

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

The Minutes of the March 24, 2005 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on April 28, 2005.

The notice of the March 24, 2005 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 24, 2005 was called to order at 9:00 a.m. The following Board Members were in attendance:

Ernest Tretola, Chairman

James Moore, Vice-Chairman

Mark McManus

Alexander J. Tucciarone

Ralph Wetzel

Margaret Sieb, Secretary

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

Alok Jain, Assistant to Barbara A. Cook

Deputy Attorney General Joseph A. Donofrio served as counseling deputy.

PUBLIC SESSION VISITORS:

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

William Stepler, CEP Associates, and Brien McLaughlin, State League

PLEDGE OF ALLEGIANCE:

Chairman Ernest Tretola led the Board in the Pledge of Allegiance to the Flag. Mr. Tretola also requested that the Board join in a moment of silence in recognition of U.S. troops serving our Country.

APPROVAL OF THE MINUTES ~ FEBRUARY 24, 2005

A motion was made by Alexander Tucciarone and seconded by Margaret Sieb to approve the Minutes of the February 24, 2005, meeting. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

CONTINUING EDUCATION AUDIT 1. CONCLUSION OF AUDIT MARCH 25, 2004 - MARCH 24, 2005

The State Board of Examiners of Master Plumbers has been reporting on its audit of the 2003-2005 five (5) hour CE biennial renewal requirement by providing all disciplinary statistics in Open Public Session since the March 25, 2004 meeting.

As a result of the CE disciplinary actions issued to date, the Board has collected civil penalties totaling \$56,250.00, and stenographic costs in the amount of *\$690.59--- based solely on the audit of 460 randomly selected Licensed Master Plumbers. Further actions are anticipated.

Disciplinary actions concerning licensees may be obtained by contacting the Board Office at 973-504-6420 or visiting the Board at www.njconsumeraffairs.org.

Updated penalties include one (1) penalty payment in the amount of \$500 submitted by Licensee Thomas G. Andahazy, Jr., LMP # 11694, dated May 5, 2005.

Licensee Andahazy had been audited in the category of licensees who failed to respond to Board certified mail.

The Board will continue to report on further actions until all files are CLOSED.

2. IN ADVANCE OF THE 2005-2007 MASTER PLUMBER'S BIENNIAL RENEWAL/ CE REQUIREMENT - COURSES TAKEN DURING PERIOD 2003-2005

with "new" documents..

DENISE VOORHEES, EXECUTIVE DIRECTOR of the PLUMBING-HEATING-COOLING-CONTRACTORS OF NJ 609-499-8070 ÿAPPLICATION FOR CE SPONSOR 2005-2007

On October 28, 2004, Members of the Board reviewed the application of Ms. Voorhees received at the Board on September 27, 2004, accompanied by a \$100 sponsor fee. The Board noted:

- * Any trade organization could apply for sponsorship of CE;
- * The PHCC could become a sponsor provided they utilize the services of Board approved CE instructors;
- * The appearance of Ms. Voorhees before the full Board is not required;
- * The PHCC must comply with the following for sponsorship approval:
 - * Identify the names of the CE Instructors that the PHCC will designate for their courses;
 - * Those CE Instructor(s) who will teach for the PHCC must submit a separate letter to the Board stating that they will be teaching for the PHCC;
 - * The course outline intended for the courses @ the PHCC need also be submitted to the Board for review.

On March 24, 2005, a motion was made by Mark McManus and seconded by Ralph Wetzel to approve the PHCC as a CE sponsor with their course outline. A vote was taken and the motion unanimously passed.

3. Revisiting from the 12-16-04 Mtg. ~
new documents dated February 28, 2005

PETER T. SIMCHERA, LMP # 5021
CE INSTRUCTOR # 30
SOLE SPONSOR
14 VAN DYKE ROAD, WALDWICK, NJ 07463
TELEPHONE # 201-670-7367
{A participant in prior biennials excluding the 2003-2005 biennial}

PRIOR MOTION ~

On December 16, 2004, subsequent to the Board's review, a motion was made by Ralph Wetzel and seconded by Ernest Tretola, that Mr. Simchera re-submit his course outline to conform with the Board's requirements of one (1) hour Plumbing Rules and Regulations; one (1) hour National Standard Plumbing Code and the remaining three (3) hours devoted to the selections provided to all instructors. A vote was taken and the motion unanimously passed.

