

**#501 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS - APRIL 22, 2004**

The Minutes of the April 22, 2004, Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on May 27, 2004.

The notice of the April 22, 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 April 22, 2004, was called to order at 9:00 a.m. The following Board Members were in attendance:

Alexander J. Tucciarone, Chairman

Ernest Tretola, Vice-Chairman

Margaret Sieb, Secretary

Ralph Wetzell

James Moore

Mark McManus

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:

Frank Czeronka, Licensed Master Plumber (LMP) # 11848

Bill Stepler, C.E.P. Associates

Daniel O'Gorman, LMP # 7656

Charles T. Reiners, LMP # 1105

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 ~ MARCH 25, 2004 MEETING

A motion was made by Ernest Tretola and seconded by Ralph Wetzel to approve the March 25, 2004, minutes. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

1. CONTINUING EDUCATION AUDIT OFFICIAL RESULTS ~ and ~ DISCIPLINARY ACTIONS

FULFILLING THE (5) FIVE HOUR 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.

The Board has continued its pursuit of this audit, and on April 22, 2004, Members reported the following actions- updated since the March 25, 2004 meeting

CATEGORY:

The correspondence submitted by licensees in response to our 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.

CONTINUING EDUCATION "RANDOM AUDIT" Continued

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

36BI00755600 DEMBROSKY, EDWARD - deleted ~ (see deceased)

Those (42) LICENSEES who were issued a UPL are noted below. Each \$500 penalty payment submitted to the Board is reported as well. The "make-up" attendance date at CE is provided in the chart below, and the UPL is flagged "satisfied" once the licensee submits a COPY of his/her CE "make-up" Certificate. A total of \$8,000 {16 licensees at \$500 each} has been collected, thus far, for this category.

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Lic. #	Licensed Master Plumber	\$500 DT PD	MAKEUP CE DT	UPL SATISFIED
36BI00066100	ADELMAN, NORMAN	03/31/04		No
36BI00363600	AMATO, FRANCIS L			No
36BI00657500	BARRETTA, ROBERT A	03/31/04	04/20/04	Yes
36BI01065300	BARSONY, SCOT L			No
36BI01055100	BAUER, BRUCE T	04/02/04	03/27/04	Yes
36BI00973400	BELITZ, ADAM B	03/18/04	04/17/04	Yes
36BI00835500	BENDER JR, JAMES R			No

Disciplinary actions reported re:
Uniform Penalty Letter {UPL} of March 12, 2004

Lic. #	Licensed Master Plumber	\$500 DT PD	MAKEUP CE DT	UPL SATISFIED
36BI00396300	CHRISTOPHER, ROBERT C			No
36BI00554600	CICERALE, LOUIS T			No
36BI00848800	COULAHAN, JOHN F			No
36BI00291600	DE ANGELO, ROBERT A			No
36BI01049000	DELHAGEN, GARY R	03/30/04	04/20/04	Yes
36BI00880400	DITZEL, MARK L			No
36BI01068900	FARRUGGIA, SALVATORE A			No
36BI00190500	FERRARA, ARCHIE W	03/17/04	03/26/04	Yes
36BI00830300	FORD JR, ROBERT E			No
36BI00028700	GAHM, RONALD J			No
36BI01077200	GREENBERG, HAL C			No
36BI00602900	HEIM, MICHAEL R	03/29/04	04/14/04	Yes
36BI00909800	JANNUZZI, ANTONIO	03/22/04	04/17/04	Yes
36BI00548800	JORSKI, JOSEPH J			No
36BI00909500	KLEIN, HAROLD L			No
36BI00913000	LEE, PATRICK S			No
36BI00816100	LO SASSO, MICHAEL			No
36BI01061600	MAYER, PAUL S	04/01/04	04/19/04	Yes

36BI00702600	MIDDLETON JR, FELDMAN			No
36BI00437900	MINUTO JR, PARIS R	04/02/04	04/20/04	Yes

Disciplinary actions reported re:
Uniform Penalty Letter {UPL} of March 12, 2004

Lic. #	Licensed Master Plumber	\$500 DT PD	MAKEUP CE DT	UPL SATISFIED
36BI01049300	MIZER, JAY J			No
36BI00329400	MONTON, JAMES N			No
36BI00832300	PEET, JAMES E			No
36BI00601900	PINTINALLI, WILLIAM			No
36BI00425000	PRIOR, JOERGEN P	03/12/04	04/19/04	Yes
36BI00950200	PTAKIWICZ, JACOB			No
36BI01060000	ROSEN, PHILIP L			No
36BI00170700	SCIUTO, JOSEPH A	03/23/04		No
36BI00923200	SEIFERT, KEVIN E	03/22/04		No
36BI00536900	SIKORA, JOHN W	03/26/04	03/27/04	Yes
36BI01114300	STILES, JOHN D	03/24/04	04/20/04	Yes
36BI00931800	TAYLOR, MARTIN			No
36BI00712700	WIDING, JOHN	03/17/04	03/27/04	Yes
36BI00725400	YI, DANIEL C			No
36BI00965800	ZIMMERMAN, JACK A			No

