

**#533 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS – MARCH 22, 2007 - MINUTES**

The Minutes of the March 22, 2007 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on April 26, 2007.

The notice of the March 22, 2007 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 March 22, 2007 was called to order at 9:00 am with the following Members in attendance:

Mark McManus, Chairman

Ralph Wetzel, Vice-Chairman

Peter I. Voros

Michael K. Maloney

Michael L. Sestanovich

Paul N. Bontempo

Donald Dileo

Adam J. Sabath

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 4:00 pm:

Barbara A. Cook, Executive Director

Rosemarie Baccile, Executive Assistant

Deputy Attorney General Joseph A. Donofrio

Deputy Attorney General Swang Oo, Counseling Deputy in the matter of STEPHEN J. DE BIASSE, LMP # 9767

PUBLIC SESSION VISITORS:

Thomas F. Walsh, Licensed Master Plumber # 7854 and Member, New Jersey State League of Master Plumbers

Brien McLaughlin, New Jersey State League of Master Plumbers (NJSLMP)

Bill Stepler, CEP Associates, Sponsors of Continuing Education

Elizabeth Moritz, Administrator, NJSLMP

PLEDGE OF ALLEGIANCE to the FLAG

Chairman Mark McManus 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 ~ FEBRUARY 22, 2007 MEETING

BOARD BUSINESS

PRESENT BOARD MEMBERS - &- CAPACITIES

MARK MC MANUS ~ CHAIRMAN, JOURNEYMAN PLUMBER

RALPH WETZEL ~ VICE-CHAIRMAN ~ MASTER PLUMBER MEMBER

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER

MICHAEL L. SESTANOVICH ~ INSPECTOR 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

1. DIVISION OF LAW BILLING, DARLENE KANE, BUDGET OFFICER
FEBRUARY 20, 2007 - SECOND QUARTER OF FY 2007

On March 22, 2007, the Board reviewed this report without comment.

2. ELIZABETH MORITZ, ADMINISTRATOR
NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS, INC.
NOVEMBER 8, 2006 INQUIRY REGARDING

SPILL COMPENSATION FUND
BOARD REPLY OF FEBRUARY 13, 2007

Chairman request for documentation re "Spill Compensation Fund" @ February 22, 2007 meeting

On March 22, 2007, Chairman Mark McManus reviewed this matter with Board Members and discussed allegations that monies from this State fund are being used to pay (unlicensed) water treatment companies for plumbing work – instead of Licensed Master Plumbers. They noted that this work is reportedly performed without the filing of required plumbing permits.

Subsequent to a discussion, Members requested that DAG Joseph A. Donofrio draft a "position paper" in response to these allegations, and recommended that this document be sent to the Department of Environmental Protection (DEP) – copied to the Department of Community Affairs. More specifically, Members clarified that work of this nature— "after the valve" — is the work of a Licensed Master Plumber and requires a permit.

Members clarified that the DEP administers the funds from the Spill Compensation Fund for homeowners in New Jersey.

DISCIPLINARY ACTIONS

3. GEORGE SUPINSKI, LMP #1014, T/A GEORGE SUPINSKI
OFFER OF SETTLEMENT IN LIEU /DISCIPLINARY PROCEEDINGS
\$500 PENALTY -&- \$2,000 restitution - PAID IN FULL 2-5-2007

NJSA 45:1-21(d) professional misconduct.

NJAC 13:32-4.1(b) licensed master plumber shall impress the seal upon all applications for plumbing permits

NJAC 45:1-21(b) has engaged in dishonesty

CONSUMER COMPLAINT - PIYUSH KAPADIA, FILE ID # 46474

The Board determined that licensee Supinski, LMP # 1014, failed to obtain proper plumbing permits in a timely fashion and assessed a \$500 penalty against him for his actions. The sum of \$2,000 in consumer restitution was awarded to the consumer.

DISCIPLINARY ACTIONS

4. IN THE MATTER OF PAUL RICCOBONO, LMP 8119
CONSENT ORDER FILED 2-22-2007
LICENSED TO PRACTICE PLUMBING / STATE OF NEW JERSEY
\$11,000 PENALTY PAID IN FULL MARCH 3, 2007 - CLOSED

These facts establish a basis for disciplinary action, pursuant to N.J.A.C. 13:32-3.2(a)(1) & (2), in that respondent failed to register with the Board and provide proof of his ownership interest in "Master 2 Plumbing & Heating" within 30 days of assuming the role as bona fide representative. These facts also establish a basis for disciplinary action, pursuant to N.J.A.C. 13:32-3.3(5), in that respondent served as a bona fide representative for more than one plumbing contractor. Finally, these facts establish a basis for disciplinary action, pursuant to N.J.A.C. 13:32-3.3(a)(3), in that respondent failed to ensure constant proper on-site supervision of the plumbing services being performed.

Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of eight thousand dollars (\$8,000), for failing to properly supervise plumbing work in conformance with the regulations pertaining to the supervisory responsibilities of a bona fide representative, in violation of N.J.A.C. 13:32-3.3(a)(3).

Additionally, respondent is assessed a civil penalty, in the amount of two thousand dollars (\$2,000), for signing and sealing a permit for "Master 2 Plumbing & Heating" when he was not registered with the Board to trade under this name, in violation of N.J.A.C. 13:32-3.3(5).

Finally, respondent is assessed a civil penalty, in the amount of one thousand dollars (\$1,000), for failing to register with the Board as "Master 2 Plumbing and Heating" and failing to provide proof of his ownership in the company, within 30 days of assuming the role of a bona fide representative, in violation of N.J.A.C. 13:32-3.3(a)(3). Payment of the aggregated civil penalties totaling eleven thousand dollars (\$11,000).

5. IN THE MATTER OF THE APPLICATION OF
JAMES P. REGAN
FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY
CONSENT ORDER FILED 2-22-2007

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers upon receipt of an application for examination for a plumbing license from James P. Regan, who indicated on his application he had been convicted of a criminal offense. Respondent is hereby permitted to sit for the examination for licensure, and upon the Board's receipt of proof of passage of the examination, shall be granted a license

subject to the stated restrictions in this order regarding probation; et als.

Respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of documentation of a prima facie showing of a violation of this order or a relapse or recurrence of drug or alcohol abuse or any reliable information that respondent has violated any term of this order or any information which the Board in its sole discretion deems reliable demonstrating that respondent is not capable of carrying out the functions of a licensee consistent with the public health, safety or welfare or that respondent has failed to comply with any of the conditions set forth in this consent order. Respondent has the right to apply for removal of the automatic suspension.

{SUBPOEANED FOR JANUARY 25, 2007}

6. RAY FAUSTINI, UNLICENSED – \$1,500 RESTITUTION PAYMENT
Yolanda Franco, Consumer, File #42251 - - CLOSED

Ray Faustini and Kirk Brandsness testified regarding the business they formerly owned known as "Around the House." A complaint had been filed by consumer Yolanda Franco for plumbing services performed by Faustini and his partner, Kirk Brandsness.

Mr. Faustini submitted the sum of \$1,500 in consumer restitution to Ms. Franco, in a bank check dated March 13, 2007. This restitution was sent to the consumer and accepted.

7. Ms. Barbara A. Cook, Ex Director

7A. WILLIAM J. ZAGARI, LMP # 8735, EXPIRED PLUMBING LICENSE
EXPIRED 1997-1999; 1999-2001; 2001-2003; 2003-2005; 2005-2007
(5) BIENNIALS

Surrendered Master Plumber's seal at Board Office

Mr. Zagari submitted correspondence regarding his expired Master Plumber's license and requested the Board grant him permission to re-test for reinstatement – according to existing New Jersey Plumbing Statutes and Regulations.

On March 22, 2007, the Board considered Mr. Zagari's reinstatement request and suggested that this matter be scheduled for an Investigative Inquiry proceeding at the April 26, meeting. A motion was made by Paul Bontempo and seconded by Donald Dileo. A vote was taken and the motion unanimously passed.

It is noted that applications for the Master Plumber's examination and Master Plumber's business registration forms are reviewed by Board Members during the course of each business meeting.

NOT ON THE PUBLISHED AGENDA

STEPHEN J. DE BIASSE, LMP # 9767
PROVISIONAL ORDER OF DISCIPLINE FILED (POD) 1-26-2006
Continuing Education - audit matter

On March 22, 2007, Deputy Attorney General Swang Oo was present to counsel the Board regarding the pending disciplinary action filed against licensee Stephen J. DeBiasse, Licensed Master Plumber # 9767, referenced in the above POD.

Subsequent to their discussion in Executive Closed Session, Members of the Board returned to Open Public session to 're-affirm' the penalties against licensee DeBiasse detailed in the Provisional Order of Discipline filed January 26, 2006, namely, \$1,000 for his failure to cooperate; \$1,000 for his falsifying his Master Plumber's renewal application; and \$1,000 for the licensee's failure to complete his CE requirement on a

timely basis, all in a motion made by Ralph Wetzel and seconded by Michael Maloney. A vote was taken and the motion unanimously passed.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Paul Bontempo to proceed into Executive Closed Session to review approximately fourteen (14) consumer complaint matters, issues surrounding the CE audit, the DAG quarterly 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.

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 on April 26, 2007 at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director