

**#500 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS - MARCH 25, 2004**

The Minutes of the March 25, 2004, Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on April 22, 2004.

The notice of the March 25, 2004, 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 25, 2004, was called to order at 9:00 a.m. The following Board Members were in attendance:

Alexander J. Tucciarone, Chairman

Margaret Sieb, Secretary

Ralph Wetzel

James Moore

Ernest Tretola

Board Member Mark McManus was absent from this meeting.

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

Deputy Attorney General Joseph A. Donofrio served as the Board's counseling deputy for this meeting.

PUBLIC SESSION VISITORS:

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

James Miller, LMP # 9743

Bill Stepler, C.E.P. Associates

Frank A. Czeronka, LMP # 11848

PLEDGE OF ALLEGIANCE:

Chairman Alexander Tucciarone led the Board in the Pledge of Allegiance to the Flag. Mr. Tucciarone also

requested that the Board join in a moment of silence in recognition of U.S. troops serving overseas.

APPROVAL OF THE MINUTES ~ FEBRUARY 26, 2004 MEETING

A motion was made by Ralph Wetzel and seconded by Ernest Tretola to approve the February 26, 2004, minutes. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

CONTINUING EDUCATION AUDIT OFFICIAL RESULTS ~ and ~ DISCIPLINARY ACTIONS

1. FULFILLING THE (5) FIVE REQUIREMENT for the 2003-2005 BIENNIAL RENEWAL

The State Board of Examiners of Master Plumbers conducted an audit into compliance by its licensees concerning the (5) five hour CE requirement for the recent 2003-2005 biennial renewal cycle.

Master Plumbers licenses were renewed for 2003-2005; however, the Board's audit produced a letter dated November 17, 2003, to some 460 randomly selected Licensed Master Plumbers, and requested that each licensee furnish a copy of his/her CE Certificate proving completion of the five (5) hour course for the 2003-2005 biennial renewal.

On March 25, 2004, the Open Public Session of the Agenda reported the following actions generated as a result of this CE audit:

CATEGORY:

ACTION: A letter of condolence dated March 10, 2004, was issued from the Board Office to the family of each of the below deceased Licensed Master Plumbers.

CATEGORY:

Continued

This letter of condolence was accompanied by an Administrative Action/ Request for the return of the Master Plumber's seal signed by Executive Director Barbara A. Cook and issued to each of the families of the decedents:

Plumbing License #	Licensed Master Plumber
36BI00412000	PINZONE, LEO
36BI00303100	MAZZITELLI SR, FRANK M
36BI00235600	DE FAZIO, JOSEPH J
36BI00176100	STEINKE, JOSEPH J
36BI00164900	ZIEMAN, WILLIAM H

CATEGORY:

**ACTION: PROVISIONAL ORDER OF DISCIPLINE ~ {POD}
ASSESSING A \$1,000 PENALTY/ SUSPENSION**

A Provisional Order of Discipline was prepared by Deputy Attorney General Joseph A. Donofrio on behalf of the State Board of Examiners of Master Plumbers and filed on 3-17-04, by the Executive Director, Barbara A. Cook.

CATEGORY:
Continued

This Provisional Order of Discipline:

- * Is subject to finalization by the Board at 5:00 pm on the 30th business day following entry, and,**
- * At that time suspends the plumbing license of the Respondent until such time that a copy of his/her CE certificate is submitted;**
- * Assesses a \$1,000 penalty for failure to timely cooperate with the Board's requests for a copy of the CE certificate;**
- * Permits Respondent to submit a reply to the POD, and a further review after (30) days to determine if a Final Order shall be entered.**

Any Final Orders of Discipline entered as a result of these PODs in this category will be reported by the Board in Open Public Session as they develop.

Those (21) LICENSEES who were issued a Provisional Order of Discipline in this category are as follows:

Continued

CATEGORY:
Continued

Plumbing License #	Licensed Master Plumber
36BI00703800	ABRAHAM, JOHN
36BI01169400	ANDAHAZY, THOMAS G
36BI00331100	CINEGE SR, NEIL A
36BI00722700	COUNCIL, EMANUEL
36BI00480400	CUMMINS JR, ARTHUR F
36BI00084000	DE BARO, GERALD
36BI00186300	EAGER, PHILIP E
36BI00172300	FIORITO, JOSEPH J