Disciplinary actions reported re:
Uniform Penalty Letter {UPL} of March 12, 2004

Fourteen (14) licensees (as of the date of reporting) selected the UPL option to "Waive any rights to a hearing and offer an explanation..." and submitted their correspondence for the Board's review. These items were reviewed on this date in Executive Closed Session, and those results will be reported once completed and available.

CATEGORY:

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

NOTE: The three (3) licensees highlighted below were reported as deceased since the last meeting of the Board on 3/25/04:

Plumbing License #	Deceased Licensed Master Plumbers
36BI00967500	CIRILLI, PANTALEO C
36BI00235600	DE FAZIO, JOSEPH J
36BI00755600	DEMBROSKY, EDWARD
36BI00933600	JOHNSON JR, THEODORE H
36BI00303100	MAZZITELLI SR, FRANK M
36BI00412000	PINZONE, LEO
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. 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.
- * Insofar as this POD became final on {Saturday} April 17, 2004, all responses will be compiled by the Board Office and reported on the Board's May 27, 2004 Agenda.

All 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 POD are as follows:

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
36BI01103000	STILL JR, PRESTON G
36BI00943700	STRATTON II, SAMUEL N
36BI00354200	THUNELL JR, JOHN J
36BI01086300	WALTZ, MICHAEL A
36BI01003000	WIKFORS, KEVIN J

**CONTINUING EDUCATION AUDIT
SCHEDULED APPEARANCES ~ TUESDAY, MAY 4, 2004 ~ 9:00 AM**

On April 22, 2004, the State Board of Examiners of Master Plumbers reported in Open Public Session that Investigative Inquiry proceedings are scheduled for Tuesday, May 4, 2004, at 9:00 am, to be conducted exclusively in Executive Closed Session, for Licensed Master Plumbers whose appearances were specifically requested by the Board with regard to the CE audit.

Members advised further that the results of these Investigative Inquiry proceedings will be reported in Open Public Session wherever appropriate and at such time that these investigations are concluded.

The Board will complete its audit and continue to report on all further disciplinary actions as they develop.

2. DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF EXAMINERS OF MASTER PLUMBERS

DEFINITIONS: SCOPE OF PRACTICE;
WITHDRAWAL OF BONA FIDE REPRESENTATIVE

REPROPOSED AMENDMENTS: N.J.A.C. 13:32-1.3 AND 3.2
PROPOSED NEW RULE: N.J.A.C. 13:32-1.4

On April 22, 2004, Members of the Board reviewed the above rule and amendments published in the New Jersey Register on April 5, 2004, and noted that readers may submit comments to the Board by June 4, 2004, at the:

State Board of Examiners of Master Plumbers
P.O. Box 45008
124 Halsey Street
Newark, NJ 07101

3. Reporting in Open Public Session.. Draft correspondence approved by the Board in Executive Closed Session, - the February 26, 2004, regarding ~

ADVERTISING FOR PLUMBING SERVICES
by an "Unlicensed entity"

Effective immediately, the Board Office will now issue a new draft "Advertising Letter" to unlicensed entities found advertising for plumbing services. This new draft correspondence conforms with existing New Jersey Plumbing Statutes and Regulations, which regulate the advertising and performance of all plumbing services in the State of New Jersey (as outlined in N.J.S.A. 45:14C-1- et seq. and N.J.A.C. 13:32-1.1 et seq.)

ADVERTISING FOR PLUMBING SERVICES
BY AN "Unlicensed entity"

Traditionally with respect to unlicensed entities advertising for plumbing services, a Cease and Desist Letter with Certification was issued on a routine basis by the Board Office to each entity. However, with the advent of the PSE&G Appellate Division decision and the Attorney General's Opinion, # 01-0115, such a Cease and Desist Letter with Certification effectively required change(s) to conform with recent significant changes as outlined by the Appellate Court and the Attorney General.

