

**# 598 BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - FEBRUARY 28, 2013**

The minutes of the February 28, 2013 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on ***March 28, 2013.***

The notice of the February 28, 2013 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 28, 2013 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.

Robert B. Reeve

Adam J. Sabath

Paul N. Bontempo

Donald Dileo

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, Acting Executive Director

PUBLIC SESSION VISITORS:

Vincent Tinervia, New Jersey State League of Master Plumbers, Lic # 10945
Thomas F. Walsh, LMP #7854, Township of East Brunswick
Tony Nassimos, LMP # 7314
Tiny Andersen, NJSLMP, Lic # 5017
William White, NJSLMP, # 8443
Joe Remshard, LMP # 11168, New Jersey Council of Master Plumbers

Catherine McLaughlin, Class Act Reporting

333 Gaither Drive, Suite H, Mt Laurel, NJ 08054, tel # 856-235-3779

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 24, 2013 MTG

A motion was made by James McManus and seconded by Michael Sestanovich to approve the minutes of the January 24, 2013 mtg. 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 2013.

CHAIRMAN

James McManus nominated Peter Voros as Chairman.
The nomination was seconded by Donald Dileo.
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

James McManus nominated Michael Sestanovich as Secretary.
The nomination was seconded by Donald Dileo.
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 James McManus to close all nominations.

A vote was taken and the motion unanimously passed.

2. CONTINUING EDUCATION (CE) SPONSORS:
(5) HOUR CE REQUIREMENT FOR BIENNIAL 2013-2015
REQUEST FOR RE-APPROVALS:

GARRETT R. PEPE, LMP # 5741 Instructor # 94 (Pending Sponsor #)
PETER HAMMER, LMP # 6766 Instructor #95
187 Burton Avenue, Hasbrouck Heights, NJ 07604

Teaching with Mr. Peter T. Hammer
5 Horizon Road, Apt. 2809
Fort Lee, NJ 07024
TEL# 201-288-2645
email Gpepe1228@yahoo.com

Continued...

CONTINUING EDUCATION (CE) SPONSORS:

GARRETT R. PEPE, LMP # 5741 Instructor # 94 (Pending Sponsor #)
PETER HAMMER, LMP # 6766 Instructor #95

On February 28, 2013, the Board discussed the resumes and course outlines submitted by Messrs. Pepe and Hammer. A motion was made by James McManus and seconded by Donald Dileo to re-approve these instructors of Continuing Education and approve their course outline.

A vote was taken and the motion unanimously passed.

3. "We Teach Associates" Sponsor #15

THOMAS MC GONIGLE, LMP # 4586
107 N. Annapolis Avenue, Atlantic City, NJ 08401
Teaching with JAMES COTTON, LMP # 6831, Instructor # 17

TEL# 609-449-9056
email tmcgonigle@cityofatlanticcity.org

On February 28, 2013, the Board discussed the resumes and course outlines submitted by Messrs. McGonigle and Cotton. A motion was made by Donald Dileo and seconded by Michael Sestanovich to re-approve these instructors of Continuing Education and approve their course outline.

A vote was taken and the motion unanimously passed.

4. MARK T. HILER, LMP #5353 - CONTINUING EDUCATION SPONSOR
Course outline and Resume
64 Lyonsville Road, Boonton, NJ 07005
Sponsor #(13), CE Instructor #(76)

On February 28, 2013, the Board discussed the resume and course outline submitted by Mark Hiler. A motion was made by Michael Maloney and seconded by James McManus to re-approve this instructor of Continuing Education and approve his course outline.

The Board noted that if Mr. Hiler is incorporating PROPANE into his course, he must also include a competency examination for the licensees.

A vote was taken and the motion unanimously passed.

5. WILLIAM S. TURKUS - CE INSTRUCTOR #32
Course outline - 728A Ralston Plaza, Monroe Township, NJ 08831

On February 28, 2013, the Board discussed the resume and course outline submitted by William Turkus. A motion was made by James McManus and seconded by Robert Reeve to re-approve this instructor of Continuing Education and approve his course outline.

A vote was taken and the motion unanimously passed.