APPROVAL MOTION ~

On March 24, 2005, subsequent to the Board's review, a motion was made by James Moore and seconded by Mark McManus to approve Mr. Simchera and his course outline for teaching the CE requirements necessary for the 2005-2007 biennial renewal. Mr. Simchera was reminded to teach the new 2003 Code.

A vote was taken and the motion unanimously passed.

4. FISCAL YEAR 2005 ~ ~ FIRST HALF

This report was submitted and reviewed by the Board without any formal comment.

5. DISCIPLINARY ACTION

*Reporting (1) penalty payment ~ @ \$500

Mr. Widing is maintaining his payment schedule concerning:
IN THE MATTER OF THE SUSPENSION OR REVOCATION OF LICENSE
JOHN WIDING, LMP # 7127
TO PRACTICE AS A MASTER PLUMBER/ 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 w/ (19) PAYMENTS TO DATE = {\$9,500}

\$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
\$500 ~ 1/28/04 6th
\$500 ~ 3/01/04..... 7th
\$500 ~ 3/30/04..... 8th

\$500 ~ 4/04/04..... 9th
\$500 ~ 6/01/04.....10th
\$500 ~ 6/28/04 11th
\$500 ~ 8/02/04..... 12th
\$500 ~ 8/31/04..... 13th
\$500 ~ 10/04/04..... 14th
\$500 ~ 11/01/04..... 15th
\$500 ~ 11/29/04..... 16th
\$500~ 12/24/04.....17th
\$500~ 01/28/05.....18th
\$500~ 02/28/05.....19th

6. Today's Agenda ~ March 24, 2005

Chuck Manning reserved time to review this draft with the Board.

CERTIFICATION OF PERSONS INSTALLING MEDICAL GAS PIPING IN LICENSED HEALTH CARE FACILITIES ~ STATE OF NEW JERSEY ~ 210TH LEGISLATURE ASSEMBLY BILL NO. 82} P.L. 2003, CHAPTER 205

On January 22, 2004, the Board recognized that A-82 was signed into law on January 7, 2004, by former Governor James E. McGreevey. Members agreed that before any such application process was implemented for this certification, this law must be further explored to establish regulations for establishing parameters in certifying these new individuals for Medical Gas Piping.

On March 25, 2004, Charles Manning was present with Board Members for a discussion of this topic, and presented (1) A draft of this new regulation, and (2) A document entitled "NFPA On Line" pertaining to the National Fire Protection Association. Subsequent to a lengthy discussion on March 25, 2004, Board Members agreed that Chuck Manning should pursue a legal analysis concerning the terms of this statute, and explore options in creating new regulations which conform to the requirements of ASSEMBLY BILL 82, P.L. 2003, CHAPTER 205.

On April 22, 2004, Board Members reiterated their concern for this new law, and on May 27, 2004, Chuck Manning returned to the Board for a discussion of the 'standards' for this new certification.

On January 27, 2005, Charles Manning held a discussion with the Board concerning his drafted regulation, and a motion was made by Ernest Tretola and seconded by Ralph Wetzel, to approve the draft as amended. Mr. Manning noted that he will be returning to the Board on February 24, 2005, to review budget concerns and fee charges for this new certification; that appearance was cancelled.

On March 24, 2005, Charles Manning reviewed this matter, and subsequent to a brief discussion, a motion was made by Alexander Tucciarone and seconded by Margaret Sieb, to approve the two (2) changes made today to this draft regulation concerning the ASSE Series 6000 standards.

