

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

The Minutes of the May 26, 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 notice of the May 26, 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 May 26, 2005 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

Board Member Margaret Sieb, Secretary, was absent from this meeting.

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 {Licensed Master Plumber} and Bill Stepler, both 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 ~ APRIL 28, 2005 ~

A motion was made by Alexander Tucciarone and seconded by James Moore to postpone the approval of these minutes until the June 23, 2005, meeting. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

CONTINUING EDUCATION AUDIT

1. CONCLUSION OF AUDIT 2003-2005 MARCH 25, 2004 - MAY 26, 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 *\$56,500.00, and stenographic costs in the amount of \$690.59--- based solely on the audit of 460 randomly selected Licensed Master Plumbers... {*Penalties are updated for today's meeting.} 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.

Reporting today's Continuing Education penalty: \$250 payment

Licensee Mark T. Sorey, LMP # 9964 submitted his \$250 penalty check on April 29, 2005. A disciplinary action was filed by the State Board of Examiners of Master Plumbers (MP) against this licensee. He had indicated on the 2003-2005 MP renewal application that he would comply with the five (5) hour Continuing Education (CE) requirement by June 30, 2003; however, the Board's audit established that he had not done so.

Based on the evidence that the licensee fulfilled the five (5) hour CE requirement --- however late--- and paid his \$250 penalty to the Board, this file was closed.

2. REQUEST FOR REINSTATEMENT OF LICENSE

JOSEPH N. SPINA, EXPIRED LICENSE LMP # 5811, EXPIRED as of JUNE 30, 1979

Expired licensee Joseph N. Spina, submitted a letter dated January 25, 2005, requesting the reinstatement of his Master Plumber's license.

On May 26, 2005, subsequent to a review of Mr. Spina's correspondence, a motion was made by Ralph Wetzel and seconded by Alexander Tucciarone, that:

Mr. Spina 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 state:

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.

Correspondence concerning the reinstatement procedure will be sent to Mr. Spina.

A vote was taken and the motion unanimously passed.

3. REQUEST FOR REINSTATEMENT OF LICENSE

CHARLES S. ROONEY, EXPIRED LICENSEE, LMP # 6987

EXPIRED as of JUNE 30, 1991

Expired licensee Charles S. Rooney submitted a letter dated February 7, 2005, requesting the reinstatement of his Master Plumber's license. On May 26, 2005, subsequent to a review of Mr. Rooney's correspondence, a motion was made by Ralph Wetzell and seconded by Alexander Tucciarone, that:

Mr. Rooney 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 state:

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 suspension;

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

Correspondence concerning the reinstatement procedure will be sent to Mr. Rooney. A vote was taken and the motion unanimously passed.

4. Ms. Cook announced that on April 27, 2005, Kimberly S. Ricketts was appointed as the new acting Director of the Division of Consumer Affairs.

4B. 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/ (21) PAYMENTS TO DATE = {\$10,500}

\$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
\$500~ 05/02/05..... 21st

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

Executive Director Barbara A. Cook explained to Members that the Board's existing regulations do not list an actual fee for the Licensed Master Plumber's initial seal press.

Ms. Cook further explained that the Division questioned her regarding this issue, and suggested to her that the Board explore the development of a new regulation to address the collection of a fee for the Master Plumber's initial seal press.

On May 26, 2005, Chuck Manning presented his new draft, and explained that the new language allows an option for the vendor to adjust the fee where need be. While the present initial seal press fee is \$20.00, the new draft permits an increase– or decrease in cost– should vendors change their prices.

Charles Manning also noted that while the State Board of Examiners of Master Plumbers is not the manufacturer of the Master Plumber's pressure seal, the initial seal {and any subsequent seals}-- issued to the licensee– remain the property of the State. Upon death of the licensee, the pressure seal should be returned to the State Board of Examiners of Master Plumbers.

On May 26, 2005, a motion was made by Alexander Tucciarone and seconded by Ralph Wetzel, to approve the draft as developed. A vote was taken and the motion unanimously passed.

MASTER PLUMBERS EDUCATION SERVICE OF NJ
CORRESPONDENCE OF MAY 17, 2005
CE CLASS SIZE

Request to increase to 75 attendees.... {denied}

On May 26, 2005, the Board considered Mr. Glynn's request to increase his CE class size from "50" to "75;" however, that request was denied by the Board who suggested that the Glynn's consider other avenues for scheduling additional courses. The Board recommends against classes beyond the "50" person limit in compliance with N.J.A.C. 23:32-6.2(g). A motion was made by Ralph Wetzel and seconded by Alexander

Tucciarone. A vote was taken and the motion unanimously passed.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by James Moore and seconded by Alexander Tucciarone to proceed into Executive Closed Session to review five (5) pending consumer complaint matters, eight (8) administrative closings, four (4) unlicensed practice matters, issues surrounding the CE audit, the DAG quarterly report, 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, June 23, 2005, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director