

Prepared on 4/11/2013 by Rosemarie Baccile,
Acting Executive Director

STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
599 - BUSINESS MEETING - AGENDA - MARCH 28, 2013

The minutes of the March 28, 2013 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on *April 25, 2013*.

The notice of the March 28, 2013 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, Trenton, New Jersey.

The Board meeting of March 28, 2013 was called to order at 9:00 am with the following Members in attendance:

Peter Voros. Chairman

Michael K. Maloney, Vice-Chairman

Michael L. Sestanovich, Secretary

James McManus, Jr.

Robert B. Reeve

Adam J. Sabath

Paul N. Bontempo, absent

Donald Dileo

Board Complement: (9): One (1) Vacancy remains for a Government Representative

Others in attendance:

The following individuals were in attendance from 9:00 a.m. until closing at 3:00 pm:
Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)
Rosemarie Baccile, Acting Executive Director

PUBLIC SESSION VISITORS:

Vincent Tinervia, New Jersey State League of Master Plumbers, Lic # 10945

Thomas F. Walsh, LMP #7854, Township of East Brunswick

Joe Remshard, LMP # 11168, New Jersey Council of Master Plumbers

Tiny Andersen, NJSLMP, Lic # 5017

Joe Remshard, LMP # 11168, New Jersey Council of Master Plumbers

George Sommers, Attorney at Law, contact numbers 201-656-6575 and 291-344-3338

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 of the FEBRUARY 28, 2013 MTG

A motion was made by Donald Dileo and seconded by Michael Sestanovich to approve the minutes of the February 28, 2013 mtg. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER - VICE CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

ROBERT B. REEVE, LICENSED MASTER PLUMBER # 7388

JAMES MC MANUS, JR., JOURNEYMAN MEMBER

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER

ADAM J. SABATH ~ PUBLIC MEMBER

TOTAL BOARD COMPLEMENT (9):Vacancy /Government representative

1. **JOHN STRETAVSKI, JR. LMP # 12755**
IN BUSINESS ASSOCIATION WITH
MARK LINDSAY, LMP # 8100, t/a MARK LINDSAY AND SON PLBG/HTG

CORRESPONDENCE DATED MARCH 19, 2013

Questioning the duty of the licensed master plumber to comply with **Consumer Fraud Act** regulations, i.e requirement of a 800 phone number for advertisements.

On March 28, 2013, the Board discussed the correspondence submitted by Licensee Stretavski, and after a discussion with Deputy Attorney General (DAG) Joseph A. Donofrio, concluded that Licensed Master Plumbers are not required to comply with obtaining an 800 telephone number for their advertisements. Such a requirement for an 800 telephone number pertains to the Consumer Fraud Act for construction related work.

2. **REQUEST FOR REINSTATEMENT**
JOSEPH SALERNO, LMP # 4490

DID NOT RENEW 1981-1983; EXPIRED LICENSE JUNE 30, 1981
APPEAL DATED MARCH 11, 2013

Mr. Salerno submitted a request for the reinstatement of his master plumber's license. Mr. Salerno contacted the Board March 20, 2013, requesting that the Board consider *waiving the requirement for re-examination*.

On March 28, 2013, (DAG) Joseph A. Donofrio discussed this matter with the Board. Members noted that licensee Salerno communicates in his letter that he was placed into the Witness Protection Program by federal authorities at the time his plumbing license was expiring, and he was precluded from contacting anyone including the Board, to renew his license.

DAG Donofrio advised the Board on March 28, 2013, that he will conduct further research in considering the request to reinstate the master plumber's license once held by Mr. Salerno. A motion was made by Michael Maloney and seconded by Michael Sestanovich.

A vote was taken and the motion unanimously passed.

3. **GARY J. DEVINE, LMP # 6568**
NEW JERSEY PLUMBERS ASSOCIATION
FEBRUARY 20, 2013 CORRESPONDENCE REGARDING
Mercantile licenses in GLASSBORO, NJ

Licensee Gary Devine submitted correspondence to reflect that the Township of Glassboro continues to issue mercantile licenses in violation of existing New Jersey Plumbing Statutes and Regulations.

On March 28, 2013, a motion was made by Robert Reeve and seconded by Donald Dileo, to request DAG Donofrio send a letter to the township and advise that the issuance of such mercantile licenses is a violation of New Jersey Plumbing Statutes and Regulations.

A vote was taken and the motion unanimously passed.

4. CONTINUING EDUCATION (CE) - 2013-2015 BIENNIAL RENEWAL
(5) HOUR REQUIREMENT
REQUEST FOR RE-APPROVAL AS CE SPONSOR

ROBERT W. MULLER, SPONSOR # 12
LICENSED MASTER PLUMBER # 7053
NEW JERSEY PLUMBING-HEATING-COOLING CONTRACTORS (NJAPHCC)
CORRESPONDENCE DATED FEBRUARY 27, 2013
Request to re-approve Mr. Muller to instruct CE for the current biennial

On March 28, 2013, a motion was made by Robert Reeve and seconded by Michael Sestanovich to re-approve Robert Muller as a sponsor of Continuing Education and approve the course outline submitted for his instruction.

A vote was taken and the motion unanimously passed.

5. NICOLE URIZZO, EXECUTIVE DIRECTOR
NJAPHCC EMAIL CORRESPONDENCE OF FEBRUARY 27, 2013
NJPHCC/PAPHCC COMBINED TRADE SHOW- MAY 10 and 11TH
REQUEST FOR CLASS SIZE CHANGE to 100
Existing regulations set limits for CE class sizes at 50.