6. JACKI BELIN - RARITAN VALLEY COMMUNITY COLLEGE

STEVE RODZINAK, APPROVED SPONSOR
Re: Master Plumbers Renewal Class

On February 28, 2013, the Board discussed the correspondence submitted by Raritan Valley Community College and acknowledged that Steve Rodzinak will be teaching Continuing Education at that location.

7. MONITORING DRUG AND ALCOHOL REPORTS
 - A.) APPLICANT ANIBAL RIVERA
 - B.) STEVEN B. ZANNE, LMP #10731

On February 28, 2013, DAG Donofrio reviewed the requirements according to the Consent Order(s) on file for both Rivera and Zanne. The Board accepted the monitoring reports without comment.

8. MEMORANDUM, DARLENE KANE, BUDGET OFFICER
JANUARY 25, 2013 - DIVISION OF LAW BILLING

This report was held for Executive Closed Session based on the investigatory nature and content of the report.

NOT ON THE PUBLISHED AGENDA: WISH LIST - NEW JERSEY COUNCIL OF MP

Chairman Peter Voros attended a meeting with Director Eric Kanefsky at 9:30 concerning the wish list.

Page 6 2-28-2013 Mtg.

9. MASTER PLUMBERS EDUCATIONAL SERVICE OF NEW JERSEY
LETTER FROM JOHN AND DALE GLYNN
RE: CLASS SIZE

On February 28, 2013, the Board discussed the correspondence from the Master Plumbers Education Service of New Jersey, where this sponsor requested an exception from the regulation **N.J.A.C. 13:32-6.2 Continuing Education sponsors, board approval: (g) A continuing education class shall consist of no more than 50 people.**

A motion was made by Donald Dileo and seconded by Paul Bontempo to approve the increased class size for the months of May and June in instructing CE for the biennial of 2013-2015.

A vote was taken and the motion unanimously passed.

10. SIGNED ACKNOWLEDGMENT - UNLICENSED ADVERTISING

GRANT SALCEDO, UNLICENSED

T/A HUBBY 4 HIRE HOME SOLUTIONS, UNLICENSED
FILE ID: #65838

On February 28, 2013, the Board accepted the signed acknowledgment from the above entity and closed this file.

11. SIGNED ACKNOWLEDGMENT \$250 PENALTY PAID - 11/29/12

HARRY SOTNEK, LMP #9581, T/A HARRY SOTNEK CO.
RICHIE HERINK, CONSUMER, FILE ID: #86653

On February 28, 2013, the Board accepted the signed acknowledgment and penalty payment from the above entity and closed this file.

12. SIGNED ACKNOWLEDGMENT \$500 PENALTY PAID - 12/26/12

RICHARD RUSSINKO, LMP #11022, T/A FREY HEATING & PLUMBING
PATRICIA A. MCCARRICK, CONSUMER, FILE ID: #86613

On February 28, 2013, the Board accepted the signed acknowledgment and penalty payment from the above entity and closed this file.

Page 7

2-28-2013 Mtg.

13. SIGNED ACKNOWLEDGMENT- \$100 PENALTY PAID - 11/29/12
THEODORE SUPRANOWICZ, LMP #5709, T/A KOVED, LLC
KEVIN F. SCHMALZ, SUB-CODE OFFICIAL, TOWNSHIP OF JACKSON
FILE ID: #86627

On February 28, 2013, the Board accepted the signed acknowledgment and penalty payment from the above entity and closed this file.

14. A3741 - Requires certification of persons installing medical gas piping in dental offices, dental clinics, and animal or veterinary facilities.

On February 28, 2013, the Board discussed this bill and voted in a motion was made by Donald Dileo and seconded by Michael Maloney, that members are in favor of this legislation since the bill concerns safety issues and serves to protect the consumer. A vote was taken and the motion unanimously passed.

15. UNIFORM PENALTY LETTER ISSUED 2/5/13 WITH \$2,500 PENALTY TO:
PAUL BEHRENS, UNLICENSED, T/A ENGLISH SEWAGE DISPOSAL
ADVERTISING FOR PLUMBING - BILLBOARD & YELLOW PAGES, FILE #83915
Board acknowledged without comment.

