

**#491 MEETING OF THE  
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
- MAY 22, 2003**

The Minutes of the May 22, 2003, Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on June 26, 2003.

The notice of the 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 May 22, 2003, was called to order at 9:00 a.m. The following Board Members were present:

Alexander J. Tucciarone, Chairman

Ernest Tretola, Vice-Chairman

Margaret Sieb, Secretary

James Moore

Mark McManus

Ralph Wetzel

*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:

Bill Stepler, C.E.P. Associates

Tim Guerre, Experior Assessments, LLC

Charles T. Reiners, Licensed Master Plumber # 1105

## **PLEDGE OF ALLEGIANCE:**

Chairman Alexander Tucciarone led the Board in the Pledge of Allegiance to the Flag. Chairman Tucciarone also requested a moment of silence in recognition of U.S. troops engaged in Operation Iraqi Freedom.

## **APPROVAL OF THE MINUTES ~ APRIL 24, 2003, MEETING**

A motion was made by James Moore and seconded by Ralph Wetzel to approve the April 24, 2003, Minutes. A vote was taken and the motion unanimously passed.

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## **BOARD BUSINESS**

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### **TIM GUERRE EXPERIOR ASSESSMENTS, LLC**

Mr. Guerre was present at the Board's meeting for a brief period. Mr. Guerre had visited with Executive Director Barbara A. Cook on the previous day to review testing procedures and related issues at Experior for the examination administered for the State Board of Examiners of Master Plumbers.

## **RULES OF THE STATE BOARD OF EXAMINERS OF MASTER PLUMBERS**

**PUBLISHED APRIL 21, 2003**

### **1. NOTICE OF READOPTION STATE BOARD OF EXAMINERS OF MASTER PLUMBERS READOPTION WITH AMENDMENTS: N.J.A.C. 13:32**

Deputy Director Anthony Miragliotta submitted a memorandum to Executive Director Barbara A. Cook, dated May 7, 2003, enclosing a copy of the Rules of the State Board of Examiners of Master Plumbers, as published in the April 21, 2003, issue of the New Jersey Register at 35 N.J.R. 1671(a).

On May 22, 2003, Members of the Board acknowledged receipt of the memorandum from Deputy Director Miragliotta and the enclosed readoption of these rules.

#### ***Not on the published agenda***

Chairman Alexander Tucciarone advised Board Members of the status of the new 2003 National Standard Plumbing Code at the Department of Community Affairs and its future adoption by the State of New Jersey.

Mr. Tucciarone stated that a Code Advisory Board Meeting is scheduled for June 13, 2003, and he anticipates that the new code will be published sometime in August of 2003, followed by a sixty (60) day comment period and a sixty (60) day implementation period. Mr. Tucciarone advised that by the end of this year, 2003, the new code will have completed the review cycle for its formal adoption.

Accordingly, the Board noted that the Master Plumber's examination should conform with the new 2003 National Standard Plumbing Code, once it is adopted.

2. THE INSTITUTE FOR CONTINUING EDUCATION  
7 SPIELMAN RD, FAIRFIELD, NJ 07004

LOIS D'APUZZO'S LETTER OF APRIL 22, 2003  
CE INSTRUCTOR # 13, PHILIP CHEFF

**Re: PREPARATION CLASSES FOR MASTER PLUMBER'S EXAMINATION**

Ms. Lois D'Apuzzo submitted a letter to the Board concerning her interest in having the Institute for Continuing Education provide preparation classes for the Master Plumber's examination. The Board was provided with other related materials concerning this topic.

On May 22, 2003, the Board held a discussion of this matter, and agreed that the Candidate Bulletin should be forwarded to Ms. D'Apuzzo with a cover letter to state that the Board does not approve preparation courses in advance of the Master Plumber's examination. Ms. D'Apuzzo may refer to the Candidate Bulletin as a tool in developing her own preparation course.

**3. DARLENE KANE, BUDGET ANALYST  
DIVISION OF CONSUMER AFFAIRS**

**MEMORANDUM DATED MAY 6, 2003  
DIVISION OF LAW BILLING  
THIRD QUARTER OF FY 2003**

A copy of Ms. Kane's budget report was forwarded to Board members for review on May 22, 2003.