6A. VOLUME 37, NUMBER 4, FEBRUARY 22, 2005 DIVISION OF CONSUMER AFFAIRSB STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

DEFINITIONS: SCOPE OF PRACTICE; WITHDRAWAL OF
BONA FIDE REPRESENTATIVE
ADOPTED AMENDMENTS: N.J.A.C. 13:32-1.3 and 3.2;
Adopted New Rule N.J.A.C. 13:32-1.4

The Board acknowledged the adopted amendments and adopted new rule as detailed above, published on

February 22, 2005.

The "Scope of Practice" prescribes the permissible scope of plumbing practice and details those tasks not within the scope of the practice of plumbing.

The "Withdrawal of the Bona Fide Representative" details the duties and reporting responsibilities of that BFR withdrawing from a firm, partnership, corporation, or other legal entity.

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

JOHN NEMRI, SUSPENDED, LMP # 7073
FINAL ORDER DISCIPLINE FILED SEPT. 5, 2003
\$12,500.00 PENALTY ASSESSED -&- \$PD IN FULL

Suspended Licensee Nemri requested a postponement and the Public Hearing scheduled for this date was not conducted. Nemri must appear before the full Board to seek reinstatement of his license.

ASSEMBLY, NO. 3897
211TH LEGISLATURE, INTRODUCED MARCH 1, 2005

SYNOPSIS:

Establishes the State Board of Examiners of Heating, Ventilation and Air-Conditioning Contractors

Members of the Board were provided with copies of A-3897 on March 21, 2005, and held a discussion of this legislation on March 24, 2005. Charles Manning was present for the discussion, and advised that he would organize the Board's comments and refer a position paper to the Legislative Liaison at the Division and ultimately to the Attorney General's Office.

Board Member James Moore objected to this legislation advising that there is no protection issue involved, and stated that the Government regulates refrigerants and their use. Mr. Moore stated his objection for the record stating that there is no apparent consumer protection issue.

Other Board Members voiced their favor of A-3897, particularly Ralph Wetzel, who expressed concern that there are no agencies who presently monitor the requirements for such refrigerants. Board Member Alexander Tucciarone expressed his favor of A-3897, stating that this is a health and public safety issue, particularly when condensate furnaces are producers of substances such as acid waste.

Board Members did constructively criticize A-3897 on the issue that the new legislation intended for an HVAC Board does not refer to a "bona fide representative" or a "ten (10) percent license holder" as in the case of the New Jersey Plumbing Statutes and Regulations governing Master Plumbers.

9. Creating a "New Form" for licensees

REGISTRATION of PLUMBING CONTRACTOR, BONA FIDE REPRESENTATIVE - or - EMPLOYEE OF PLUMBING CONTRACTOR

N.J.A.C. 13:32-3.2 Bona fide representative; reporting responsibilities

On March 24, 2005, Members of the Board held a discussion in Executive Closed Session and returned to Open Session to report the following:

The implementation of a new form will provide Licensed Master Plumbers with the means for providing necessary particulars regarding their licenses, employments, and entity status. The form captures general contact information for the Board Office and incorporates an affidavit.

The form satisfies many requirements detailed in N.J.A.C. 13:32-3.2, which require that:

"the affidavit shall be executed by the corporate secretary or other appropriate representative of the plumbing contractor... such proof shall be in writing and on a form provided by the Board.... etc..."

Board Members were unanimous in their agreement to issue this new form, and agreed that the new business form will be used effective immediately– starting with the next group of passing candidates and with those licensees making business changes.

It is noted that licensees are encouraged to comply with requirements to register their address changes within (10) days of that change, and business changes within thirty (30) days, as opposed to their resorting to the biennial renewal to report such changes.

Disciplinary action will be considered by the Board against those licensees found in violation of existing New Jersey Plumbing Statutes and Regulations and who were negligent in reporting timely address and/or business changes.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Mark McManus and seconded by Ralph Wetzel to proceed into Executive Closed Session to review twelve (12) pending consumer complaint matters, five (5) administrative closings, issues surrounding the CE audit, the DAG quarterly report, an issue regarding plumbing fixtures, 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 28, 2005, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director