

State Board of Examiners of Master Plumbers
Minutes
May 27, 2004
#502 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS - MAY 27, 2004

The Minutes of the May 27, 2004, Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on June 24, 2004.

The notice of the May 27, 2004, 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 27, 2004, was called to order at 9:00 a.m. The following Board Members were in attendance:

Alexander J. Tucciarone, Chairman

Ernest Tretola, Vice-Chairman

Margaret Sieb, Secretary

Ralph Wetzel

James Moore

Mark McManus

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

Charles T. Reiners, LMP # 1105

PLEDGE OF ALLEGIANCE:

Chairman Alexander Tucciarone led the Board in the Pledge of Allegiance to the Flag. Mr. Tucciarone also requested that the Board join in a moment of silence in recognition of U.S. troops serving overseas.

APPROVAL OF THE MINUTES ~ APRIL 22, 2004 MEETING

A motion was made by Ralph Wetzel and seconded by Ernest Tretola to approve the April 22, 2004, minutes. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

CONTINUING EDUCATION AUDIT OFFICIAL RESULTS ~ and ~ DISCIPLINARY ACTIONS

1. FULFILLING THE (5) FIVE HOUR REQUIREMENT for the 2003-2005 BIENNIAL RENEWAL

The State Board of Examiners of Master Plumbers conducted an audit into compliance by its licensees concerning the (5) five hour CE requirement for the recent 2003-2005 biennial renewal cycle.

Master Plumbers licenses were renewed for 2003-2005; however, the Board's audit produced a letter dated November 17, 2003, to some 460 randomly selected Licensed Master Plumbers, and requested that each licensee furnish a copy of his/her CE Certificate proving completion of the five (5) hour course for the 2003-2005 biennial renewal.

The Board has continued its pursuit of this audit, and is hereby reporting the following actions— updated since its April 22, 2004, meeting:

CATEGORY:

FINDING: The correspondence submitted by licensees in response to our audit offered insufficient evidence of compliance with the Board's requirement for fulfilling (5) hours of Continuing Education for the 2003-2005 biennial renewal period.

ACTION: A Uniform Penalty Letter {UPL} dated March 12, 2004, was issued to each of the following (43) Licensed Master Plumbers. The terms allow the licensee choices to respond to the violations presented, and either submit the \$500 penalty, provide an explanation and waive a hearing, or request a formal hearing.

In all cases, the licensee agrees to cease and desist from such future violations, and must attend the five (5) hour CE course. A certification is provided, and defaulting on the UPL will cause grounds for an order entering penalties, suspension, or revocation of licensure.

DEVELOPMENTS

Uniform Penalty Letter {UPL} of March 12, 2004 :

Fourteen (14) licensees selected the UPL option to "Waive any rights to a hearing and offer an explanation..." and submitted their correspondence for the Board's review on April 22, 2004. These items were reviewed on April 22, 2004, while in Executive Closed Session.

However, on April 22, 2004, those explanations were denied by the Board, and the next step toward disciplinary action was implemented through the preparation of the following order:

ADMINISTRATIVE ACTION/FINAL DECISION AND ORDER AFTER UNIFORM PENALTY LETTER (UPL) EXPLANATION

This order assessed a \$500 penalty for failure to complete the CE requirement, issued a cease and desist

from future acts of professional misconduct, and ordered the respondent to complete the CE requirement within (30) thirty days.

"UPL satisfied" completes the disciplinary proceeding in full for the licensees noted.

Licensee (*) DE ANGELO {also bolded} requested a Formal Hearing regarding his UPL proceeding— this item remains pending.

Additionally, the CE Audit produced evidence that (2) two licensees {in italics below} did attend CE on a timely basis, and they are, therefore, not assessed a penalty for this violation.

