

**#544 MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS -MINUTES OF MARCH 27, 2008**

The Minutes of the March 27, 2008 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on April 24, 2008.

The notice of the March 27, 2008 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 27, 2008 was called to order at 9:00 am with the following Members in attendance:

Peter I. Voros, Chairman

Ralph Wetzel, Vice-Chairman

Michael L. Sestanovich, Secretary

Adam J. Sabath

Michael K. Maloney

Paul N. Bontempo

Donald Dileo was absent

Mark McManus was absent

BOARD MEMBER - VACANCY - (1)

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 3:00 pm:

Barbara A. Cook, Executive Director

Rosemarie Baccile, Executive Assistant

Joseph A. Donofrio, Deputy Attorney General, Counseling Deputy

PUBLIC SESSION VISITORS: Bill Stepler, CEP Associates

Elizabeth Moritz, Administrator, NJSLMP 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 ~ FEBRUARY 28, 2008 MEETING

A motion was made by Ralph Wetzel and seconded by Michael Maloney to approve the minutes of the February 28, 2008 meeting. A vote was taken and the motion unanimously passed.

## BOARD BUSINESS

Documentation is provided on all matters unless otherwise noted.

### PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

RALPH WETZEL ~MASTER PLUMBER MEMBER ~ VICE-CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

MARK MC MANUS ~ JOURNEYMAN PLUMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER 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. ADVERTISING MATTER

ALEX BAUM, T/A "HOME REPAIRS FROM A-Z," UNLICENSED

TEL # 732-370-4141, FILE ID # 56851

SUBMITTED BY JAMES W. HUGHES, LMP # 9234

#### 2. ADVERTISING MATTER

BRAD MC CULLOUGH, T/A "BRAD'S WATER WORKS"

UNLICENSED - TEL # 732-672-8795; FILE #56877

SUBMITTED BY PLUMBING HEATING COOLING CONTRACTORS

{PHCC} DENISE VOORHEES, EX. DIRECTOR

Both advertising matters were discussed and closed. A motion was made by Ralph Wetzel and seconded by Michael Sestanovich to fine unlicensed entities in future agendas for advertising plumbing services. A vote was taken and the motion unanimously passed.

#### 3. DIVISION OF LAW BILLING -FEBRUARY 21, 2008 - 2ND QUARTER FY 2008 [ No comment]

#### 4. DISCIPLINARY ACTION

Reporting full penalty payment of \$250 on 3-17-2008

DENNIS T. KISH, LMP # 9272 - T/A Kish Plumbing and Heating

CLOSED

#### OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

Violations of ~ N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct;

Consumer Fraud Act, namely N.J.A.C. 13:45A-16.2 (12)

Home Improvement Practices;

Requirement of a contract for services in excess of \$500.00; et als

In conjunction with consumer complaint matter:

BERNARD MALIK, CONSUMER, FILE ID # 51831

A \$250.00 penalty was assessed and paid for failure to comply with the requirements of the Consumer Fraud Act when neglecting to issue a contract to the consumer.

## 5. DISCIPLINARY ACTION

Reporting full penalty payment of \$600 on 3-19-2008  
Restitution \$1,750 returned to consumer in full  
(Board directed restitution)  
CLOSED

FITZROY WEATHERSPOON, LMP # 12216  
T/A Plumb Tech Services

## OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

Violations of ~

N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct;

N.J.A.C. 13:32-3.1 (a) - (e) Identification of Licensed Master Plumber; vehicles; stationery; advertising;

Consumer Fraud Act, namely N.J.A.C. 13:45A-16.2 (12) iv.

In conjunction with consumer complaint matter:

MARK AND KATHRYN WERHEIM, CONSUMERS, FILE ID # 42291

- A \$100 penalty was assessed for failing to indicate the Master Plumber's license number on letterhead violating N.J.A.C. 13:32-3.1  
(a) - (e) Identification of Licensed Master Plumber; vehicles; stationery; advertising;
- A \$500 penalty was also assessed for failure to comply with the requirements of the Consumer Fraud Act, namely N.J.A.C. 13:45A-16.2 (12) iv.: neglecting to indicate the dates or time period on or within which the work is to begin and be completed by the seller.

## 6. DISCIPLINARY ACTION

Reporting full penalty payment of \$2,500 on 3-17-2008  
CLOSED

ANTHONY INTERSIMONE, LMP # 8743  
T/A Intersimone Plumbing and Heating

## OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

Violations of ~ License Lending

N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct;

N.J.A.C. 13:32-4.1 Requirement of pressure seal; penalties for misuse;

N.J.A.C. 13:32-3.4 Supervision - plumbing work shall be performed by the licensed master plumber {Imp} or the employees of the Imp or plumbing contractor

In conjunction with complaint matter from

The BOROUGH OF WANAQUE, BUILDING DEPARTMENT,  
579 RINGWOOD AVENUE, WANAQUE, NJ 07465  
FILE ID # 47364

- A \$2,500 penalty was assessed for the job at 17 Toquet Street in Wanaque, NJ, Permit #05-724+A. - unlicensed, non-employee performing work at this job site; failed inspection.

## 7. BERMAN ROSENBACH

ATTORNEYS FOR MICHAEL IULIANO, LMP # 11047

REGISTERED AS "ALL BACKED UP, LLC T/A MICHAEL

• IULIANO PLBG AND HTG." INQUIRY DATED MARCH 5, 2008 Requesting an interpretation of Plumbing Law

A motion was made by Paul Bontempo and seconded by Michael Maloney that Deputy Attorney General (DAG) Joseph Donofrio will explore the issue of 1099's versus W-2s as they relate to employees of plumbing contractors; secondly, Board Member Adam J. Sabath will forward information to the DAG on this topic to assist Mr. Donofrio in his response to Berman Rosenbach. A (second) motion was made by Adam J. Sabath and seconded by Michael Maloney. A vote was taken and both motions unanimously passed.

8A. Scheduled at the request of DAG Joseph A. Donofrio to discuss the below Provisional Order of Discipline

"PLUMBING LICENSE FOR HIRE"

PROVISIONAL ORDER OF DISCIPLINE FILED 4-26-2007

Respondent's license to practice plumbing in the State of New Jersey, which is currently suspended by application of N.J.S.A. 45:1-7.1(b), as a result of his failure to apply for renewal within 30 days of its expiration date of June 30, 2005, shall provisionally remain suspended for a period of two years upon any request for reinstatement. The first six months of the suspension are to be active and the remaining 18 months are to be stayed and considered a period of probation. Respondent shall not be reinstated until such time as he has paid in full the civil penalties and costs which are outlined in this provisional order.

Respondent shall immediately surrender his master plumber's pressure seal upon entry of a final order. Respondent shall pay a civil penalty in the aggregate amount of \$10,000, consisting of a \$2,000 penalty for attempting to secure a plumbing permit for an unlicensed person; a \$2,000 penalty for permitting his license and seal to be used by another person; a \$2,000 penalty for willfully allowing an unlicensed person to use his seal; a \$2,000 penalty for aiding or abetting unlicensed practice and a \$2,000 penalty for initially misrepresenting his testimony during the October 23, 2003 inquiry . Respondent is hereby assessed costs in the amount of \$5,387.17.

On March 27, 2008, the Board held a discussion in Executive Closed Session and returned to Open Public Session to report that DAG Donofrio will proceed with the preparation of a Final Order involving this licensee. There has been no response thus far from the licensee concerning the Provisional Order filed 4-26-2007.

#### 8. EXECUTIVE DIRECTOR'S REPORT

Ms. Barbara A. Cook, Ex Director, made no comment.