Those who plan to advertise in the future, and offer "plumbing" services in their advertisements, must comply with the New Jersey Plumbing Statutes and Regulations, by including the proper language to indicate that the actual plumbing work will be subcontracted to Master Plumbers or authorized plumbing contractors.

This new draft cautions the unlicensed entity to comply with the Board's directives by properly advertising as advised, or otherwise such matters will be referred to the Office of the Attorney General for consideration of further disciplinary proceedings.

4. DISCIPLINARY ACTION

*Reporting (1) penalty payment ~ - \$500
Mr. Widing is maintaining his payment schedule concerning:

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

ADMINISTRATIVE ACTION ~ CONSENT ORDER
SIGNED SEPT. 7, 2003 & FILED SEPT. 25, 2003
COSTS of \$161.30 PAID IN FULL
\$12,000 PENALTY : (8) 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
\$500 ~ 3/30/04.....8th

5. DARLENE KANE, BUDGET OFFICER, STATE OF NEW JERSEY, DIVISION OF CONSUMER AFFAIRS ADMINISTRATION ~ MEMO DATED MARCH 16, 2004 ~ FY 2004 BUDGET REPORT, FIRST HALF

The Board reviewed this report without any formal comment.

6. JOHN B. VAN LIEW, LICENSED MASTER PLUMBER # 7481
Reporting his ~ ACTIVATION of duty to the U.S. NATIONAL GUARD

Licensee Van Liew submitted his documentation to the Board detailing his recent assignment to the U.S. Forces of the National Guard, and reporting to the Board on the possible length of his term.

On April 22, 2004, subsequent to a discussion of this matter, a motion was made by Mark McManus and seconded by Ernest Tretola, that this licensee be granted a waiver of his Continuing Education requirement for the 2005-2007 biennial. A vote was taken and the motion unanimously passed. It is noted that this is the first instance where the Board granted a waiver of its CE requirement, and has done so in accordance with N.J.A.C. 13:32-6.5, "Waiver of CE requirement..."

7. THOMAS M. GIARDINA, FORMER LMP # 9102, EXPIRED LICENSE
REQUEST FOR REINSTATEMENT DTD. 2/17/04

Mr. Giardina requested that the Board consider his request for the reinstatement of his Master Plumber's license. On April 22, 2004, Members of the Board reviewed this licensing file, and concluded, as follows, in a motion made by James Moore and seconded by Ernest Tretola:

(A) The former licensee, Thomas M. Giardina, need not seek re-approval by the Board for his reinstatement;

(B) Mr. Giardina must be scheduled to re-test for the Master Plumber's examination;

(C) This former licensee seeking reinstatement must complete and submit a new application with updates from the year 1993 and forward;

(D) Mr. Giardina is not required to fulfill any CE requirement at this time since he is being re-tested;

(E) This individual must return his Master Plumber's seal to the Board Office, which will be promptly returned to him once he has been reinstated.

A vote was taken and the motion unanimously passed.

8. JAMES C. FRANCHINO, FRANCHINO INSURANCE

APRIL 5, 2004 CORRESPONDENCE objecting to
ASSEMBLY BILL # 661, STATE OF NEW JERSEY

SYNOPSIS: Provides that information about the residence of persons licensed by certain professional Boards shall not be disclosed to the public.

On April 22, 2004, Executive Director Barbara A. Cook clarified for the benefit of the Board, and those present from the public, that licensees have the option of designating an "Address of Record"-- in addition to providing other addresses for mailing and home address when renewing their licenses.

Ms. Cook further advised that the "Address of Record" designated by the licensee is, in fact, the address available to the public through either the Internet where professional boards are posted, or through telephone contact directly with the Board Office.

Members of the Board questioned the purpose of Assembly Bill #661, and agreed that this topic needs to be further explored. A reply will be directed to Mr. Franchino.

9. On April 22, 2004, no formal comment was made by the Executive Director above those expressed in Item #1 concerning the Continuing Education audit and its findings.

@ Revisiting from January 22, 2004 -&- February 26, 2004, Agendas
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 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.

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.

On April 22, 2004, Board Members reiterated their concern for this new law, and expressed their unanimous position toward the development of regulations in meeting these new requirements.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by James Moore and seconded by Ernest Tretola to proceed into Executive Closed Session to review (5) five administrative closings of consumer complaints and (8) eight pending consumer complaint matters; one administrative action, 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, May 27, 2004, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director