36BI00702700	HOLLOWAY, WILLIAM A
36BI00193800	KING, WILLIE C
36BI00159700	MESCE, LOUIS M
36BI00256100	MONTO, ROCCO R
36BI00960700	PARIN, ROBERT
36BI00512400	PAUTLER JR, CHARLES M
36BI00058600	POTOCKI, JOSEPH R
36BI00995700	SCARDILLI JR, RICHARD K

CATEGORY:

Continued: (21) LICENSEES issued a POD are as follows:

Plumbing License #	Licensed Master Plumber
36BI01103000	STILL JR, PRESTON G
36BI00943700	STRATTON II, SAMUEL N
36BI00354200	THUNELL JR, JOHN J
36BI01086300	WALTZ, MICHAEL A
36BI01003000	WIKFORS, KEVIN J

CATEGORY:

The correspondence submitted by licensees in response to this audit offered insufficient evidence of compliance with the Board's requirement for fulfilling (5) hours of Continuing Education for the 2003-2005 biennial renewal period.

ACTION: A Uniform Penalty Letter {UPL} dated March 12, 2004, was issued to each of the following (43) Licensed Master Plumbers. The terms allow the licensee choices to respond to the violations presented, and either submit the \$500 penalty, provide an explanation and waive a hearing, or request a formal hearing before the Board. In all cases, the licensee agrees to cease and desist from such future violations, and must attend the five (5) hour CE course.

CATEGORY:

NOTE: A certification is provided, and defaulting on the UPL will cause grounds for an order entering penalties, suspension, or revocation of licensure.

Those (43) LICENSEES who were issued a UPL are as follows:

Plumbing License #	Licensed Master Plumber
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36BI00066100	ADELMAN, NORMAN
36BI00363600	AMATO, FRANCIS L
36BI00657500	BARRETTA, ROBERT A
36BI01065300	BARSONY, SCOT L
36BI01055100	BAUER, BRUCE T
36BI00973400	BELITZ, ADAM B
36BI00835500	BENDER JR, JAMES R
36BI00396300	CHRISTOPHER, ROBERT C
36BI00554600	CICERALE, LOUIS T
36BI00848800	COULAHAN, JOHN F
36BI00291600	DE ANGELO, ROBERT A
36BI01049000	DELHAGEN, GARY R
36BI00755600	DEMBROSKY, EDWARD
36BI00880400	DITZEL, MARK L

CATEGORY: Continued: Those (43) LICENSEES who were issued a UPL are as follows:

Plumbing License #	Licensed Master Plumber
36BI01068900	FARRUGGIA, SALVATORE A
36BI00190500	FERRARA, ARCHIE W
36BI00830300	FORD JR, ROBERT E
36BI00028700	GAHM, RONALD J
36BI01077200	GREENBERG, HAL C
36BI00602900	HEIM, MICHAEL R
36BI00909800	JANNUZZI, ANTONIO
36BI00548800	JORSKI, JOSEPH J
36BI00909500	KLEIN, HAROLD L
36BI00913000	LEE, PATRICK S
36BI00816100	LO SASSO, MICHAEL
36BI01061600	MAYER, PAUL S
36BI00702600	MIDDLETON JR, FELDMAN
36BI00437900	MINUTO JR, PARIS R

36BI01049300

MIZER, JAY J

CATEGORY: Continued: Those (43) LICENSEES who were issued a UPL are as follows:

Plumbing License #	Licensed Master Plumber
36BI00329400	MONTON, JAMES N
36BI00832300	PEET, JAMES E
36BI00601900	PINTINALLI, WILLIAM
36BI00425000	PRIOR, JOERGEN P
36BI00950200	PTAKIWICZ, JACOB
36BI01060000	ROSEN, PHILIP L
36BI00170700	SCIUTO, JOSEPH A
36BI00923200	SEIFERT, KEVIN E
36BI00536900	SIKORA, JOHN W
36BI01114300	STILES, JOHN D
36BI00931800	TAYLOR, MARTIN
36BI00712700	WIDING, JOHN
36BI00725400	YI, DANIEL C
36BI00965800	ZIMMERMAN, JACK A

CONTINUING EDUCATION "RANDOM AUDIT"

Continued

On March 25, 2004, the Board noted that as this audit nears completion, further disciplinary action is anticipated. All further disciplinary actions concerning this CE audit will be reported as they develop.

2. ELECTION OF OFFICERS * 2004

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 the year 2004.

