by Mark McManus and seconded by Paul Bontempo. A vote was taken and the motion unanimously passed.

#### 7. DISCIPLINARY ACTIONS - PENALTY PAYMENTS CONTINUING EDUCATION AUDIT BIENNIAL 2005-2007

Provisional Order(s) of Discipline (POD) filed October 27, 2008 (Group A - Attended a late 'make-up' course) On August 25, 2006 the Board conducted a CE audit involving selected licensees. Respondent(s) indicated on the 2005-2007 biennial renewal application that they will have completed the requirement by June 30, 2005; however, they failed to do so.

Respondent(s) were assessed a \$500 penalty pursuant to NJSA 45:1-22 for failing to complete the required CE for the 2005-2007 biennial by June 30, 2005, in violation of NJSA 45:1-21(h). Respondent(s) were also assessed a \$1,000 penalty for indicating on the application that they would complete the five (5) CE hours by the required date and failing to do so in violation of NJSA 45:1-21(e). The following licensees have complied with the POD, attended a make-up course, and were reported at this meeting for their penalty payments during January and February of 2009:

RICHARD K. SCARDILLI, JR., LMP # 9957 \$1,500 penalty paid 1/20/2009

KENNETH B. SCHNEIDER, LMP # 4675 \$1,500 penalty - (3) part: 1st payment pd 2/2/09 for \$500

MARK E. ROBERTS, LMP # 9011 \$1,500 penalty paid 2/02/2009

MARK GANNON, LMP #7365 \$1,500 penalty paid 2/04/09

Note: Any payment arrangements for this audit are scheduled with the Board's approval and are generally arranged at \$500.00 per month for (3) consecutive months.

TOTAL PENALTIES COLLECTED for 2005-2007 CE AUDIT = \$14,000.00

#### 8. UNLICENSED ADVERTISEMENTS Reporting for January, 2009

Advertising letters were issued to each of the following entities, all of which were submitted for investigation by Denise Voorhess of the New Jersey Plumbing Heating and Cooling Contractors Association (PHCC):

Unlicensed entities File Number

Derek Osei Agyeman, All Weather Heating & AC 62270  
Glenn Gilliam General Contractor, Gel General Contractor 62271  
Christopher Russo, Chris Craftsman Reconstruction 62273

Javi Construction LLC 62809  
Pablo Culcay, Handyman 62274  
Handy Person, J & E (unassigned)

The Board reserved time in Executive Closed Session to re-address these advertisements. No additional action was reported on February 26, 2009.

#### 9. Administrative Update - Renewals for 2009-2011

Personnel handling renewals at the Division met with Board Staff to prepare for the Master Plumbers Renewal Applications for July 1, 2009 to June 30, 2011. A mass mailing will be issued shortly to licensees, which will include the password for renewing on-line. A late walk-in process will be arranged later in the renewal process at the Consumer Service Center.

#### 10. New Jersey Plumbing-Heating-Cooling Contractors 2-13-2009 letter - & - New Jersey State League of Master Plumbers 10-20-2008 letter

RE: NJSA 52:27D-509 ~ Request for exemption (of plumbers) from the Certification of Propane /LP Gas Board licensing

On February 26, 2009, Board Members discussed the role of the Licensed Master Plumber in this new legislation for Propane/LP Gas Board licensing, and unanimously agreed that the Licensed Master Plumber should be exempt from this Certification.

DAG Joseph A. Donofrio will correspond with Ms. Cynthia Wilk of the Department of Community Affairs, in Trenton, NJ to obtain further details concerning this Certification and the involvement of the Licensed Master Plumber.

? 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 Mark McManus and seconded by Ralph Wetzel to proceed into Executive Closed Session to conduct four (4) Investigative Inquiry matters, review approximately eleven (11) complaint matters, 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 March 26, 2009, at 9:00 a.m. in the Essex Room.

Respectfully submitted,

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Lawrence DeMarzo, Deputy Director  
Division of Consumer Affairs