

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS**  
**# 601 - BUSINESS MEETING - MINUTES - MAY 23, 2013**

The minutes of the May 23, 2013 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on ***June 27, 2013***.

The notice of the May 23, 2013 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, Trenton, New Jersey.

The Board meeting of May 23, 2013 was called to order at 9:00 am with the following Members in attendance:

Peter Voros. Chairman

Michael K. Maloney, Vice-Chairman

James McManus, Jr.

Robert B. Reeve

Paul N. Bontempo

Donald Dileo

*Michael L. Sestanovich, Secretary, absent*

*Adam J. Sabath, absent*

*Board Complement: (9): One (1) Vacancy remains for a Government Representative*

Others in attendance:

The following individuals were in attendance from 9:00 a.m. until closing at 3:00 pm:  
Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)  
Rosemarie Baccile, Acting Executive Director

PUBLIC SESSION VISITORS: None

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 of the APRIL 25, 2013 MTG.

A motion was made by Michael Maloney and seconded by Donald Dileo to approve the minutes of the April 25, 2013 mtg. A vote was taken and the motion unanimously passed.

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BOARD BUSINESS

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***PRESENT BOARD MEMBERS - &- CAPACITIES***

*MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN*

*MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER - VICE CHAIRMAN*

*MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY*

*ROBERT B. REEVE, LICENSED MASTER PLUMBER # 7388*

*JAMES MC MANUS, JR., JOURNEYMAN MEMBER*

*DONALD B. DILEO ~ PUBLIC MEMBER*

*PAUL N. BONTEMPO - PUBLIC MEMBER*

*ADAM J. SABATH ~ PUBLIC MEMBER*

*TOTAL BOARD COMPLEMENT (9):Vacancy /Government representative*

1. 2014 BOARD OF MASTER PLUMBERS MEETING DATES  
Dates were provided to Members and will be posted to the Board's website at [www.njconsumeraffairs.org](http://www.njconsumeraffairs.org).
2. INTERNATIONAL CODE COUNCIL (ICC),  
ANNUAL MEETING & CODE HEARINGS, GREG WEST, MARKETING  
MANAGER, INTERNATIONAL CODE COUNCIL  
On May 23, 2013, the Board discussed this meeting of the ICC, without comment.
3. STEVEN B. ZANNE, LMP #10731  
ADMINISTRATIVE ACTION - CONSENT ORDER FILED MARCH 22, 2012  
MONITORING REPORT DATED JANUARY 25, 2013  
On May 23, 2013, the Board accepted these reports from the licensee without comment.
4. ANIBAL RIVERA - LMP # 12992  
ADMINISTRATIVE ACTION - CONSENT ORDER FILED MARCH 22, 2012  
MONITORING REPORT DATED FEBRUARY 4, 2013  
On May 23, 2013, the Board accepted these reports from the licensee without comment.
5. FRANCESCA T. FLANAGAN, ADMINISTRATIVE ASSISTANT  
DIVISION OF CONSUMER AFFAIRS, OFFICE OF THE DIRECTOR  
**A2882 - REQUIRES PROFESSIONAL BOARDS TO PROVIDE CREDITS  
TOWARD REQUIREMENTS FOR LICENSURE FOR VETERANS WITH  
SUBSTANTIALLY EQUIVALENT TRAINING**

On May 23, 2013, Board Members discussed the signing of A2882 into Law and requested that Regulatory Analyst Charles Manning attend the next meeting to discuss the development of regulations in line with licensing veterans and defining "substantially equivalent training."

6. ADMINISTRATIVE ACTION  
FINAL DECISION AND ORDER AFTER UPL EXPLANATION  
**SHAMROCK, INC., UNLICENSED**

On May 23, 2013 the Board reviewed this file and discussed the next step in issuing a Final Decision and Order after UPL explanation to the above entity. DAG Donofrio edited some minor language regarding "keyboard" in the draft. A motion was then made by Michael Maloney and seconded by Donald Dileo to approve and issue this action. A vote was taken and the motion unanimously passed.

7. **CONSENT ORDER - MONITORING - FILED APRIL 25, 2013**  
**JOSEPH C. GINELLI, LMP #11856**

Respondent's license to practice plumbing expired on June 30, 2007 and was automatically suspended by application of N.J.S.A.45:1-7.1(b). Respondent indicated on his application for reinstatement that he was convicted of several criminal offenses: respondent was sentenced to three years probation for Possession of Controlled Dangerous Substance (N.J.S.A. 2C:35-10a(1)) and Hindering Apprehension (N.J.S.A. 2C:29-3a(4)), in Ocean County, New Jersey on May 9, 2008.