**16. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF:
VINCENT A. AUFIERO, LMP #6536**

CONSIDERATION FOR DEFAULT ON POD FILED JUNE 24, 2010

PROVISIONAL ORDER OF DISCIPLINE FILED JUNE 24, 2010

FINAL ORDER OF DISCIPLINE FILED DECEMBER 20, 2012

REVOCATION

Respondent's license to practice plumbing was provisionally revoked based on the June 24, 2010 Order. On July 24, 2009, Respondent was convicted in Somerset County of four counts of Official Misconduct in the 2nd degree, one county of identity theft in the 3rd degree, one count of insurance fraud in the 3rd degree and one count of engaging in a pattern of official misconduct in the 2nd degree, and sentenced to eight years in New Jersey State Prison.

Aufiero was ordered to pay \$45,995.63 in restitution to the Somerville Board of Education. While employed for the Somerville Board of Education (SBE) during 2000 and 2007, Respondent used SBE funds to make purchases for his personal use. The POD was issued via UPS to the Respondent's last known address and delivered on October 20, 2010.

Page 8

2-28-2013 Mtg.

CONTINUED...

**IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF:
VINCENT A. AUFIERO, LMP #6536**

REVOCATION

Respondent failed to provide a response to the POD, which was served by an Investigator of the Enforcement Bureau at Aufiero's address. On October 25, 2012, a motion was made by Robert Reeve and seconded by James McManus to finalize the POD.

The Final Order of Discipline has been filed on December 20, 2012. Respondent's license to practice plumbing in the State of New Jersey is hereby revoked.

17. DISCIPLINARY ACTIONS

LOUIS L. PASQUALINI, LMP #9742 - \$1,000 - PAID JULY 16, 2012

PROVISIONAL ORDER OF DISCIPLINE FILED MAY 24, 2012

FINAL ORDER OF DISCIPLINE FILED DECEMBER 20, 2012

Based on a complaint from the Township of Jackson for a water heater and gas piping.

Respondent was provisionally reprimanded and fined \$1,000: \$500 for failing to comply with the

provisions of a regulation administered by the Board pursuant to N.J.S.A. 45:1.21(h) in that he failed to supervise the plumbing work performed for consumer "JM" under his permit in accordance with N.J.A.C. 13:32.3; and fined \$500 for engaging in the use and employment of dishonesty, fraud, deception, misrepresentation and false pretense, pursuant to NJSA 45:1.21(b) in that he allowed his plumbing seal to be used to secure a plumbing permit for an unlicensed person in violation of NJAC 13:32.4.1.

On September 27, 2012, the Board acknowledged that licensee Pasqualini accepted the terms of the POD and submitted his full payment of the penalty.

A Final Order of Discipline was filed December 20, 2012, closing the matter.

18. **PROVISIONAL ORDER OF DISCIPLINE - FILED DECEMBER 20, 2012
IN THE MATTER OF: MARK GOGGIN, LMP #9112
LICENSED TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY**

Respondent is hereby provisionally reprimanded for the violations as detailed below:

Respondent is provisionally assessed a civil penalty, pursuant to N.J.S.A 45:1-22, in the amount of \$500, in that respondent failed to comply with a regulation of the Board, specifically, N.J.A.C. 13:32-3.2(a), by failing to register with the Board as a bona fide representative for "JT Goggin, LLC" during an eight month period when "JT Goggin, LLC" was providing plumbing services to the public. The civil penalty totaling \$500 shall be submitted by certified check or money order made payable the State of New Jersey and shall be sent to Rosemarie Baccile, Acting Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, no later than thirty days after entry of any Final Order in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.

On February 28, 2013, a motion was made by James McManus and seconded by Robert Reeve may proceed with filing a **Final Order of Discipline** in the event licensee fails to respond to the POD.

A vote was taken and the motion unanimously passed.

19. **PROVISIONAL ORDER OF DISCIPLINE - FILED DECEMBER 20, 2012
IN THE MATTER OF: ROBERT PARIN, LMP #9607
T/A BASSP PLUMBING CORP.
LICENSED TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY**

Respondent is hereby provisionally reprimanded for the violations as detailed below:

Respondent is provisionally assessed a civil penalty, pursuant to N.J.S.A 45:1-22, in the amount

of \$250, in that respondent has engaged in professional and occupational misconduct by failing to issue a contract delineating and outlining the services to be provided to R.L., in violation of N.J.S.A. 45:1-21(e). Additionally, respondent is provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$250.00, in that respondent failed to comply with a regulation of the Board, specifically N.J.A.C. 13:32-3.3(a)(2), by failing to secure a permit for the plumbing work performed for R.L., in violation of N.J.S.A. 45:1-21(h). Finally, respondent is provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$250, in that respondent failed to comply with a regulation of the Board, specifically N.J.A.C. 13:32-3.3(a)(3), in that respondent failed to properly supervise the plumbing work being performed for R.L., violation of N.J.S.A. 45:1-21(h).

