

**#522 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -**

The Minutes of the March 23, 2006 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on April 27, 2006.

The notice of the March 23, 2006 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 23, 2006 was called to order at 9:00 am with the following Board Members in attendance:

Mark McManus, Chairman

Ralph Wetzel, Vice-Chairman

Peter I. Voros

Michael K. Maloney

Michael L. Sestanovich

Adam J. Sabath

Paul N. Bontempo

Donald B. Dileo was absent from this meeting.

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 2:00 pm:

Barbara A. Cook, Executive Director

Rosemarie Baccile, Executive Assistant

Deputy Attorney General Joseph A. Donofrio

PUBLIC SESSION VISITORS

Brien F. McLaughlin, Licensed Master Plumber # 5765,
New Jersey State League of Master Plumbers

William Stepler, CEP Associates

PLEDGE OF ALLEGIANCE to the FLAG

Chairman Mark McManus led the Board in the Pledge of Allegiance to the Flag. Mr. McManus also requested that the Board join in a moment of silence in recognition of U.S. troops serving overseas.

APPROVAL OF THE MINUTES ~ FEBRUARY 23, 2006, MEETING

A motion was made by Ralph Wetzel and seconded by Michael Sestanovich to approve the minutes of the February 23, 2006, meeting. A vote was taken and the motion unanimously passed.

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 appointed on 12-22-2005
{replaces Board Member Peter J. Mc Donough, Jr. who resigned 9-5-2002}

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

1. CONTINUING EDUCATION AUDIT CONCLUSION OF AUDIT 2003-2005

On March 23, 2006, the State Board of Examiners of Master Plumbers advised that they will continue to report on the conclusion of their audit; however, there were no actions to report for this agenda, and no monies were collected during February, 2006. Counseling DAG Donofrio is coordinating efforts in the Division of Law to conclude the final disciplinary actions.

DIRECTOR KIMBERLY S. RICKETTS CONSUMER AFFAIRS

DECISION REGARDING GAS PIPING AND HOME IMPROVEMENT CONTRACTORS

On March 23, 2006, Deputy Attorney General Joseph A. Donofrio advised while in Open Public Session as follows:

Director Ricketts has determined that licensed master plumbers do not have to be separately registered as home improvement contractors (HICs) to work on gas piping on residential property. A contractor not licensed as a master plumber would need to register as an HIC to install, service or maintain gas piping on residential property.

2. CHARLES MANNING - REGULATORY AFFAIRS Home Improvement Registration & Gas piping

Recap: On February 23, 2006, the Board held a brief discussion in Open Session regarding recent inquiries concerning these issues. Several Licensed Master Plumbers were objecting to the Home Improvement Registration (HIR) requirement for gas piping. Further, other concerns have been expressed for unqualified individuals performing gas piping under the HIR.

At present, the existing Scope of Practice regulation defines 'gas piping' as one of the many tasks excluded from the scope of practice of the Licensed Master Plumber.

DAG Donofrio confirmed that a modification to the existing regulation is needed to change gas piping as a task included within the Scope of Practice of the Licensed Master Plumber.

Action of March 23, 2006:

Chuck Manning attended this meeting at the Board's request to address changing the Scope of Practice Regulation N.J.A.C. 13:32-1.4(f), by proposal, to clarify that a LMP may perform tasks which are not specifically included within the Scope of Practice {as outlined in 1.4 (d)} -- as long as the LMP performs the task consistent with professional plumbing standards.

Essentially, this change to the regulation will permit the Licensed Master Plumber to perform gas piping without the necessity of the Home Improvement Registration (HIR) card.

A motion was made by Michael Maloney and seconded by Ralph Wetzel to have Chuck Manning prepare a summary for this change. A vote was taken and the motion unanimously passed.

