

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

The Minutes of the April 28, 2005 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on June 23, 2005. {The minutes were postponed at the May 26, 2005 meeting}.

The notice of the April 28, 2005 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 28, 20 05 was called to order at 9:00 a.m. The following Board Members were in attendance:

Ernest Tretola, Chairman

James Moore, Vice-Chairman

Mark McManus

Alexander J. Tucciarone

Ralph Wetzel

Margaret Sieb, Secretary

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 3:30 pm:

Barbara A. Cook, Executive Director

Rosemarie Baccile, Executive Assistant

Alok Jain, Assistant to Barbara A. Cook

Deputy Attorney General Joseph A. Donofrio served as counseling deputy.

**PUBLIC SESSION VISITORS:**

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

Charles Reiners and C.T. Farinella, Licensed Master Plumbers and Continuing Education Sponsors

**PLEDGE OF ALLEGIANCE:**

Chairman Ernest Tretola led the Board in the Pledge of Allegiance to the Flag. Mr. Tretola also requested that the Board join in a moment of silence in recognition of U.S. troops serving our Country.

## APPROVAL OF THE MINUTES ~ MARCH 24, 2005

A motion was made by James Moore and seconded by Mark McManus to approve the Minutes of the March 24, 2005 meeting, as amended.

A vote was taken and the motion unanimously passed.

## BOARD BUSINESS

### CONTINUING EDUCATION AUDIT

#### 1. CONCLUSION OF AUDIT 2003-2005 MARCH 25, 2004 - APRIL 28, 2005

The State Board of Examiners of Master Plumbers has been reporting on its audit of the 2003-2005 five (5) hour CE biennial renewal requirement by providing all disciplinary statistics in Open Public Session since the March 25, 2004 meeting.

As a result of the CE disciplinary actions issued to date, the Board has collected civil penalties totaling \$56,250.00, and stenographic costs in the amount of \$690.59--- based solely on the audit of 460 randomly selected Licensed Master Plumbers.

Further disciplinary actions are underway by way of Provisional and Final Orders of Discipline issued by the Board and developed by the Division of Law.

#### 2. IN ADVANCE OF THE 2005-2007 MASTER PLUMBER'S BIENNIAL RENEWAL/ CE REQUIREMENT - COURSES TAKEN DURING PERIOD 2003-2005

#### REQUEST for INITIAL APPROVAL AS CE INSTRUCTOR:

CHARLES T. FARINELLA  
Master Plumber's license # 468  
380 South Washington Avenue  
Bergenfield, NJ 07621

CHARLES T. FARINELLA  
Continued  
Assign CE INSTRUCTOR #: 83  
CE SPONSOR #: 25  
201-569-4433  
800-283-9050

[www.ctfarinella.com](http://www.ctfarinella.com)

#### APPROVAL MOTION ~

On April 28, 2005, subsequent to the Board's review, a motion was made by Alexander Tucciarone and seconded by Ralph Wetzel, to approve this instructor and his course outline for teaching the CE requirements necessary for the 2005-2007 biennial renewal. All CE instructors are reminded to teach the new 2003 Code.

A vote was taken and the motion unanimously passed.

#### 3. DARLENE KANE, BUDGET OFFICER

DIVISION OF CONSUMER AFFAIRS

MARCH 21, 2005 MEMO  
DIVISION OF LAW BILLING FOR 2ND QUARTER FY 2005

The Board reviewed Ms. Kane's memorandum and report without any formal comment.

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 LICENSE

JOHN WIDING, LMP # 7127

TO PRACTICE AS A MASTER PLUMBER/ 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 w/ (20) PAYMENTS TO DATE = {\$10,000}

\$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 ~ 1/28/04 ..... 6th

\$500 ~ 3/01/04..... 7th

\$500 ~ 3/30/04..... 8th

\$500 ~ 4/04/04..... 9th

\$500 ~ 6/01/04.....10th

\$500 ~ 6/28/04 ..... 11th

\$500 ~ 8/02/04..... 12th

\$500 ~ 8/31/04..... 13th

\$500 ~ 10/04/04..... 14th

\$500 ~ 11/01/04..... 15th

\$500 ~ 11/29/04..... 16th

\$500~ 12/24/04.....17th

\$500~ 01/28/05.....18th

\$500~ 02/28/05.....19th

\$500~ 03/30/05..... 20th

5. MARK HILER, LMP # 5353 - and - CE INSTRUCTOR # 76

ÿ approved SOLE SPONSOR

MARK HILER ~ CODE ENLIGHTENMENT

Mr. Hiler submitted a fax questioning the requirements for hot water and steam boilers. Mr. Hiler inquired as follows:

" I understand the Master Plumber's license is all a person needs to do work within the scope of plumbing, without having a Home Improvement Contractors license. What about the installation of hot water and steam boilers? The Licensed Master Plumber is the only person to be able to work on the water feed to a boiler up to and including the backflow preventor. After the backflow preventor you do not need a Plumbing license to install the boiler... Does a Licensed Plumber need a Home Improvement contractor License to install a steam or hot water boiler?"