An ADMINISTRATIVE ACTION ~FINAL DECISION & ORDER was filed against the (11) eleven licensees bolded below:

MASTER PL. LIC. #	LICENSED MASTER PLUMBER	\$500 DT PD	MAKEUP CE DT	UPL SATISFIED	EXPL UPL DENIED	TIMELY DATE
36BI00066100	ADELMAN, NORMAN	03/31/04		No		
36BI00363600	AMATO, FRANCIS L	4/29/04	03/22/04	Yes		
36BI00657500	BARRETTA, ROBERT A	03/31/04	04/20/04	Yes		
36BI01065300	BARSONY, SCOT L		03/22/04	No	4/22/2004	
36BI01055100	BAUER, BRUCE T	04/02/04	03/27/04	Yes		
36BI00973400	BELITZ, ADAM B	03/18/04	04/17/04	Yes		
36BI00835500	BENDER JR, JAMES R		03/31/04		No	4/22/2004
36BI00396300	CHRISTOPHER, R.			No		
36BI00554600	CICERALE, LOUIS T		03/22/04	No	4/22/2004	
36BI00848800	COULAHAN, JOHN F		03/22/04	No	4/22/2004	
36BI00291600	DE ANGELO, R*		03/22/04	No	4/22/2004 hearing	
36BI01049000	DELHAGEN, GARY R	03/30/04	04/20/04	Yes		
36BI00880400	DITZEL, MARK L	04/23/04	03/29/04	Yes		
36BI01068900	FARRUGGIA, SALV SALVATORE A S		04/03/04	No	4/22/2004	
36BI00190500	FERRARA, ARCHIE W	03/17/04	04/14/04	Yes		

36BI00830300	FORD JR, ROBERT E		04/20/04	No	4/22/2004	
36BI00028700	GAHM, RONALD J			No		03/08/03
36BI01077200	GREENBERG, HAL C	04/13/04	03/27/04	Yes		
36BI00602900	HEIM, MICHAEL R	03/29/04	04/14/04	Yes		
36BI00909800	JANNUZZI, ANTONIO	03/22/04	04/17/04	Yes		
36BI00548800	JORSKI, JOSEPH J			No		
36BI00909500	KLEIN, HAROLD L		03/31/04	No	4/22/2004	
36BI00913000	LEE, PATRICK S	5/03/04	04/20/04	Yes		
36BI00816100	LO SASSO, MICHAEL			No		
36BI01061600	MAYER, PAUL S	04/01/04	04/19/04	Yes		
36BI00702600	MIDDLETON JR, FELDMAN		04/19/04	No		
36BI00437900	MINUTO JR, PARIS R	04/02/04	04/20/04	Yes		
36BI01049300	MIZER, JAY J		04/03/04	No	4/22/2004	
36BI00329400	MONTON, JAMES N			No		04/26/03
36BI00832300	PEET, JAMES E	04/26/04	04/20/04	Yes	4/22/2004	
36BI00601900	PINTINALLI, WILLIAM			No		
36BI00425000	PRIOR, JOERGEN P	03/12/04	04/19/04	Yes		
36BI00950200	PTAKIWICZ, JACOB			No		
36BI01060000	ROSEN, PHILIP L		03/27/04	No		
36BI00170700	SCIUTO, JOSEPH A	03/23/04	04/19/04	Yes		
36BI00923200	SEIFERT, KEVIN E	03/22/04	04/20/04	Yes		
36BI00536900	SIKORA, JOHN W	03/26/04	03/27/04	Yes		
36BI01114300	STILES, JOHN D	03/24/04	04/20/04	Yes		
36BI00931800	TAYLOR, MARTIN		03/27/04	No	4/22/2004	
36BI00712700	WIDING, JOHN	03/17/04	03/27/04	Yes		

36BI00725400	YI, DANIEL C		03/22/04	No	4/22/2004	
36BI00965800	ZIMMERMAN, JACK A	04/13/04	04/17/04	Yes		

**CE AUDIT
CATEGORY:**

ACTION: A letter of condolence was issued from the Board Office to the family of each of the below deceased Licensed Master Plumbers. This letter of condolence was accompanied by an Administrative Action/ Request for the return of the Master Plumber's seal signed by Executive Director Barbara A. Cook.

DEVELOPMENTS

Pressure Seals were returned by the following as bolded:

LIC. #	LIC. MASTER PLUMBER PLUMBER. PL	PRES SEAL RET'D RETRNDRE
36BI00967500	CIRILLI, PANTALEO C	No
36BI00235600	DE FAZIO, JOSEPH J	No
36BI00755600	DEMBROSKY, EDWARD	Yes
36BI00933600	JOHNSON JR, THEODORE H	Yes
36BI00303100	MAZZITELLI SR, FRANK M	Yes
36BI00412000	PINZONE, LEO	No
36BI00176100	STEINKE, JOSEPH J	No
36BI00164900	ZIEMAN, WILLIAM H	No

CE AUDIT CATEGORY:

FINDING: Certified Mail pertaining to this CE audit was issued to Licensees at their Address of Record and had been returned to the Board marked either "unclaimed", "refused" or "unable to forward..." Regular mail issued by the Board Office had not been returned to the Board Office.

