

**#546 MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS -MINUTES OF MAY 22, 2008**

The Minutes of the May 22, 2008 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, 2008.

The notice of the May 22, 2008 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, 2008 was called to order at 9:00 am with the following Members in attendance:

Peter I. Voros, Chairman

Ralph Wetzel, Vice-Chairman

Michael L. Sestanovich, Secretary

Mark McManus

Michael K. Maloney

Paul N. Bontempo was present until 12:00 pm

Donald Dileo was absent

Adam J. Sabath was absent

BOARD MEMBER - VACANCY - (1)

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

Joseph A. Donofrio, Deputy Attorney General, Counseling Deputy

PUBLIC SESSION VISITORS:

- Thomas Walsh, LMP # 7854, Plumbing Subcode Official, Township of East Brunswick, and Member New Jersey State League of Master Plumbers {NJSLMP}
- Elizabeth Moritz, Administrator, NJSLMP
- Bill Stepler, CEP Associates, Sponsors of Continuing Education

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 ~ APRIL 24, 2008 MEETING

A motion was made by Michael Maloney and seconded by Ralph Wetzel to approve the minutes of the April 24, 2008 meeting. A vote was taken and the motion unanimously passed.

#### BOARD BUSINESS

##### PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

RALPH WETZEL ~MASTER PLUMBER MEMBER ~ VICE-CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

MARK MC MANUS ~ JOURNEYMAN PLUMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER 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

#### CORRESPONDENCE

1. DAVID MELCHIORRE, CONSTRUCTION OFFICIAL -&- PLUMBING SUBCODE FOR STATE OF NEW JERSEY, WILLIAMSTOWN, NJ, APRIL 24, 2008 LETTER Re: Plumbing work as it relates to well drillers and water conditioners

On May 22, 2008, the Board discussed this inquiry and concluded that the matter would be best handled by the below department:

State of New Jersey Department of Environmental Protection Bureau of Water Systems and Well Permitting P.O. Box 426, 401 East State St., Trenton, NJ 08625-0426

Tel#: 609-984-6831 Wells, pumps, licensure and permits

A motion was made by Mark McManus and seconded by Michael Sestanovich to refer Mr. Melchiorre's letter to the above agency. A vote was taken and the motion unanimously passed.

2. JAMES EISINGER, LMP # 12102 - Fax of March 2, 2008 trading as "Holly City Plumbing Heating and Air-Conditioning" Water treatment or water conditioners

A Cease and Desist should be issued to "Household Services" for their illegal advertisement for plumbing services with a \$2,500 penalty. A motion was made by Ralph Wetzel and seconded by Michael Mc Manus. A vote was taken and the motion unanimously passed.

3. LARRY S. LOGSDON, ESQ., WALLACE, JORAN, PATLIFF AND BRANDT, LLC, LETTER OF APRIL 9, 2008: Questions for the Board

Question: #1: Is a plumbing license required to do plumbing work in New Jersey: Response: Yes

LARRY S. LOGSDON, ESQ., Continued

Question: #2: Can an out of state plumber that does not have a New Jersey license do work in New Jersey as a subcontractor on a multi-building commercial project if the unlicensed subcontractor hires another plumber that has a New Jersey license? Response: No. The Board directed the writer to refer to existing New Jersey Plumbing Statutes and Regulations.

A motion was made by Mark McManus and seconded by Ralph Wetzel to respond accordingly. A vote was taken and the motion unanimously passed.

#### 4. Tracking the MASTER PLUMBERS REGULATIONS "SUN SETTING"

The New Jersey Office of Administrative Law reported that the State Board of Examiners of Master Plumbers' Regulations will expire on March 28, 2008. On April 26, 2007, Deputy Attorney General Joseph A. Donofrio and Regulatory Analyst Charles Manning held a discussion with Board Members concerning "Sun setting." On July 26, 2007, the Board agreed to schedule a Committee meeting that met on September 13, 2007.

The "Proposed Readoption with Amendments, Repeals and New rules: N.J.A.C 13:32" was signed by Ex. Director Barbara A. Cook, sent to the Office of Administrative Law, and published on March 17, 2008. The comment period ended May 16, 2008.

On May 22, 2008 a motion was made by Ralph Wetzel and seconded by Michael Sestanovich to re-adopt the regulations as amended. A vote was taken and the motion unanimously passed.

#### 5. DISCIPLINARY ACTION

Reporting full penalty payment of \$2,500 on 5-6-2008 Restitution for (2) consumers totaling \$850.00 Release for 3rd consumer with \$6,000 restitution

CONSENT ORDER RE ROBERT T. SCHIFF, LMP # 10439 Registered to trade as "McCormick Plbg and Htg. LLC"

The Board opened this matter based on information that Respondent licensee Schiff failed to perform— or have his employees perform— contracted plumbing work, but instead delegated that work to another licensed master plumber to whom he had not subcontracted work.

CONSENT ORDER RE ROBERT T. SCHIFF, LMP # 10439

Schiff testified in each complaint acknowledging: in the case of consumer CT, the wrong relief valve was installed on a boiler, and admitted that the work was performed by his brother-in-law's business (Surgeon Plumbing.) He failed to supervise the work and agreed to pay this consumer \$550.00. In the matter of consumer PF, regarding a sewer line replacement, he testified that he secured the permit; however, the work was performed by Surgeon plumbing again. Respondent paid \$6,000 in restitution and obtained a release from this consumer. In the matter of consumer JF, a shower head repair was not properly executed, he admitted to not being on the job site and paid \$300.00 in restitution. Respondent paid \$2,500 for violations of NJSA 45:1-22 and NJAC 13:32-3.4. for his failure to perform or supervise plumbing work for which he had contracted. All restitution has been paid in full and sent to consumers.

#### 6. DISCIPLINARY ACTION

Reporting full penalty payment of \$2,000 on 5-05-2008 CONSENT ORDER RE RICHARD S. BOGDA, LMP # 9897 Registered to trade as "Service Professionals, Inc."

This matter was predicated upon a complaint from the Borough of Wanaque, Passaic County, stating that

Bogda signed and sealed a plumbing permit as the licensed contractor for work done during January 2007; however, no record could be found at the offices of Service Professionals.

The licensee testified and admitted that the permit for this job was actually signed and sealed by his secretary but not himself— although Bogda claimed he personally had performed the work. Bogda also admitted that he has signed and sealed permits for Keil Heating and Air and stated that the work was performed by Keil employees and not by respondent or employees of respondent.

These facts establish a basis for disciplinary action pursuant to NJAC 13:32-3.4 in that any plumbing work that a licensed master plumber (Imp) agrees to perform, that has not been subcontracted to another Imp, must be performed only by the Imp or the employees or the plumbing contractor. Additionally, the Board found violations of NJSA 45:1-21(b), the use or employment of dishonesty; and NJAC 13:32-4.1(d) allowing an unlicensed or unauthorized person to use his seal. Respondent was assessed a penalty in the amount of \$1,000 for subcontracting plumbing work to a person who was not a Imp and \$1,000 for signing and sealing a permit for use by a person other than a Imp to whom it was issued. 7. Ms. Barbara A. Cook, Ex Director (No formal comment)

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

#### EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Mark McManus and seconded by Paul Bontempo to proceed into Executive Closed Session to conduct five (5) Investigative Inquiry matters, conduct 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 June 26, 2008, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

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Barbara A. Cook  
Executive Director