CHAIRMAN

Board Member Ralph Wetzel nominated Alexander Tucciarone as Chairman.

James Moore seconded that nomination.

Alexander Tucciarone accepted the nomination.

A vote was taken and the motion unanimously passed.

VICE-CHAIRMAN

Board Member Alexander Tucciarone nominated Ernest Tretola as Vice-Chairman.

James Moore seconded that nomination.

Ernest Tretola accepted the nomination.
A vote was taken and the motion unanimously passed.

SECRETARY

Board Member James Moore nominated Margaret Sieb as Secretary.
Alexander Tucciarone seconded that nomination.
Ms. Sieb accepted her nomination. A vote was taken and the motion un-
animously passed.

ELECTION OF OFFICERS * 2004 ~ Continued

EXECUTIVE DIRECTOR

Ernest Tretola nominated Barbara A. Cook as the Executive Director.
James Moore seconded that nomination.
Ms. Cook accepted the nomination.
A vote was taken and the motion unanimously passed.

CLOSING

A motion was made by James Moore to close all nominations, and that motion was seconded by Margaret Sieb. A vote was taken and the motion unanimously passed.

Board Members unanimously voted to elect the nominees.

It is noted that all officers of the Board must provide a current resume for forwarding to the Director's Office at the Division of Consumer Affairs.

3. CERTIFICATION OF PERSONS INSTALLING MEDICAL GAS PIPING IN LICENSED HEALTH CARE FACILITIES ~

Revisiting from January 22, 2004 -&- February 26, 2004, Agendas ~

STATE OF NEW JERSEY ~ 210TH LEGISLATURE ASSEMBLY BILL NO. 82, P.L. 2003, CHAPTER 2005

On January 22, 2004, the Board noted that A-82 was signed into law on January 7, 2004, by Governor James E. McGreevey.

Members agreed that before any such application process is implemented for this certification, this law must be further explored to establish regulations which would provide parameters in certifying individuals for Medical Gas Piping.

CERTIFICATION MEDICAL GAS PIPING ~ *Continued*

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 NO. 82, P.L. 2003, CHAPTER 2005.

4. KENNETH A. PORRO, ATTORNEY AT LAW NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS

STEPHEN S. RODZINAK, STATE LEAGUE

INQUIRY CONCERNING "SCALDING" Alleging recent adoption of a regulation that no longer requires a plumbing permit for the installation of a tub and shower valve, DEC, 2003 NEW JERSEY REGISTER

Mr. Porro submitted a consumer inquiry through "Citizens Services" regarding the above matter and requested the Board's assistance concerning this issue of scalding.

On March 25, 2004, Members of the Board discussed Mr. Porro's inquiry and concluded as follows:

- (A) This work remains within the scope of requiring a Licensed Master Plumber;
- (B) This work requires a permit according to the Uniform Construction Code;
- (C) This work be must inspected and conform with requirements of the Uniform Construction Code.

KENNETH A. PORRO, ATTORNEY AT LAW

Continued

On March 25, 2004, a motion was made by Ralph Wetzel and seconded by James Moore to direct correspondence to Mr. Porro advising him of the Board's findings.

A vote was taken and the motion unanimously passed.

5. DIVISION OF LAW BILLING

DARLENE KANE, BUDGET ANALYST
DIVISION OF CONSUMER AFFAIRS
MEMORANDUM DATED FEBRUARY 17, 2004
SECOND QUARTER OF FY 2004

On March 25, 2004, Members of the Board reviewed Ms. Kane's report without a formal comment.

6. DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS
MEMORANDUM OF FEBRUARY 6, 2004
MEGAN K. SULLIVAN

Ms. Sullivan submitted the draft agenda for the Code Advisory Board meeting of February 13, 2004 and the approved minutes of the Code Advisory Board meeting of October 10, 2003.

On March 25, 2004, Board Members reviewed Ms. Kane's report without any formal comment.

7. EXPERIOR ASSESSMENTS, INC. NEW JERSEY PLUMBING EXAM SUMMARY

Experior provided their report concerning the Master Plumber's examination with the details and history concerning the components for those examinations.

EXPERIOR ASSESSMENTS, INC
Continued

On March 25, 2004, the Board reviewed this report from Experior, but made no formal comment.