Respondent was also convicted of Conspiracy (N.J.S.A. 2C:5-2) and Possession of Schedule I,II,III, and IV Controlled Dangerous Substances (N.J.S.A. 2C:35-10a(1)), in Monmouth County, on January 14, 2011. Respondent was ordered to serve 364 days in prison. Respondent was convicted of Conspiracy (N.J.S.A. 2C:5-2) and Possession of Schedule I,II,III, and IV Controlled Dangerous Substances (N.J.S.A. 2C:35-10a(1)), in Middlesex County, on March 18, 2011. Respondent was ordered to serve one year in prison concurrent with the sentence he was then serving.

Respondent's license to practice plumbing in the State of NJ shall be reinstated subject to the restrictions and conditions in this Order; he shall provide proof of completion of the ISP program / Intensive Supervision Program; shall continue in treatment with Narcotics with proof; and submit to random urine screens a minimum of once per month.

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8. **FINAL ORDER OF DISCIPLINE FILED MARCH 25, 2013**  
**\$250 PAID IN FULL MARCH 6, 2013**  
**JAMES P. KYNE, LMP #4616**

PROVISIONAL ORDER OF DISCIPLINE - FILED JANUARY 22, 2013  
LICENSED TO PRACTICE AS A MASTER PLUMBER IN NEW JERSEY

Respondent was reprimanded for violating N.J.S.A. 45:1-21c and N.J.S.A.45:1-21(h) and issued a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount \$250.00 for engaging in gross negligence, in violation of N.J.S.A. 45:1-21c.

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9. **DISCIPLINARY ACTION**                      **\$350 - APRIL 30, 2013**  
**PARTIAL PAYMENT OF THE \$750 PENALTY**

IN THE MATTER OF **JEFFREY R. PATTEN**, LMP # 10200, TO PRACTICE  
PLUMBING IN THE STATE OF NEW JERSEY - ADMINISTRATIVE ACTION -  
PROVISIONAL ORDER OF DISCIPLINE FILED JUNE 17, 2011  
FINAL ORDER OF DISCIPLINE FILED JANUARY 20, 2012

*Continued*

IN THE MATTER OF **JEFFREY R. PATTEN**, LMP # 10200

Respondent is assessed a civil penalty in the amount of \$750.00 pursuant to N.J.S.A. 45:1-21(e) for failing to appear for a Board scheduled July 23, 2009 investigative inquiry, in violation of N.J.A.C. 13:45C-1.3.

On September 22, 2011, Respondent appeared for an investigative inquiry concerning his previous failure to appear before the Board on July 23, 2009, as well as to answer questions regarding the consumer complaint.

The Board had concluded that an award of restitution is not warranted in this matter.

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10. **THE MATTER OF THE SURRENDER OF THE LICENSE OF  
DENNIS P. McNERNEY - CONSENT ORDER OF REVOCATION  
36BI00730500 MASTER PLUMBERS LICENSE**

**ADMINISTRATIVE ACTION  
TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY  
FILED APRIL 23, 2013**

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers (“the Board”) upon receipt of information that Dennis P. McNerney (“respondent”) was convicted on June 12, 2009 of Aggravated Sexual Assault (1<sup>st</sup> degree) on a victim at least 13 but less than 16 years old (N.J.S.A. 2C:14-2a(2)), and Endangering the Welfare of a Child (2<sup>nd</sup> degree) he had a legal duty to care for (N.J.S.A. 2C:24-4a). Respondent was sentenced to a six year custodial sentence.

The information received also indicates that respondent was sentenced under the purview of the New Jersey Sex Offender Act. As a result, the judge ordered respondent to serve his sentence at the Adult Diagnostic and Treatment Center.

Respondent’s plumbing license was currently suspended by application of N.J.S.A. 45:1-7.1b for failing to renew the license within 30 days of its expiration on June 30, 2009. Respondent was released from the Adult Diagnostic and Treatment Center on November 14, 2012 and subsequently sought reinstatement of his license. Respondent appeared before the Board on February 28, 2013 concerning his request for reinstatement. Respondent acknowledged the details of his offending behavior and acknowledged he is subject to parole supervision for life. Respondent is also subject to Megan’s Law reporting requirements.

Following his appearance, respondent advised the Board by letter dated March 18, 2013, that he requested the “termination of my Master Plumber’s License.”

*Continued*

**DENNIS P. McNERNEY - CONSENT ORDER OF REVOCATION  
36BI00730500 MASTER PLUMBERS LICENSE**

The Board finds that respondent's conviction for first degree Aggravated Sexual Assault involving a minor, as well as his conviction for second degree Endangering the Welfare of a Minor, are crimes involving moral turpitude and relate adversely to the activity regulated by the Board. Accordingly, the Board may take disciplinary action against respondent's license to practice as a master plumber in New Jersey pursuant to N.J.S.A. 45:1-21(f).

The parties having agreed to the resolution of this matter without formal proceedings, and respondent having agreed and given his voluntary consent to the within Order and waiving any right to a hearing in this matter, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown:

1. Respondent's license to practice plumbing in the State of New Jersey be and hereby is surrendered effective immediately. Such surrender is to be deemed a revocation of respondent's plumbing license, with prejudice. Respondent shall not hereafter apply for reinstatement of licensure.