BOARD RESPONSE: Yes! The Master Plumber needs the Home Improvement Registration to install the boiler. Furthermore, all installers of boilers must obtain a Home Improvement Registration for such

installations.

The Master Plumber is not operating within his scope of plumbing while installing a boiler.

A motion was made by Mark McManus and seconded by Margaret Sieb to draft a written response to Mr. Hiler outlining the Board's response to his inquiry.

A vote was taken and the motion unanimously passed.

#### 6. REQUEST FOR REINSTATEMENT OF LICENSE

DONALD J. COLLIER, JR., LICENSED MASTER PLUMBER # 4748  
19 EXCHANGE PLACE, CLIFTON, NJ  
EXPIRED LICENSE as of JUNE 30, 1989

Expired licensee Donald J. Collier, Jr. submitted a letter dated April 10, 2005, requesting the reinstatement of his Master Plumber's license.

DONALD J. COLLIER, JR.

Continued

On April 28, 2005, Members of the Board held a discussion, and concluded, as follows, in a motion made by James Moore and seconded by Alexander Tucciarone: The Board cannot honor Mr. Collier's request for a waiver of re-testing. However, he may be reinstated in conjunction with the requirements of existing New Jersey Plumbing Statutes and Regulations, namely N.J.A.C. 13:32-2.6 Renewal of license (f), which 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:

A completed reinstatement application;

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

Payment of a reinstatement fee as noted in N.J.A.C. 13:32-5.1;

An affidavit of employment listing each job held during the period of suspension;

Proof of attendance at a five (5) hour Continuing Education (CE) course in compliance with N.J.A.C. 13:32-6.1.

A vote was taken and the motion unanimously passed.

7. This matter was postponed for a future Agenda.

#### PRESSURE SEAL DRAFT

CHARLES MANNING, REGULATORY ANALYST

DRAFT § 13:32-4.1 Requirement of Pressure Seal; Penalties for misuse; return of pressure seal. Introduces a "Draft Regulation" for the cost of the licensee's initial pressure seal.

8. Agenda ~ April 28, 2005

Chuck Manning ~ request for review of a CHANGE to this rule.

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 205

On January 22, 2004, the Board recognized that A-82 was signed into law on January 7, 2004, by former Governor James E. McGreevey. Members agreed that before any such application process was implemented for this certification, this law must be further explored to establish regulations for establishing parameters in certifying these new 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 205. On April 22, 2004, Board Members reiterated their concern for this new law, and on May 27, 2004, Chuck Manning returned to the Board for a discussion of the 'standards' for this new certification. On January 27, 2005, Mr. Manning held a discussion with Board Members, and a motion was made by Ernest Tretola and seconded by Ralph Wetzel, to approve the draft as amended. The February 24, 2005, appearance was cancelled; however, changes were made on March 24, 2005.

On April 28, 2005, a motion was made by Alexander Tucciarone and seconded by Ralph Wetzel to approve another change to this draft, this one concerning the qualifications for those being grandfathered into this medical gas certification. A vote was taken and the motion unanimously passed.

9. IN THE MATTER OF THE SUSPENSION OF THE LICENSE OF GAINED ZOLOT, LMP # 10578  
TO PRACTICE AS A PLUMBER IN THE STATE OF NEW JERSEY

FILED JANUARY 27, 2005 ~ PENALTY & RESTITUTION PD IN FULL

A Consent Order is officially filed at the Board involving the above licensee. This matter was opened upon information that Respondent engaged in professional misconduct. The licensee neglected to remove a broken-off snake at the home of consumer Diane E. Seco. As a result of this failure, the consumer was forced to pay another plumbing service a large sum to repair the pipe. These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(e), in that Respondent's conduct constitutes professional misconduct.

Respondent was reprimanded for his violation, and paid a \$750 penalty to the Board plus \$500 to the consumer for restitution. Respondent was ordered to cease and desist from these violations, and the Consent Order indicates that subsequent violations will subject him to enhanced penalties.

This file is now closed based on the licensee's full payment of penalty and restitution.

10. Barbara A. Cook, Executive Director, reserved a portion of Open Public Session to review some pending issues with the Board; however, Ms. Cook made no formal comment.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by James Moore and seconded by Ralph Wetzel to proceed into Executive Closed Session to review nine (9) pending consumer complaint matters, four (4) administrative closings, issues surrounding the CE audit, the DAG quarterly report, two (2) licensee 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, May 26, 2005, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

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Barbara A. Cook  
Executive Director