The Board accepted this report without any formal comment.

**4. DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF CODES AND STANDARDS MEMORANDUM**

**APRIL 14, 2003 MEMORANDUM FROM MEGAN K. SULLIVAN**

A copy of the approved Code Advisory Board Meeting minutes of December 13, 2002, was enclosed for the Board.

The Board accepted this correspondence without any formal comment.

**5. JAMES H. GORMAN, ATTORNEY  
GORMAN & SAVOTH, LLC, ATTORNEYS LAW, SHREWSBURY, NJ**

In the Matter of:

Investigative Inquiry scheduled for 1:00 pm

**REQUEST FOR CONTINUANCE OF BUSINESS (COB)  
MICHAEL J. MARRA, LMP # 7188, DECEASED 10/18/02;  
APPLICATION FOR THE MASTER PLUMBER'S EXAMINATION  
SUBMITTED BY RICHARD MARRA, BROTHER OF DECEASED**

*It is noted that the SEAL PRESS of the deceased, Michael Marra, was returned to the Board Office on May 6, 2003.*

This matter was rescheduled at the request of Attorney James H. Gorman on behalf of his clients, Marra Construction, and Richard Marra, the brother of the deceased Michael J. Marra, formerly a Licensed Master Plumber.

On April 24, 2003, while in Open Public Session, the Board concluded that: (A) The applicant, Richard Marra, is not qualified as a candidate for the Master Plumber's examination in accordance with N.J.A.C. 13:32-2.2 Experience requirements, and therefore, his application was denied;

{It is noted that Richard Marra does not possess either the formal apprenticeship training or the bachelor's degree required in N.J.A.C. 13:32-2.2(b) (1) and (2)};

(B) Michael J. Marra's date of death is October 18, 2002; therefore, the request for a COB was denied in accordance with N.J.A.C. 13:32-3.2 (d), Bona fide representative; reporting responsibilities.

On May 22, 2003, the Board reviewed Mr. Gorman@s letter of May 2, 2003, with the certification of Richard Marra, and while in Executive Closed Session, considered the testimony provided by Richard Marra.

On May 22, 2003, Members of the Board returned to Open Session, and concluded in a motion made by Ernest Tretola and seconded by Mark McManus, that Richard Marra does not meet the qualifications for a candidate under the existing New Jersey Plumbing Statutes and Regulations. The Board noted that Mr. Marra maintains the option of hiring a bona fide representative to allow Marra Construction to provide plumbing services. The Board noted that the request for a COB had been denied on April 24, 2003, and re-affirmed that decision.

A vote was taken and the motion unanimously passed.

## **6. ANTHONY WILSON ~ REQUEST FOR REINSTATEMENT OF LICENSE**

### **FORMER LICENSED MASTER PLUMBER # 9635 EXPIRED JUNE 30, 1997**

Mr. Wilson submitted a letter to the Board dated April 24, 2003, requesting the reinstatement of his Master Plumber's license. The expired Licensed Master Plumber provided the background details that contributed to the mis-hap with his license. He also enclosed a Continuing Education certificate dated August 19, 1999.

On May 22, 2003, Board Members held a discussion of this matter, and concluded in a motion made by Mark McManus and seconded by James Moore, that Mr. Wilson does not need to re-qualify as a candidate since he was at one time licensed; however, he must re-test and achieve a passing score for all three (3) parts of the Master Plumber's examination to be reinstated as a licensee.

A vote was taken and the motion unanimously passed.

## **7. PATRICK FOX, CANDIDATE FOR MASTER PLUMBER'S EXAMINATION APPEAL DATED APRIL 15, 2003 REQUEST OF JEFFREY D. SCHAFFER, ATTORNEY**

Mr. Schaffer submitted correspondence requesting that the Board clarify his concerns for candidate, Patrick Fox, regarding the Code utilized during the administration of the November 6, 2001, Master Plumber's examination.