Page 10

2-28-2013 Mtg.

Continued:

PROVISIONAL ORDER OF DISCIPLINE - FILED DECEMBER 20, 2012
IN THE MATTER OF: ROBERT PARIN, LMP #9607

A response and/or the civil penalty totaling \$750 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Rosemarie Baccile, Acting Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101, no later than thirty days after entry of any Final Order in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.

On February 28, 2013, a motion was made by James McManus and seconded by Robert Reeve may proceed with filing a **Final Order of Discipline** in the event licensee fails to respond to the POD.

A vote was taken and the motion unanimously passed.

20. PROVISIONAL ORDER OF DISCIPLINE - FILED JANUARY 22, 2013
JAMES P. KYNE, LMP #4616
LICENSED TO PRACTICE AS A MASTER PLUMBER IN NEW JERSEY

Respondent is hereby provisionally reprimanded for violating N.J.S.A. 45:1-21c and N.J.S.A.45:1-21(h).

Respondent shall provisionally pay a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount \$250.00 for engaging in gross negligence, in violation of N.J.S.A. 45:1-21c .

A response to the POD and/or payment of the civil penalty totaling \$250.00 shall be submitted simultaneous with the signing of this order, by certified check or money order made payable to the State of New Jersey, and shall be sent to, Rosemarie Baccile, Acting Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

21. FINAL ORDER OF DISCIPLINE - FILED JANUARY 22, 2013

**JAMES P. FLANAGAN, LMP #10478, T/A AQUA AIR CONTRACTING, LLC
LICENSED TO PRACTICE AS MASTER PLUMBER IN NEW JERSEY**

Specifically, respondent had failed to renew his license for the 2001-2003, 2003-2005 and 2005-2007 biennial renewal periods, and his license had been suspended pursuant to N.J.A.C. 13:32-2.6c and N.J.S.A. 45:1-7.1(b).

Respondent's business, Aqua Air Conditioning, LLC, was not a licensed plumbing entity at the time the work was performed on the home of consumers

M.S. and T.S.. According to the Board's records, "Aqua Air Conditioning, LLC" was later registered with the Board to trade as a plumbing contracting entity.

The work that respondent failed to complete for consumers M.S. and T.S. became the subject of a civil suit in the Superior Court of New Jersey, Ocean County. That suit was resolved by a settlement agreement, whereby respondent agreed to reimburse the consumers \$7,000.00. Respondent also stipulated, as a term of the settlement agreement, that should he default under the terms of the settlement, the consumers shall automatically be entitled to a judgment in the amount of \$8,500.00.

Respondent appeared before the Board on April 28, 2011 for an investigative inquiry into the matters concerning his failure to renew his license for the 2005-2007 biennial period, his alleged unlicensed practice of plumbing, and his failure to satisfactorily complete work for consumers M.S. and T.S.

During the investigative inquiry respondent admitted that he never registered with the Board to trade as "Aqua-Air Contracting". Respondent also acknowledged that M.S. and T.S. had a valid judgment against him in the amount of \$8,500, that he was in violation of the settlement agreement, and had not made any payments towards what he owes the consumers.

Respondent also acknowledged during the investigative inquiry that he contracted with M.S. and T.S. to perform plumbing work, and actually performed plumbing work for them, while his plumbing license was suspended.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on August 7, 2012, provisionally suspending respondent's license to practice as a master plumber in the State of New Jersey, as a disciplinary suspension, until such time as respondent applies for reinstatement, appears before the Board to demonstrate his fitness to resume practice, demonstrated to the satisfaction of the Board that he has reimbursed M.S. and T.S., has paid the civil penalty in accordance with the provisions of any Final Order entered in this matter and has satisfied any requirements for reinstatement of his license pursuant to N.J.S.A. 45:1-7.1(b).

