

**# 623 - BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - MAY 28, 2015**

The minutes of the May 28, 2015 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting *on June 25, 2015*.

The notice of the May 28, 2015 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 28, 2015 was called to order at 9:00 am with the following Members in attendance:

Peter Voros, Chairman

Michael K. Maloney, Vice-Chairman

Michael L. Sestanovich, Secretary

James McManus, Jr.

Robert B. Reeve

Adam J. Sabath - **absent**

Paul N. Bontempo - **absent**

Donald Dileo - **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 visitors:

Vincent Tinervia, LMP # 10945

Thomas F. Walsh, LMP # 7854

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 23, 2015 MTG.

A motion was made by Robert Reeve and seconded by Michael Maloney to approve the minutes of the April 23, 2015 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 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

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.

- 1.) CRYOGENIC SYSTEMS - AN EMAIL INQUIRY SUBMITTED BY: ALISON EVANS
DATED: APRIL 20, 2015

On May 28, 2015, the Board discussed this email and considered the references to existing New Jersey Uniform Construction Codes (UCC). Subsequent to their discussion, a motion was made by Michael

Maloney and seconded by Robert Reeve, to state that handling of cryogenic systems– if used for medical gas piping as defined by N.J.S.A. 45:14C-28 and N.J.A.C. 13:32-7.2– falls within jurisdiction of the medical gas piping certification; therefore, a New Jersey Certified Medical Gas Piping Installer must perform that work. Those individuals are certified by the State Board of Examiners of Master Plumbers. A vote was taken and the motion unanimously passed.

- 2.) JOHN T. O'BRIEN, LMP #11633 - REAL MEDIA ARTICLE - INTERNET
"PLUMBER SNAKED FORT LEE CO-OP OUT OF \$650,000 PROSECUTOR SAYS"

Bergen County Prosecutor John Molinelli said John T. O'Brien, 48, wronged members of the Colony co-op when in September of 2012 he was hired to purchase copper piping and other related materials to be used in a riser replacement project. O'Brien agreed to purchase the items and have it locked in a separate area, Molinelli said. But after comparing purchase orders as to what was in the room, it was discovered that O'Brien never purchased \$648,337 of the total \$1,4370,733 of materials the contract called for, the prosecutor said.

The information reported indicates John T. O'Brien, LMP # 11633, has been indicted.

On May 28, 2015 the Board discussed this matter and concluded in a motion made by James McManus and seconded by Robert Reeve, that JOHN T. O'BRIEN, LMP #11633 must advise the Board of the outcome in this indictment. The Division will obtain appropriate documents regarding any pleas entered in this matter. A voluntary suspension or surrender may be considered.

A vote was taken and the motion unanimously passed.

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- 3.) DONALD E. POWELL, LMP #12440 - EXPIRED MASTER PLUMBERS LICENSE
AS OF JUNE 30, 2011
DIVISION OF CRIMINAL JUSTICE - JUNE 30, 2014
SPECIAL NOTICE OF INDICTMENT/CONVICTION

On May 28, 2015, the Board discussed this matter and concluded in a motion made by James McManus and seconded by Robert Reeve that the Master Plumber's license issued to Donald E. Powell is suspended for his failure to renew. Based on the notice of indictment/conviction, DAG Donofrio will proceed with a "Summary Order of Suspension" to obtain the pressure seal and to continue the suspension until such time as Mr. Powell appears before the Board. The Board also reserves the right to impose discipline based on any conviction. A vote was taken and the motion unanimously passed.

Page 4 5-28-2015 Mtg.

SUNSET OF MASTER PLUMBERS REGULATIONS

Charles Manning, Regulatory Analyst, advised the Board that the re-adoption of the New Jersey Plumbing Regulations was sent to the Office of Administrative Law without change for publication in the New Jersey Register during the Month of July, 2015.

PROPANE

Mr. Manning also advised that the publishing for the propane proposal in the New Jersey Register is anticipated for June 15, 2015. This regulation has been approved by Governor's counsel. A (60) day comment period will follow once the proposal is published.

A motion was made by James McManus and seconded by Robert Reeve to amend the CE requirements to include the one (1) hour of propane instruction.

The Board anticipates the adoption of the Propane regulation in advance of the 2017-2019 Master Plumbers biennial renewal. That renewal will incorporate the propane instruction into the Continuing Education requirement. The Continuing Education requirements of five (5) hours will include the following: (1) one hour of code, (1) hour of law/ New Jersey Plumbing Statutes and Regulations law, (1) hour of Propane instruction and (2) two hours of instruction from the Board approved CE topics. Those topics are published as a public notice in the New Jersey Register prior to the renewal. A vote was taken and the motion unanimously passed.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Michael Maloney and seconded by Robert Reeve 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 25, 2015.*** A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director