

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

The Minutes of the April 27, 2006 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on May 25, 2006.

The notice of the April 27, 2006 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 27, 2006 was called to order at 9:00 am with the following Board Members in attendance:

Mark McManus, Chairman

Ralph Wetzel, Vice-Chairman

Peter I. Voros

Michael K. Maloney

Michael L. Sestanovich

Donald B. Dileo

Paul N. Bontempo

Adam J. Sabath was absent from this meeting.

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

Deputy Attorney Genel Joseph A. Donofrio

PUBLIC SESSION VISITORS

Brien F. McLaughlin, Licensed Master Plumber # 5765
New Jersey State League of Master Plumbers

PLEDGE OF ALLEGIANCE to the FLAG

Chairman Mark McManus led the Board in the Pledge of Allegiance to the Flag. Mr. McManus also requested that the Board join in a moment of silence in recognition of U.S. troops serving overseas.

APPROVAL OF THE MINUTES ~ MARCH 23, 2006, MEETING

A motion was made by Ralph Wetzel and seconded by Paul Bontempo to approve the minutes of the March

23, 2006, meeting.

A vote was taken and the motion unanimously passed.

BOARD BUSINESS

PRESENT BOARD MEMBERS - &- CAPACITIES

MARK MC MANUS ~ CHAIRMAN, JOURNEYMAN PLUMBER

RALPH WETZEL ~ VICE-CHAIRMAN ~ MASTER PLUMBER MEMBER

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER

MICHAEL L. SESTANOVICH ~ INSPECTOR 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. CONTINUING EDUCATION AUDIT CONCLUSION OF AUDIT 2003-2005

On April 27, 2006, the Board advised that they will continue to report on the conclusion of this audit; however, there were no actions to report for this agenda, and no monies were collected during March, 2006.

Counseling DAG Donofrio advised that he is coordinating efforts in the Division of Law to conclude the final disciplinary actions.

**2. MICHAEL J. SNELL, EXPIRED LMP # 9183
DID NOT RENEW FOR 1993-1995; 1995-1997; 1997-1999;
1999 - 2001; 2001-2003; 2003-2005; 2005-2007
LETTER DATED JANUARY 5, 2006 -
REQUEST FOR REINSTATEMENT of MASTER PLUMBER'S LICENSE**

An undated letter received at the Board on April 5, 2006, was submitted by expired licensee Michael J. Snell, requesting the reinstatement of his Master Plumber's license.

On April 27, 2006, subsequent to a discussion of this matter, the following motion was made by RalphWetzel and seconded by Michael Maloney, that the expired licensee must comply with the following requirements in order to achieve the reinstatement of his Master Plumber's license:

N.J.A.C. 13:32-2.6 (f) Renewal of license states:

"A person seeking reinstatement after more than five (5) years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3, and shall submit:

(1) A completed reinstatement application;

(2) Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;

(3) Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5-1; and

(4) An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

A vote was taken and the motion unanimously passed.

3. PETER IMPERIALE, EXPIRED LMP # 3343

DID NOT RENEW FOR 1999 - 2001; 2001-2003; 2003-2005; 2005-2007

LETTER DATED MARCH 17, 2006 - REQUEST FOR REINSTATEMENT
of MASTER PLUMBER'S LICENSE

A letter dated March 17, 2006, was submitted to the Board from expired licensee Peter Imperiale requesting the reinstatement of his Master Plumber's license.

On April 27, 2006, subsequent to a discussion of this matter, the following motion was made by Donald Dileo and seconded by Michael Maloney, that the expired licensee must comply with the following requirements in order to achieve the reinstatement of his Master Plumber's license:

N.J.A.C. 13:32-2.6 (f) Renewal of license states:

"A person seeking reinstatement after more than five (5) years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3, and shall submit:

(1) A completed reinstatement application;

(2) Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;

(3) Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5-1; and

(4) An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

A vote was taken and the motion unanimously passed.

4. DISCIPLINARY ACTION ~ UNLICENSED PCTICE

*Reporting (2nd) penalty payment ~ @ \$500- dtd 4/13/2006 on a \$2,500 PENALTY - payment arngements
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OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

In the Matter of:

ROBERT LEVIN, TA/ LL HEATING, UNLICENSED

UNLICENSED PCTICE - OIL FIRED HOT WATER HEATER

NEGLIGENT HAZARDOUS CONDITIONS ~ plumbing services without proper permits and inspections

WORK SITE LOCATION @ CEDAR GARDEN APARTMENTS,

571 PLAZA TERCE EAST, aka 1030 CEDAR BRIDGE RD, BRICK, NJ;

IMPROPER INSTALLATION CAUSING FIRE - BRICK FIRE DEPARTMENT

DANIEL NEWMAN, CONSTRUCTION OFFICIAL, 2964-UP-
COMPLAINANT

On January 6, 2006, Robert Levin signed the acknowledgment portion of the "Offer of Settlement" letter issued to him dated September 13, 2005. The Board is permitting Levin to submit five (5) monthly

payments of \$500.00. The second payment has been received and is reflected herein.