(Continued)

FINAL ORDER OF DISCIPLINE - FILED JANUARY 22, 2013
JAMES P. FLANAGAN, LMP #10478, T/A AQUA AIR CONTRACTING, LLC
LICENSED TO PRACTICE AS MASTER PLUMBER IN NEW JERSEY

Specifically, respondent had failed to renew his license for the 2001-2003, 2003-2005 and 2005-2007 biennial renewal periods, and his license had been suspended pursuant to N.J.A.C. 13:32-2.6c and N.J.S.A. 45:1-7.1(b).

The Provisional Order of Discipline also provisionally imposed a reprimand for respondent's violations of N.J.S.A. 45:1-21(b),(e) and (h). Respondent is also provisionally required to reimburse M.S. and T.S. in the amount of eight thousand five hundred dollars (\$8,500.00) in accordance with the stipulation of settlement. Finally, respondent was provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of two thousand five hundred dollars (\$2,500.00) for violating N.J.S.A. 45:1-21(b),(e) and (h).

Respondent provided the Board with a response to the Provisional Order in a letter received on November 21, 2012. Respondent acknowledges the civil penalty, but requests that a payment plan be established for \$150.00, due on the first of each month over the next 16 months, until payment is made in full. Respondent cited to his financial situation and stated that if it improves, he would make an effort to make higher monetary payments toward the civil penalty.

Regarding the restitution to M.S. and T.S., respondent indicated he was to meet with his bankruptcy attorney on November 27, 2012 to "complete the settlement offer to M.S." According to respondent, if a settlement could not be reached, he was going to make the money owed to M.S. "part of my bankruptcy proceeding."

On December 20, 2012, the Board considered respondent's response to the Provisional Order. The Board finds that respondent has not provided any evidence which would warrant a modification or dismissal of the findings of fact or conclusions of law outlined in the August 7, 2012 Provisional Order of Discipline. The Board has considered the information concerning respondent's stated economic difficulties. However, the Board notes that respondent failed to renew his license for three renewal periods. Consequently, respondent was suspended from practice during this time period, as a matter of law, but continued to engage in unlicensed practice. During this time period, specifically in May 2005, respondent performed the plumbing work for M.S. and T.S. which led to the civil suit being filed and the stipulation of settlement agreed upon by respondent.

The Board finds that respondent has had more than seven years to reimburse M.S. and T.S., but has not done so. Respondent is now asking to make payments to the Board in satisfaction of the civil penalty, but is hoping to have the money owed to M.S. and T.S. discharged in bankruptcy.

Page 13 2-28-2013 Mtg.

(Continued)

FINAL ORDER OF DISCIPLINE - FILED JANUARY 22, 2013
JAMES P. FLANAGAN, LMP #10478, T/A AQUA AIR CONTRACTING, LLC
LICENSED TO PRACTICE AS MASTER PLUMBER IN NEW JERSEY

After deliberation, the Board decided that payment of the stipulation of settlement to M.S. and T.S. supercedes payment of a civil penalty to the Board. Therefore, the Board voted to finalize the

Provisional Order by requiring respondent to make monthly payments to the Board in satisfaction of the money owed to M.S. and T.S., pursuant to the stipulation of settlement, and to stay the payment of the civil penalty. The civil penalty will remain stayed contingent on respondent making regular monthly payments to the Board in satisfaction of the stipulation of settlement.

Respondent is hereby reprimanded, pursuant to N.J.S.A. 45:1-22, for violating N.J.S.A. 45:1-21 (b), (e) and (h). Respondent shall make monthly payments to the Board in the amount of \$200 per month, for the next 20 months, in satisfaction of the \$5,800 owed by respondent to M.S. & T.S. in satisfaction of the stipulation of settlement. The monthly payments shall be by certified check or money order payable to M.S. & T.S. and shall be delivered to Rosemarie Baccile, Acting Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. The monthly payments shall be sent to the Board on or before the first day of each month. The first monthly payment shall be received by the Board on or before February 1, 2013, and then on or before the first day of each succeeding month thereafter.

Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of two thousand five hundred dollars (\$2,500.00) for violating N.J.S.A. 45:1-21 (b), (e) and (h). The entire portion of the civil penalty is to be stayed provided respondent makes the reimbursement payments in accordance with the terms outlined above. If respondent fails to make a restitution payment in accordance with the terms outlined above, the entire \$2,500 civil penalty shall automatically become due and payable.

Respondent's license to practice as a master plumber in the State of New Jersey, which is currently administratively suspended by operation of N.J.S.A. 45:1-7.1, shall now be suspended as a disciplinary action. Prior to the Board entertaining any petition by respondent for reinstatement of his license, respondent shall be required to appear before the Board to demonstrate his fitness to resume practice. Additionally, prior to the Board entertaining any petition by respondent for reinstatement of his license, respondent shall demonstrate, to the satisfaction of the Board, that he has fully reimbursed M.S. and T.S. Further, respondent shall satisfy any requirements for reinstatement of his license pursuant to N.J.S.A. 45:1-7.1(b). Any practice in this State prior to said appearance shall constitute grounds for the charge of unlicensed practice. Finally, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

22. **CONSENT ORDER - FILED SEPTEMBER 22, 2009 - PAID \$2,500 2/12/13**
PIOTR KAMECKI, LMP #12211
LICENSED TO PRACTICE AS A MASTER PLUMBER IN NEW JERSEY

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers (the "Board") upon receipt of a complaint alleging that Piotr Kamecki ("respondent"), who is the bona fide representative for Kamecki Plumbing, LLC, is allowing his master plumber's license number, #12211, to be used by Easton Plumbing & Heating, an unlicensed entity. Easton Plumbing & Heating is owned by Marco Otero. Although Mr. Otero is currently licensed as a master plumber in New Jersey, he was not licensed to engage in the practice of plumbing in New Jersey during the time of this complaint.

Accompanying the complaint were copies of printed invoices with Easton Plumbing & Heating as the contractor and listing "N.J. Master Plumber Lic. #12211". Additionally, the complainant provided advertisements, a business card, and an advertising magnet for Easton Plumbing & Heating, which all listed "N.J. Lic#12211".

Finally, the complaint was accompanied by a copy of an investigation report from the Northampton County Pennsylvania District Attorney's Office. The investigation concerned a criminal complaint filed by Mario Martucci. Mr. Martucci is a New Jersey licensed master plumber and is the bona fide representative for Action Plumbing. Mr. Martucci complained that Marco Otero engaged in the unauthorized use of his motor vehicle. Mr. Otero was a previous employee for Action Plumbing. According to Mr. Martucci, Mr. Otero used equipment and material belonging to Action Plumbing in order to "moonlight" and engage in plumbing work.

Respondent was interviewed by an investigator from the Northampton County District Attorney's Office concerning the use of his New Jersey Licensed Master Plumber's number in advertisements and invoices for Easton Plumbing & Heating. Respondent indicated he has known Mr. Otero for a long time and that Mr. Otero has worked for him. According to respondent, when Otero works for him, he has permission to use respondent's plumbing license number for work performed in New Jersey.

These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21 (b) and N.J.A.C. 13:32-4.1c, in that respondent allowed the use of his seal by a person other than the State licensed master plumber to whom it was issued. Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:32-3.3(a)(5), in that respondent served as a bona fide representative for more than one contractor. Finally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(n), in that respondent aided and abetted an unlicensed person an entity in performing unlicensed plumbing.

Respondent is hereby reprimanded for the conduct outlined above.

Page 15 2-28-2013 Mtg.

22. CONSENT ORDER - FILED SEPTEMBER 22, 2009 - PAID \$2,500 2/12/13
PIOTR KAMECKI, LMP #12211
LICENSED TO PRACTICE AS A MASTER PLUMBER IN NEW JERSEY

Respondent shall pay a civil penalty in the amount of \$1,250 for allowing the use of his seal by a person other than the State licensed master plumber to whom it was issued in violation of N.J.S.A. 45:1-21(b) and N.J.A.C. 13:32-4.c. Additionally, respondent shall pay a civil penalty in the amount of \$1,250 for serving as a bona fide representative for more than one plumbing contractor in violation N.J.S.A. 45:1-21(h) and N.J.A.C. 13:32-4.(a)(5).

◆ 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 Paul Bontempo 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.

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 28, 2013***, at 9:00 am in the Hudson Room.

A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director