3. MEMORANDUM from BURT LIEBMAN
FOURTH QUARTER LEGISLATION REPORT FOR 2005
SEPTEMBER 1ST TO DECEMBER 31st 2005

Mr. Liebman's memorandum advised that the first annual session of the 212th Legislature convened on January 10, 2006, and he presented a list of pre-filed bills for the Board's review. These were accepted without formal comment.

4. DIVISION OF LAW BILLING, FEBRUARY 22, 2006
DARLENE KANE, BUDGET OFFICER, DIVISION OF CONSUMER AFFAIRS, 2ND QUARTER OF
FY 2006 BILLING

On March 23, 2006, the Board accepted Ms. Kane's report without formal comment.

5. FISCAL YEAR 2006 BUDGET REPORT - FIRST HALF

This budget report was presented for the Board's review on March 23, 2006, without formal comment.

6. ADVERTISING LETTER {Cease Advertising} issued to
CLIFFORD MC CARTHY, UNLICENSED
T/A HANDY CONTRACTING @ 908-608-0006 - disconnected
19 SHADYSIDE AVENUE, SUMMIT, NJ 07901

An investigation led to the consumer's filing of a judgment in Union County Superior Court; however, follow-up by the Board Office determined that subject McCarthy relocated to Florida, and the Court is unable to pursue payment of the judgement. The Summit Construction Office advised that the homeowner obtained all permits; therefore, no further action is warranted.

An advertising letter dated October 4, 2005, had been issued to Clifford McCarthy for his advertising plumbing repairs while unlicensed. The above action was reported for the information of the Board.

7. DISCIPLINARY ACTION - UNLICENSED PRACTICE
*Reporting (1st) penalty payment ~ @ \$500- dtd 2-27-2006
{ \$2,500 PENALTY } - payment arrangements
OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

In the Matter of:

ROBERT LEVIN, TA/ LL HEATING, UNLICENSED

UNLICENSED PRACTICE - OIL FIRED HOT WATER HEATER
NEGLIGENT HAZARDOUS CONDITIONS ~
plumbing services without proper permits and inspections

WORK SITE LOCATION @ CEDAR GARDEN APARTMENTS,
571 PLAZA TERRACE EAST, aka 1030 CEDAR BRIDGE RD, BRICK, NJ;
IMPROPER INSTALLATION CAUSING FIRE - BRICK FIRE DEPARTMENT
DANIEL NEWMAN, CONSTRUCTION OFFICIAL, 2964-UP- COMPLAINANT

Offer served with the assistance of the Enforcement Bureau in Abington, PA

On January 6, 2006, Robert Levin signed the acknowledgment portion of the "Offer of Settlement" letter issued to him dated September 13, 2005. The Board is permitting Levin to submit five (5) monthly payments of \$500.00, and is acknowledging receipt of the first payment on this Agenda.

NOT ON THE PUBLISHED AGENDA

Certification

State Board of Examiners of Master Plumbers
N.J.S.A. 45:14C-28 - 33: Installing, improving, repairing, maintaining medical gas piping;
requirements for certification

{PL 2003, CHAPTER 205, APPROVED Jan 7, 2004 - Assembly, No. 82....
"takes effect, except that section 1 shall remain inoperative for 720 days following
enactment..."} }

On March 23, 2006, Chairman Mark McManus commented that the effective date for enactment of the Medical Gas piping certification (720 days) has certainly passed, and he questioned DAG Donofrio as to the status of these regulations.

DAG Donofrio advised that he had drafted the legal justification for these regulations, and that they are under review at the Division of Law. DAG Donofrio confirmed that the Board cannot register any individual for a medical gas certification until the regulations are adopted.

8. Barbara A. Cook, Executive Director, reserved a portion of Open Public Session to review some pending issues with the Board. Ms. Cook made no formal comment.

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.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Michael Maloney and seconded by Peter Voros to proceed into Executive Closed Session to review approximately eighteen (18) consumer complaint matters, seven (7) administrative closings, issues surrounding the CE audit, the DAG quarterly report, unlicensed practice matters, 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 Thursday, April 27, 2006, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director