On May 22, 2003, Board members concluded, in a motion made by Mark McManus and seconded by Ralph Wetzel, that:

(A) There is no "*conflict*" on the code used for the Master Plumber's examination, as alleged by Mr. Schaffer;

(B) Further, Board Members discussed Mr. Schaffer's argument and concluded that at the time in question for the November 6, 2001, examination, the 1996 NSPC code was in force, and that examination was administered on the 1996 NSPC;

(C) The Board referenced both the 1996 and the 2000 NSPC, and noted for the record that these codes are *identical*. There were no changes whatsoever in the code from 1996 to 2000, and the venting and drainage references, therefore, remained the same.

A vote was taken and the motion unanimously passed.

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## 8. DISCIPLINARY ACTION

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### IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF LICENSED MASTER PLUMBER # 4297 PROVISIONAL ORDER OF TO PRACTICE PLUMBING

#### IN THE STATE OF NEW JERSEY PROVISIONAL ORDER FILED 4/24/03\*

The above order filed April 24, 2003, provisionally suspends the Respondent's license to practice plumbing in the State of New Jersey unless or until he furnishes the Board with a written response to two (2) pending consumer complaint actions. Respondent shall be assessed a penalty in the aggregate amount of \$5,000 consisting of \$2,500 per complaint, for his failure to timely cooperate with the Board's initial requests for his response on these matters.

\*This provisional order reflects that it is subject to finalization by the Board at 5:00 pm on the 30th business day following entry {May 24, 2003} unless Respondent requests a modification or dismissal of the stated Findings of Fact or Conclusions of Law.

As of Tuesday, May 12, 2003, no responses were received from Mr. Skow at the Board Office.

On May 22, 2003, the Board reviewed this matter, and concluded, in a motion made by James Moore and seconded by Ernest Tretola, that in the event no correspondence is received from Mr. Skow by the deadline date, in response to the Provisional Order, a Final Order of Discipline should be entered by default.

A vote was taken and the motion unanimously passed.

#### **8A. LUCIANO J. D'ALESSANDRO**

#### IN THE MATTER OF THE SUSPENSION OR REVOCATION OF HIS LICENSE TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY PROVISIONAL ORDER OF DENIAL (POD) DTD. 3/21/03

Respondent is a Licensed Master Plumber in the State of New Jersey, and when the Board received a consumer complaint concerning the licensee, correspondence was directed to him requesting an initial response and some additional information. Respondent failed to cooperate with the Board's investigation by submitting *additional* details, in contravention of N.J.A.C. 13:45C-1.3(a)(5).

*This POD included terms subject to finalization by the Board at 5:00 pm on the 30th business day*

*following entry (that being 4/21/03), unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law.*

On April 24, 2003, DAG Donofrio advised that licensee D'Alesandro had, in fact, responded to the Board's POD within the allotted time frame, and the DAG recommended that this matter be rescheduled for the May 22, 2003, meeting of the Board.

*It is noted that the licensee's response was addressed in Executive Closed Session .... Item 20.*

8B.

Barbara A. Cook, Executive Director, reserved a portion of Open Public session to review some pending issues with Board Members. Ms. Cook advised that the renewals for the State Board of Examiners of Master Plumbers 2003-2005 biennial cycle are progressing well, with licensees receiving their new licenses within a range of ten (10) days to two (2) weeks of submitting their renewal application form.

The Executive Director made a brief comment when questioned as to procedures for licensees who are in an "inactive status." Any licensee who wishes to change the status of license from "inactive" to "active" must complete the current Continuing Education course for the biennial period immediately preceding his or her reactivation, in accordance with N.J.A.C. 13:32-6.1(c), and advise the Board, in writing, of their decision to change their license status.

**EXECUTIVE CLOSED SESSION MOTION:**

A motion was made by James Moore and seconded by Ernest Tretola to proceed into Executive Closed Session to review four (4) administrative closings of consumer complaints and (9) nine pending consumer complaint matters; for consideration of investigation of possible violations of applicable law, pending or anticipated litigation, matters under investigation; to conduct two (2) Investigative Inquiries, 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, June 26, 2003, at 9:00 a.m. in the Somerset Room.

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Barbara A. Cook  
Executive Director