8. PAUL J. MITCHELL, PRESIDENT
MITCHELL-ITAK, INC., T/A ITAK HEATING AND COOLING

INQUIRY RE HEATING VS. PLUMBING WORK

Mr. Mitchell submitted a letter dated February 26, 2004, questioning the Board concerning the possibility of a "Class B Plumbing license" for what he described as heating related plumbing tasks.

On March 25, 2004, the Board held a discussion of this matter, and concluded with a statement from Deputy Attorney General Joseph A. Donofrio that such a change to the Master Plumber's license would be accomplished through a statutory change.

Members of the Board noted that such a change is not warranted, and requested that a reply be issued to Mr. Mitchell expressing these findings.

9. DISCIPLINARY ACTION

***Reporting (2) penalty payments ~ @ \$500 each = \$1,000:**

IN THE MATTER OF THE SUSPENSION OR REVOCATION
OF THE LICENSE OF

JOHN WIDING, LMP # 7127

TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NEW JERSEY

JOHN WIDING, LMP # 7127 *Continued*

ADMINISTRATIVE ACTION ~ CONSENT ORDER
SIGNED SEPT. 7, 2003 & FILED SEPT. 25, 2003
COSTS of \$161.30 PAID IN FULL

\$12,000 PENALTY : (7) PAYMENTS TO DATE:

\$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 ~ 1/28/046th
\$500 ~ 3/01/04.....7th

10. DISCIPLINARY ACTION

IN THE MATTER OF THE SUSPENSION OR REVOCATION
OF THE LICENSE OF
WALTER WINSTON, PLUMBING LIC. # 10685
TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY
PROVISIONAL ORDER OF DISCIPLINE FILED 3/08/04

On March 8, 2004, a Provisional Order of Discipline against Licensee Walter Winston, LMP # 10685, was prepared by Deputy Attorney General Joseph A. Donofrio, executed by the Board, and filed by Executive Director Barbara A. Cook.

This Provisional Order of Discipline (POD) reflects that the Respondent's license to practice plumbing in the State of New Jersey is currently suspended insofar as he failed to renew his license within thirty (30) days of its expiration date of June 30, 2003.

WALTER WINSTON, PLUMBING LIC. # 10685 ~ *Continued*

Prior to the automatic suspension of Respondent's license, three (3) consumer complaints had been filed at the Board Office, which Walter Winston refused to answer despite being properly served by certified and regular mail at the address on record with the Board.

As a result of information received on August 14, 2003, by the Monmouth County prosecutor Edward Quigley, the Board learned that the Respondent was a fugitive from justice, and that there was an outstanding warrant for his arrest. Respondent is currently under a two (2) county indictment in Monmouth County for theft with regard to cheating elderly couples as part of his plumbing practice.

This POD is subject to finalization by the Board at 5:00 pm on the 30th business day following entry {April 8, 2004} unless Respondent requests a modification or dismissal of the stated Findings of Fact or Conclusions of Law contained in said order.

11. Barbara A. Cook, Executive Director, reserved a portion of Open Public Session to review some pending issues with Board Members.

On March 25, 2004, no formal comment was made by the Executive Director above those expressed in Item #1 concerning the Continuing Education audit and its findings.

NOT ON THE PUBLISHED AGENDA

KENNETH RIVERA, LICENSED MASTER PLUMBER # 10526

DECEASED 12-11-03; CONTINUANCE OF BUSINESS REQUEST/BUSINESS

Correspondence dated March 24, 2004, was received from Bruce Rydh, # 9906 reporting the death of licensee Kenneth Rivera, Licensed Master Plumber # 10526.

KENNETH RIVERA - DECEASED LICENSED MASTER PLUMBER # 10526

Mr. Rydh submitted the death certificate for the deceased and enclosed the Master Plumber's pressure seal of Kenneth Rivera.

On March 25, 2004, a motion was made by James Moore and seconded by Ralph Wetzel to grant a Continuance of Business to Mr. Rivera's business to extend from the date of death, December 11, 2003, for six (6) months, to June 11, 2004.

This plumbing business will be supervised by the licensee submitting the request, Bruce Rydh, and at the time the continuance ceases, the business once belonging to Mr. Rivera must cease all plumbing operations unless a new bona fide representative is retained and reported to the Board Office.

A vote was taken and the motion unanimously passed.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by James Moore and seconded by Ernest Tretola to proceed into Executive Closed Session to review (3) three administrative closings of consumer complaints and (2) two pending consumer complaint matters; one investigative inquiry, 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. 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 22, 2004, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director