On March 28, 2013, following a brief discussion, a motion was made by James McManus and seconded by Robert Reeve to approve the request of the PHCC to increase their CE class size for the May trade show. A vote was taken and the motion unanimously passed.

6. **SENATE BILL # 2576** RECUSAL: MICHAEL MALONEY

An act concerning heating, ventilating, air conditioning and refrigeration contractors and amending and supplementing PL 2007, C211.

On March 28, 2013, the Board discussed this legislation and concluded as follows in a motion made by Robert Reeve and seconded by James McManus:

- The language on page two (2) with respect to the “**sanitary sewer**” expands the scope of work for HVACR contractors, to which the State Board of Examiners of Master Plumbers (SBEMP) objects;
- The SBEMP objects to these changes in this legislation and strongly opposes its content as written.

A vote was taken and the motion unanimously passed.

7. **REQUEST FOR APPROVAL**
SPONSORSHIP OF NEW JERSEY ALLIANCE OF MASTER PLUMBERS

THOMAS F. WALSH, LMP # 7854, PRESIDENT
CE SPONSOR # 30 & CE INSTRUCTOR # 89

Correspondence dated January 24, 2012 requesting re-approval for instruction of Continuing Education under the sponsorship of the New Jersey Alliance.

ADDITIONAL INSTRUCTORS for the ALLIANCE:
ANTHONY SCHIAVONE, INSTRUCTOR # 97
ORLANDO OLIVA, INSTRUCTOR # 98

On March 28, 2013, a motion was made by Donald Dileo and seconded by James McManus to re-approve Thomas F. Walsh as a sponsor of Continuing Education and approve the course outline submitted for his instruction. Messrs. Schiavone and Olive are also approved to provide CE instruction.

A vote was taken and the motion unanimously passed.

DISCIPLINARY ACTION

8. **LLOYD GRUB, LMP # 10623**
OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDINGS
CIVIL PENALTY of \$250 PAID ON MARCH 1, 2013
FAILURE TO ISSUE A CONTRACT

Consumer Fraud Act, Home Improvement Practices,
N.J.A.C. 13:45A-16.2-(12) Unlawful practices /writing requirement

Licenses are required to abide by Home Improvement Practices and issue contracts where applicable for plumbing work;

In the absence of a signed contract — a violation of the Consumer Fraud Act, Home Improvement Practices, N.J.A.C. 13:45A-16.2-(12) Unlawful practices writing requirement: All home improvement contracts for a purchase price in excess of \$500 and all changes in the terms and conditions thereof, shall be in writing;

A \$250 penalty was assessed against Mr. Grub via an Offer of Settlement for his failure to issue a contract in this matter. This file is now closed.

DISCIPLINARY ACTION

9. **JOSEPH NIKITUK, LMP # 10601**
CIVIL PENALTY OF \$500 PAID MARCH 6, 2013
IMPROPER ADVERTISEMENT - FILE ID: #86410

N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct;
N.J.S.A. 13:32-3.3 (5) Bona fide representative responsibilities;
Serve as a bonafide representative for only one plumbing contractor

On October 25, 2012, the Board discussed the evidence in this matter and issued an Offer of Settlement dated February 12, 2013, with a \$500 penalty, to licensee Nikituk for violations of the bona fide representative violations by his advertisements published with two (2) trade names.

EXAMINATION REVIEW

It is noted that applications for the Master Plumber's examination, Master Plumber's business registration forms, and Bona fide Representative registrations were reviewed by Board Members during the course of this business meeting.

Applications for Medical Gas Piping installers, brazers and instructors were also reviewed at this time.

CHAIRMAN'S REPORT

PETER VOROS, STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

- *Wish list dated June 20, 2012 submitted to the Board*
- *Initial meeting with Acting Director Eric Kanefsky on September 27, 2012;*
- *Request for a revised version of topics for discussion;*
- *Wish list re-submitted dated December 20, 2012;*
- *Reporting on Chairman's meeting with Director Eric Kanefsky, February 28, 2013*

In the matters of:

- ◆ **WILLIAM WHITE, SECRETARY OF NJ COUNCIL OF MASTER PLUMBERS (NJCMP) INITIAL LETTER DATED - JUNE 20, 2012 - SUBMITTED TO THE BOARD REQUEST FOR MEETING WITH - DAG AND CONSUMER PROTECTION ENTITLED "WISH LIST" 2ND DOCUMENT DATED DECEMBER 20, 2012**
- ◆ **NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS (NJSLMP) CORRESPONDENCE - MEETING REQUEST WITH MR. KANEFSKY THOMAS F. WALSH, STEVEN RODZINAK, STEVEN RICKERSHAUSER, ANTHONY SCHIAVONE, ORLANDO OLIVA, RICHARD MARTINELLI LICENSE ENFORCEMENT ISSUES LETTER - DATED JULY 7, 2012 ADDRESSED TO ERIC T. KANEFSKY, ACTING DIRECTOR**

On March 28, 2013, Chairman Peter Voro advised that he met with Director Eric Kanefsky on February 28, 2013 concerning the above topic entitled "Wish List."

Continued

CHAIRMAN'S REPORT

PETER VOROS, STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

Mr. Voros reported that the Director was receptive to the concerns expressed by the above Associations and discussed possibilities for investigations including sting operations. The Director advised that some issues within the wish list are beyond his realm, and therefore, he cannot address them. Mr. Voros advised that the Director is in contact with local Consumer Affairs Offices within the State of New Jersey with respect to the issue of consumer protection.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Robert Reeve to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, 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 for *April 25, 2013*, at 9:00 am in the Essex Room.

A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director