2. Respondent shall immediately cease and desist from representing himself as a licensed master plumber in the State of New Jersey and cease and desist from practicing as a licensed master plumber in the State of New Jersey. Respondent agrees that any future employment or engagement in the practice of plumbing with a licensed plumbing contractor shall be consistent with the requirements of his parole supervision and Megan's Law requirements.

3. Respondent having previously surrendered his pressure seal to the Board, consistent with his suspension pursuant to N.J.S.A. 45: 1-7.1b, now consents to the permanent surrender of his pressure seal consistent with the terms of this Order.

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11. **VOTE TO FINALIZE FOR A FINAL ORDER OF DISCIPLINE**

**PROVISIONAL ORDER OF DISCIPLINE - FILED DECEMBER 20, 2013**

**\$750 PENALTY PAID IN FULL 4/1/13 - ROBERT PARIN, LMP #9607**

No written response to the terms of the POD.

On May 23, 2013, a motion was made by Michael Maloney and seconded by Robert Reeve, that while there is no written response from the licensee with respect to the terms of the POD, licensee Parin has paid the fine in full, this matter may now be finalized. DAG Donofrio will proceed with issuing a Final Order of Discipline.

A vote was taken and the motion unanimously passed.

12. VOTE TO FINALIZE FOR A FINAL ORDER OF DISCIPLINE  
PROVISIONAL ORDER OF DISCIPLINE - FILED FEBRUARY 28, 2013  
VIA UPS - 3/19/13  
**DAVID HART, LMP #11230 -**

On May 23, 2013, a motion was made by Michael Maloney and seconded by Donald Dileo, that the licensee has been properly served with the POD at his Address of Record, and as of yet, Hart has failed to respond to the POD, this matter may now be finalized. DAG Donofrio will proceed with issuing a Final Order of Discipline.

A vote was taken and the motion unanimously passed.

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13. VOTE TO FINALIZE FOR A FINAL ORDER OF DISCIPLINE  
PROVISIONAL ORDER OF DISCIPLINE - FILED FEBRUARY 28, 2013  
VIA UPS - 3/19/13  
**JAMES MURRAY, LMP #8706 -**

On May 23, 2013, a motion was made by Robert Reeve and seconded by Donald Dileo, that the licensee has been properly served at his Address of Record; however, since there has been no written response from him in reply to the POD, this matter may now be finalized. DAG Donofrio will proceed with issuing a Final Order of Discipline.

A vote was taken and the motion unanimously passed.

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14. NOT COMPLYING WITH CONSENT ORDER - FILED FEBRUARY 22, 2007  
IN THE MATTER OF **JAMES P. REGAN, # 12442**  
ORDER FILED PRIOR TO LICENSING AND REQUIRING MONITORING

On May 23, 2013, a motion was made by Michael Maloney and seconded by Robert Reeve to proceed into Executive Closed Session, for a deliberation of this matter. Licensee Regan is not in compliance with terms of the filed Consent Order of February 22, 2007. A vote was taken and the motion unanimously passed. The Board did not return to Open Session to report any additional findings on this date.

15. NOT COMPLYING WITH CONSENT ORDER - FILED JUNE 17, 2010  
IN THE MATTER OF THE APPLICATION FOR LICENSE AS A MASTER PLUMBER  
**SEAN T. WHELAN, CANDIDATE** - REQUIRES MONITORING

*RECUSAL: JAMES MC MANUS recused himself from all participation in this matter.*

On May 23, 2013, a motion was made by Robert Reeve and seconded by Michael Maloney to proceed into Executive Closed Session, for a deliberation of this matter. Candidate Sean T. Whelan is not in compliance with the terms defined in the Consent Order filed June 17, 2010. A vote was taken and the motion unanimously passed. The Board did not return to Open Session to report any additional findings on this date.

16. NOT COMPLYING WITH FINAL ORDER OF DISCIPLINE - PENALTIES DUE  
FILED JANUARY 20, 2012  
IN THE MATTER OF **KARL HOLL, LMP #5695**

On May 23, 2013, a motion was made by Donald Dileo and seconded by Robert Reeve, to proceed into Executive Closed Session for deliberation on the issue of Licensee Holl's failure to submit payment of the penalties associated with the above Final Order. A vote was taken and the motion unanimously passed.

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**◆ It is noted that applications for the Master Plumber's examination, Master Plumber's business registration forms, and Bona fide Representative registrations 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.**

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EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Robert Reeve and seconded by Michael Maloney to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, 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 meeting is scheduled for *June 27, 2013*, at 9:00 am. A vote was taken and the motion unanimously passed.

Submitted by,

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Rosemarie S. Baccile, Acting Executive Director