

**State Board of Examiners of Master Plumbers**

**Minutes**

**June 24, 2004**

**#503 MEETING OF THE STATE BOARD OF EXAMINERS OF MASTER PLUMBERS - JUNE 24, 2004**

The Minutes of the June 24, 2004 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on July 22, 2004.

The notice of the June 24, 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 June 24, 2004 was called to order at 9:00 a.m. The following Board Members were in attendance:

Alexander J. Tucciarone, Chairman

Margaret Sieb, Secretary

Ralph Wetzel

James Moore

Mark McManus

Ernest Tretola, Vice-Chairman, 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 3:00 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.

Deputy Attorney General Darlene Lapola was present to counsel the Board concerning the Provisional Orders of Discipline issued by the Board in conjunction with the Continuing Education audit for the 2003-2005 biennial cycle.

**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

Frank Czeronka, Licensed Master Plumber (LMP) # 11848

**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 ~ MAY 27, 2004 MEETING**

A motion was made by Ralph Wetzel and seconded by Mark McManus to table the approval of the May 27, 2004, minutes for the July 22, 2004, meeting. 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.

On June 24, 2004, the Board noted its continued pursuit of this audit, and reported the following disciplinary actions— updated since its May 27, 2004, meeting:

### 2. DIVISION OF LAW BILLING DARLENE KANE, BUDGET OFFICER DIVISION OF CONSUMER AFFAIRS, ADMINISTRATION

MEMORANDUM OF MAY 17, 2004

The Board reviewed Ms. Kane's report without noting any formal comment.

### 3. DEPARTMENT OF COMMUNITY AFFAIRS DIVISION OF CODES AND STANDARDS, MEGAN K. SULLIVAN DRAFT AGENDA & APPROVED MINUTES MEMORANDUM OF JUNE 4, 2004

Ms. Sullivan provided the Board with the draft agenda for the Code Advisory Board meeting of June 11, 2004, as well as the approved minutes of their meeting of February 13, 2004. On June 24, 2004, the Board approved these documents without making any formal comment.

### 4. STATE OF NEW JERSEY SENATE BILL # 1667 ~ Introduced June 10, 2004

SYNOPSIS ~ Creates a State Board of Examiners for Fire Sprinkler Fitters and establishes new qualifications for persons installing fire sprinkler systems.

This "board" is to be established in the Department of Community Affairs, Trenton, NJ, the agency which administers the fire sprinkler contractor certification law.

On June 24, 2004, Members of the State Board of Examiners of Master Plumbers were provided with copies of the above documents pertaining to Senate Bill # 1667, and were requested to provide specific comments and particulars concerning their favor or opposition to this new board.

SENATE BILL # 1667

On June 24, 2004, Members of the State Board of Examiners of Master Plumbers held a discussion concerning Senate Bill # 1667, and concluded as follows:

The work cited in this legislation involves "non-technical work;"

This work concerns only the assembly of fire sprinkler systems;

All fire sprinkler systems must be designed by Licensed Professional Engineers;

Members of the State Board of Examiners of Master Plumbers noted that they are unclear as to the role of the Licensed Master Plumber in this new requirement;

The Board also noted that the trade work known as fire sprinkler systems is designated as "plumbing work" within the new Scope of Practice regulation, which is pending public comment as published in the New Jersey Register on April 5, 2004, and defined:

DEFINITIONS: SCOPE OF PRACTICE; PROPOSED NEW RULE: N.J.A.C. 13:32-1.4

On June 24, 2004, Members of the Board requested that Deputy Attorney General draft correspondence to the appropriate parties to seek clarification as to whether or not Licensed Master Plumbers are exempt – noting that the language of the statute does not exempt Master Plumbers based on their expertise.

The Board will revisit this matter with any action reported by DAG Donofrio.

#### 5. DISCIPLINARY ACTION

IN THE MATTER OF THE SUSPENSION OR REVOCATION of the PLUMBING LICENSE OF JAMES BALLARD, LMP # 10737 to PRACTICE PLUMBING IN THE STATE OF NEW JERSEY PROVISIONAL ORDER OF DISCIPLINE (POD) PREPARED BY DAG JOSEPH A. DONOFRIO FILED BY EXECUTIVE DIRECTOR BARBARA A. COOK 5/27/04

The preliminary findings of fact provide grounds for disciplinary action against respondent's license based on professional or occupational misconduct pursuant to N.J.S.A. 45:1-21(e) in that respondent failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:45C-1.3(a)(4). Order states:

1. Respondent's license to practice plumbing is hereby provisionally suspended unless or until he furnishes the Board with the information requested in the Demand for Statement in Writing Under Oath and for Production of Records in connection with a consumer complaint from A.S. dated May 29, 2003. The complainant asserted that respondent had signed between 760 to 775 permits pertaining to water sub-meters installed in an apartment complex located in Plainsboro, NJ;
2. Respondent shall be assessed a penalty in the aggregate amount of \$2,500 for his failure to cooperate with the Board's request for information pursuant to the Demand for Statement in Writing Under Oath and for Production of Records. Said penalty shall be paid no later than 15 days after entry of any Final Order of Discipline in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.
3. This POD is subject to finalization by the Board at 5:00 pm on the 30th business day following entry {6-27-04} hereof unless respondent submits a written reply according to the terms stated within.

