

**# 568 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - MAY 27, 2010**

The Minutes of the May 27, 2010 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, 2010.***

The notice of the May 27, 2010 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 27, 2010 was called to order at 9:00 am with the following Members in attendance:

Peter Voros, Chairman

Michael L. Sestanovich, Secretary

Michael K. Maloney, Vice-Chairman

Paul N. Bontempo

Donald Dileo

Robert B. Reeve

Adam J. Sabath

James McManus, Jr.

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, Executive Assistant

Public Session Visitors:

Ralph Wetzel, Mark McManus, Thomas F. Walsh, LMP/NJSLMP; Bill Stepler, CEP Associates, Liz Moritz, Administrator, NJSLMP; Susan Bischoff, Global Court Reporting

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 22, 2010

A motion was made by Michael Sestanovich and seconded by Robert Reeve to approve the minutes of the April 22, 2010 meeting. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER - VICE CHAIRMAN

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

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Plaques and resolutions were presented to Ralph Wetzels and Mark McManus in recognition of their years of service as Members of the Board.

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1. BURT LIEBMAN, MAY 11, 2010 MEMO
PERIODIC REPORT ON LEGISLATION

On May 27, 2010, Board members reviewed this report without comment.

- 2. APPEAL(s) requesting “grandfathering” for the Master Plumber’s examination from WILLIAM REDDINGTON, LMP # 2144 & WILLIAM D. REDDINGTON, SON - (2) items dated April 22, 2010

On May 27, 2010, a motion was made by Michael Maloney and seconded by Donald Dileo to move into Executive Closed Session for discussion.

Subsequent to a review in Executive Closed Session, the Board returned to Open Public Session to report in a motion made by Michael Maloney and seconded by Donald Dileo, that based on the documentation provided, William D. Reddington, the son of licensee William Reddington, LMP # 2144, does not meet the statutory requirements of a candidate for the Master Plumber’s examination.

A vote was taken and the motion unanimously passed.

- 3. MASTER PLUMBERS EDUCATIONAL SERVICE OF NEW JERSEY
JOHN GLYNN, LMP # 5882

Request regarding applicants “approved” for the Master Plumbers examination - Correspondence dated April 9, 2010

Recusal: Board Member James McManus recused himself from participation in this item.

On May 27, 2010, the Board discussed this matter but denied Mr. Glynn’s request. DAG Donofrio confirmed that since the Board is not authorized to approve test preparation courses, the lists of approved candidates should not be sent to providers of course preparation.

REPORTING DISCIPLINARY ACTIONS

- 4. JOSEPH A. DAVIA UNLICENSED, T/A JOSEPH DAVIA
OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

SIGNED ACKNOWLEDGMENT ON 4-20-10
Requesting payment arrangements on \$2,500 fine

JOSEPH A. DAVIA UNLICENSED - *Continued*

INSPECTOR COMPLAINT MATTER FILE ID # 66103, WILLIAM D. BOYLE,
CONSTRUCTION OFFICIAL, BOROUGH OF SOUTH BOUND BROOK, NJ

INSPECTION AT 122 MADISON AVENUE, SOUTH BOUND BROOK;
INSTALLATION OF TWO (2) WATER HEATERS WITHOUT PERMITS

Reported as grossly negligent installations

Business card "Joseph Davia Plumbing"

ADVERTISING AND PERFORMING PLUMBING SERVICES

On May 27, 2010, the Board agreed to allow a payment arrangement for this fine.

Following a brief discussion, a motion was made by Adam J. Sabath and seconded by Paul Bontempo, that correspondence should be directed to Mr. Boyle, the official who reported these violations, expressing the Board's gratitude for his submission of this complaint.

Mr. Sabath also recommended that copies of this letter be directed to Lori Grifa, the Commissioner at the New Jersey Department of Community Affairs in Trenton, NJ, the Mayor of the respective municipality, and the Attorney General Paula T. Dow. A vote was taken and the motion unanimously passed.

5. *CHARLES MANNING, REGULATORY ANALYST -
CONTINUING EDUCATION MATTERS*

Revisiting from April 22, 2010 (4B)

THOMAS F. WALSH, PLUMBING SUBCODE OFFICIAL #5634

LICENSED MASTER PLUMBER # 7854

Mr. Walsh submitted correspondence dated January 27, 2010 regarding requirements for Uniform Construction Code (UCC) official courses and Board CE requirements.

On April 22, 2010, the Board held a discussion with Charles Manning and concluded that he will draft correspondence to address CE classes for both Master Plumbers and Plumbing inspectors licensed by the Department of Community Affairs (DCA) in Trenton, NJ, by having the Board approve the Sponsors for these requirements and possibly eliminate the need for duplicate classes.

On May 27, 2010, the Board discussed this matter, and voted in a motion made by James McManus and seconded by Robert Reeve, to approve Charles Manning's letter regarding Continuing Education. Based on this draft, if the Sponsor of a UCC plumbing official course applies for approval at the Board, the course given by that sponsor will count toward Board CE requirements. Accordingly, the one hour of Plumbing Rules and Regulations must also be taught to complete the five (5) hour requirement for Master Plumbers. A vote was taken and the motion unanimously passed.

6. **DISCIPLINARY ACTIONS - PENALTY PAYMENTS**
CONTINUING EDUCATION AUDIT BIENNIAL 2005-2007

KENNETH J. MACKENZIE, LMP # 9741

- 3rd payment dated 1-23-2010 - \$500 Paid in full

BARRY F. CIPPARONE LMP # 8652 Paid in full

- \$1,000 paid by November 4, 2009
- \$ 200 paid on November 27, 2009
- Final payment(s) totaling \$300 made prior to 4-21-2010

TOTAL PENALTIES COLLECTED for 2005-2007 CE AUDIT = \$25,200.00

7. Offer(s) of Settlement assessing \$2,500 fines for
UNLICENSED ENTITIES: ADVERTISING PLUMBING SERVICES
NEWS ARTICLES, INTERNET ADS: CRAIGS LIST, NEWSPAPERS, ETC.
NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS, COMPLAINANTS

Complaints against unlicensed entities advertising plumbing services were submitted by the New Jersey State League of Master Plumbers. These complaints were assigned file numbers and reviewed by the Board. Members voted on June 25, 2009, to issue an Offer of Settlement with a \$2,500 fine to each unlicensed entity where a review of an advertisement established a violation(s) of New Jersey Plumbing Statutes and Regulations. Some of these violations included references to plumbing, minor or light plumbing, water heaters, or ordinary repairs. This "Offer" replaces the advertising letter, includes a cease and desist, and assesses a penalty.

Offers of Settlement were issued on January 14, 2010 to the subscribers provided by the NJSLMP; however, the responses to these settlement letters are forthcoming and the investigations of these complaints are continuing. On May 27, 2010, responses were reviewed in Executive Closed Session.

The Board modified the Offer of Settlement letter in the following matter and reduced the penalty to \$500. Payment of that penalty was made on April 28, 2010, by:

◆ 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.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Michael Sestanovich to proceed into Executive Closed Session to review consumer complaint matters, unlicensed advertisements and unlicensed practice matters, hold one (1) investigative inquiry, discuss disciplinary matters arising from the CE audit, 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 regularly scheduled meeting is for **June 24, 2010** at 9:00 am in the Hudson Room.

Respectfully submitted,

Lawrence DeMarzo, Deputy Director
Division of Consumer Affairs