**CE AUDIT
UNCLAIMED/REFUSED CERTIFIED MAIL RETURNED TO BOARD OFFICE ~ (21)
LICENSEES**

ACTION: PROVISIONAL ORDER OF DISCIPLINE ~{POD} ASSESSING A \$1,000 PENALTY/
SUSPENSION

A Provisional Order of Discipline was prepared by Deputy Attorney General Joseph A. Donofrio on behalf of the State Board of Examiners of Master Plumbers, filed on 3-17-04, by the Executive Director, Barbara A. Cook, and issued by both regular and Certified Mail (CM). This Provisional Order of Discipline:

Is subject to finalization by the Board at 5:00 pm on the 30th business day following entry {4-17-04}, and,

At that time suspends the plumbing license of the Respondent until such time that a copy of his/her CE certificate is submitted;

Assesses a \$1,000 penalty for failure to timely cooperate with the Board's requests for a copy of the CE certificate.

CE AUDIT
CATEGORY: PROVISIONAL ORDER OF DISCIPLINE

Permits Respondent to submit a reply to the POD, and a further review after (30) days to determine if a Final Order shall be entered.

NOTE: Insofar as this POD became final on {Saturday} April 17, 2004, all responses were compiled by the Board Office and prepared for review in Executive Closed Session at this meeting.

CE AUDIT

On May 27, 2004, the Board held a discussion in Executive Closed Session concerning the licensees in this category of PODs, and returned to Open Public session to report their conclusion that the assistance of a Prosecuting Deputy is warranted for the review of these actions; therefore, this portion of the audit was rescheduled for the Board's Agenda on June 24, 2004.

DEVELOPMENTS – Details are charted below – . . .

PL. LIC. #	LICENSEE	PD \$1000 DT POD	CM RET RET'D SENDER	RETD RETD POD RE	MAKEUP CE DT POD
36BI00703800	ABRAHAM, JOHN		3/30/2004		
36BI01169400	Andahazy, Thomas G				*Exempt by regulation
36BI00331100	CINEGE SR, NEIL A		3/24/2004		
36BI00722700	COUNCIL, EMANUEL	4/26/2004			4/20/2004
36BI00480400	CUMMINS JR, ARTHUR F				
36BI00084000	DE BARO, GERALD		4/13/2004		
36BI00186300	EAGER, PHILIP E				
36BI00172300	FIORITO, JOSEPH J				
36BI00702700	HOLLOWAY, WILLIAM A		3/23/2004		
36BI00193800	KING, WILLIE C	4/6/2004	4/13/2004		4/20/2004
36BI00159700	MESCE, LOUIS M				4/19/2004
36BI00256100	MONTO, ROCCO R				4/19/2004
36BI00960700	PARIN, ROBERT		4/19/2004		
36BI00512400	PAUTLER, CHARLES MCHARLES M cvc c CM				

36BI00058600	POTOCKI, JOSEPH R			
36BI00995700	SCARDILLI JR. R RICHARD K R			4/19/2004
36BI01103000	STILL JR, PRESTON G went			
36BI00943700	STRATTON II, SAMUEL N			
36BI00354200	THUNELL JR, JOHN J		4/14/2004	
36BI01086300	WALTZ, MICHAEL A	3/31/2004		4/20/2004
36BI01003000	WIKFORS, KEVIN J			4/3/2004

There are NO RESPONSES from (3) licensees, FIORITO, POTOCKI, or STRATTON, and their certified mail is not returned --- no green cards have surfaced at the Board Office.

These, too, will require action by the Board and DAG Donofrio.

CATEGORY:

FINDING: Certified Mail (CM) and Regular Mail pertaining to this CE audit was issued to Licensees in this category at their Address of Record. Licensees had received the CM as evidenced on U.S. Postal Green card receipts returned to the Board Office and maintained on file.