#### 6. 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 : (10) 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 ~ 1/28/04 .....6th  
\$500 ~ 3/01/04..... 7th  
\$500 ~ 3/30/04.....8th  
\$500 ~ 4/04/04.....9th  
\$500 ~ 6/01/04.....10th

#### EXECUTIVE CLOSED SESSION MOTION:

A motion was made by James Moore and seconded by Margaret Sieb to proceed into Executive Closed Session to review seven (7) administrative closings of consumer complaints, four (4) pending consumer complaint matters; one (1) unlicensed practice case, 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, July 22, 2004, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook  
Executive Director

**CE AUDIT  
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 (42) Licensed Master Plumbers. The terms allowed the licensee choices to respond to the violations presented, and either submit the \$500 penalty, provide an explanation / waive a hearing, or request a formal hearing.

**OUTCOME:** On April 22, 2004, those explanations received in response to UPLs were denied by the Board, and the next step toward disciplinary action was implemented through the preparation of the following order by DAG Donofrio:

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

**NOTE:** In the cases below where the UPL is "satisfied," the file is considered CLOSED.

license no ###	LMP_name	\$500 DT PD	MAKEUP CE DT	EXPL UPL DENIED	UPL SATISFIED d	\$500 PD/FINAL DEC/ORDER	FINAL DEC & OR DECSN/ORDER	TIMELY DATEF
36BI00066100	ADELMAN NORMAN	03/31/04	05/24/04		Yes			
36BI00363600	AMATO FRANCIS L	04/29/04	03/22/04		Yes			
36BI00657500	BARRETTA ROBERT A	03/31/04	04/20/04		Yes			
36BI01065300	BARSONY SCOT L		03/22/04	4/22/2004	Yes	6/8/2004	5/4/2004	
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	4/22/2004	Yes	6/3/2004	5/4/2004	
36BI00396300	CHRISTOPHER ROBERT C				No			
36BI00554600	CICERALE LOUIS T		03/22/04	4/22/2004	Yes	6/10/2004	5/4/2004	
36BI00848800	COULAHAN JOHN F		03/22/04	4/22/2004	Yes	5/27/2004	5/4/2004	
36BI00291600	DE ANGELO ROBERT A		03/22/04	4/22/2004	No			
36BI01049000	DELHAGEN GARY R	03/30/04	04/20/04		Yes			
36BI00880400	DITZEL MARK L	04/23/04	03/29/04		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	4/22/2004	No		5/4/2004	
36BI00712700	WIDING JOHN	03/17/04	03/27/04		Yes			
36BI00725400	YI, DANIEL C		03/22/04	4/22/2004	Yes	5/26/2004	5/4/2004	
36BI00965800	ZIMMERMAN JACK A	04/13/04	04/17/04		Yes			

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

**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 was accompanied by an Administrative Action/ Request/return of the Master Plumber's seal signed by Executive Director Barbara A. Cook.

**DEVELOPMENTS** Pressure Seals were returned by the families of the following as noted:

LMP #	LICENSED MASTER PLUMBER	PRES SEAL RETRND
36BI00793200	CAPOTE, ARMANDO A*	Yes
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

\*Licensee CAPOTE is reported deceased since the May 27, 2004, meeting.

**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.

**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:



36BI01086300	WALTZ, MICHAEL A	3/31/2004		4/20/2004		
36BI01003000	WIKFORS, KEVIN J			4/3/2004	SENT REPLY	

CE AUDIT 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 ~ TUES. 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.

CATEGORY: HEALTH/HARDSHIP HEALTH (5) ~ HARDSHIP (2) cases

The audit produced (7) responses from Licensed Master Plumbers who sought leniency from the Board regarding their CE requirement based on their expressed health or hardship circumstance.

Those written replies– with accompanying documentation– were provided to the Board on June 24, 2004, and reviewed in Executive Closed Session.

Final Orders of Discipline will be prepared and issued by DAG Donofrio.

Those results will also be reported in Open Public Session when available.