For the information of the Board ~

5. STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS, BURT LIEBMAN
PERIODIC REPORT ON LEGISLATION DATED APRIL 12, 2006

Mr. Liebman enclosed his report reflecting the history of several bills and Board comments. No formal comment was made.

6. Barba A. Cook, Executive Director, reserved a portion of Open Public Session for a review of pending issues.

Ms. Cook advised that Anthony Migliotta, Esq., Deputy Director has been transferred to the Division of Law, and during the interim period, Larry De Marzo, Director of Consumer Relations, is providing coverage for Board matters within the Division of Consumer Affairs. Ms. Cook further advised the Board that Steve Nolan, also a Deputy Director, is assisting Director Kimberly S. Ricketts at the Division of Consumer Affairs.

It is noted that applications for the Master Plumber's examination and Master Plumber's business registration forms are reviewed by Board Members during the course of each business meeting.

NOT ON THE PUBLISHED AGENDA
OFFICE OF THE ATTORNEY GENERAL {OAG}
CITIZENS' SERVICES - 4-20-2006
MARC MANNA, HEALTH AND EDUCATION EQUIPMENT CORP
1545 ROUTE 37 WEST, UNIT 5, TOMS RIVER, NJ 08755
APRIL 19, 2006 CORRESPONDENCE ADDRESSED TO
ZULIMA V. FARBER, ATTORNEY GENERAL

REFERRAL MATTER

Referred to the STATE BOARD OF EXAMINERS OF MASTER PLUMBERS- & -
Received on 4-25-2009

Subject: Epoxy sinks, questioning installation by Licensed Master Plumbers

On April 27, 2006, Members of the Board held a discussion of this matter and concluded in a motion to have DAG Joseph A. Donofrio direct a letter to Mr. Marc Manna, on behalf of the Board, summarizing their reply to this inquiry, as follows:

MARC MANNA
HEALTH AND EDUCATION EQUIPMENT CORP

Epoxy sinks are plumbing fixtures according to existing New Jersey Plumbing Statutes and Regulations and the National Standard Plumbing Code, and therefore, sinks, whether epoxy or stainless, shall be installed by Licensed Master Plumbers.

Members noted in their discussion that these sinks are generally referred to as "under-mounts" in the plumbing trade. The "composition" of the sink, i.e. epoxy, stainless, or other material, does not affect a change in reference to the scope of practice for the Licensed Master Plumber, nor in the definition of a plumbing fixture.

{It is noted that the Board had referred to the January, 27, 2005 minutes where they had reached a similar decision in a prior matter.}

Reporting action in Open Public Session

11. In the matter of the SUSPENSION OR REVOCATION of
the PLUMBING LICENSE OF JAMES R. BALLARD, SR.
LMP # 10737, PROVISIONAL ORDER OF DISCIPLINE (POD)
PREPARED BY DAG JOSEPH A. DONOFRIO - FILED ON 5/27/04
\$2,500 PENALTY PAID 7-14-04 & Pressure seal returned

Prosecuting Deputy DAG Donofrio -&- Counseling Deputy DAG Susan Carboni

On April 27, 2006, the Board held a discussion in Executive Closed Session and returned to Open Public Session to report:

The Board will proceed to finalize the Provisional Order of Discipline with regard to the suspension of Mr. Ballard's license. Mr. Ballard had surrendered his license {requested that the Board "cancel" his license}, paid the \$2,500 fine and returned his Master Plumber's pressure seal. However, Mr. Ballard failed to comply with the terms of the Provisional Order in that he did not respond to the questions used within the POD on permit issues, nor did he remedy the situation to avoid the suspension of his Master Plumber's license. A motion was made by Peter Voros and seconded by Ralph Wetzel. A vote was taken and the motion unanimously passed.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Ralph Wetzel to proceed into Executive Closed Session to review approximately nineteen (19) consumer complaint matters, five (5) administrative closings, issues surrounding the CE audit, the DAG quarterly report, unlicensed practice matters, 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, May 25, 2006, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barba A. Cook
Executive Director