ACTION: INVESTIGATIVE INQUIRY PROCEEDINGS TUESDAY, MAY 4, 2004

The State Board of Examiners of Master Plumbers held Investigative Inquiry proceedings on Tuesday, May 4, 2004, at 9:00 am, conducted exclusively in Executive Closed Session, for Licensed Master Plumbers whose appearances were specifically requested by the Board with regard to the CE audit.

The results of these Investigative Inquiry proceedings and all further disciplinary proceedings concerning the Board's audit, will be reported in Open Public Session wherever appropriate and at such time that these investigations are concluded.

COMMENT FOR THE RECORD

On May 27, 2004, Chairman Alexander Tucciarone and Members of the Board requested that the record reflect their recognition and gratitude for the progress of the Master Plumber's Continuing Education audit. Board Members noted that they are extremely pleased with the efforts of the Board Office in the achieved results of this first-time audit.

2. DEPARTMENT OF COMMUNITY AFFAIRS DIVISION OF CODES AND STANDARDS
MEMORANDUM DATED APRIL 14, 2004 MEGAN K. SULLIVAN

DRAFT AGENDA 4-23-04 AND APPROVED MINUTES
CODE ADVISORY BOARD MEETING OF DECEMBER 12, 2003

On May 27, 2004, Members of the Board reviewed Ms. Sullivan's memorandum and documentation without any formal comment.

3. JOSEF WODESLAVSKY

REVISITING WITH APRIL 19, 2004 CORRESPONDENCE

RE: INSTALLATION OF WATER LEAK DETECTOR

The Board's prior correspondence to Mr. Wodeslavsky was attached to his recent letter of April 19, 2004.

On May 27, 2004, the Board reviewed Mr. Wodeslavsky's recent correspondence and re-affirmed their previous position recommending that the business owner consider subcontracting his plumbing services to a plumbing contractor licensed by the State of New Jersey, reiterating that he is not qualified to perform such services without a Master Plumber's license.

4. Barbara A. Cook, Executive Director, reserved a portion of Open Public Session to review some pending issues with Board Members, and made no formal comment.

5. DISCIPLINARY ACTION

*Reporting (1) penalty payment ~ @ \$500

Mr. Widing is maintaining his payment schedule concerning:

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF JOHN WIDING,
LMP # 7127

TO PRACTICE AS A MASTER PLUMBER IN THE 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 : (8) PAYMENTS TO DATE:

\$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 ~ 1/28/046th
\$500 ~ 3/01/04.....7th
\$500 ~ 3/30/04.....8th
\$500 ~ 4/04/04.....9th

Revisiting from prior Agendas ~

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 2005

On January 22, 2004, the Board noted that A-82 was signed into law on January 7, 2004, by Governor James E. McGreevey. Members agreed that before any such application process is implemented for this certification, this law must be further explored to establish regulations which would provide parameters in certifying 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 2005.

On April 22, 2004, Board Members reiterated their concern for this new law, and expressed their unanimous position toward the development of regulations in meeting these new requirements.

On May 27, 2004, Chuck Manning returned to the Board for a discussion concerning the establishment of 'standards' for this new certification. Mr. Manning advised that he will continue his pursuit of new developments for these regulations.

Correspondence from:
LINDABURY MCCORMICK
& ESTABROOK, P.A., ATTORNEYS AT LAW
JAMES K. ESTABROOK, LETTER OF MAY 25, 2004

RE: PROPOSED REGULATIONS UNDER CERTIFICATION for
Medical Gas Piping, P.L. 2003, Chapter 205 (N.J.S.A. 45:14c-28- et seq.)

On May 27, 2004, Board Members acknowledged receipt of this correspondence received immediately prior to their meeting on this date.

After a brief discussion, DAG Joseph A. Donofrio advised that he would prepare an appropriate response to this law firm acknowledging the Board's receipt of their correspondence, and advising that Members considered their client's expressed interest and concerns for the Medical Gas Piping regulations.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by James Moore and seconded by Ernest Tretola to proceed into Executive Closed Session to review six (6) administrative closings of consumer complaints, thirteen (13) pending consumer complaint matters; one reinstatement application, (2) two unlicensed practice cases, the CE audit Provisional Orders of Discipline, the DAG quarterly report, 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 24, 2004, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director