

**#547 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - JUNE 26, 2008**

The Minutes of the June 26, 2008 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on July 24, 2008.

The notice of the June 26, 2008 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 26, 2008 was called to order at 9:00 am with the following Members in attendance:

Peter I. Voros, Chairman

Ralph Wetzel, Vice-Chairman

Michael L. Sestanovich, Secretary

Mark McManus

Michael K. Maloney

Paul N. Bontempo

Donald Dileo

Adam J. Sabath was absent

BOARD MEMBER - VACANCY - (1)

As of this Board meeting date, there is one (1) Board member vacancy for a Public Member. That position was formerly held by Board Member Margaret Sieb who resigned on December 15, 2005.

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

Joseph A. Donofrio, Deputy Attorney General, Counseling Deputy

PUBLIC SESSION VISITORS:

- Thomas Walsh, LMP # 7854, Plumbing Subcode Official, Township of East Brunswick, and Member New Jersey State League of Master Plumbers {NJSLMP}
- Bill Stepler, CEP Associates, Sponsors of Continuing Education, Sponsor #1

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 ~ MAY 22, 2008 MEETING

A motion was made by Michael Maloney and seconded by Donald Dileo to approve the minutes of the May 22, 2008 meeting. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

RALPH WETZEL ~ MASTER PLUMBER MEMBER ~ VICE-CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

MARK MC MANUS ~ JOURNEYMAN PLUMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER

ADAM J. SABATH ~ STATE MEMBER - CHIEF OF STAFF TO SENATE PRESIDENT RICHARD J. CODEY

DISCIPLINARY ACTION

1. Reporting full penalty payment of \$500 on 5-27-2008
PROSPERO TRUJILLO, LMP # 12178, T/A Trujillo Plumbing and Heating

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING
Violations of N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct;
Consumer Fraud Act, namely N.J.S.A. 13:45A-16.2 (12)
Home Improvement Practices; Failure to issue a contract -
Requirement of a contract for services in excess of \$500.00

In conjunction with consumer complaint matter:
LENIN A. PAREDES, CONSUMER, FILE ID # 48477

CLOSED

2. Reporting collected consumer restitution totaling \$4,479.76, in the matter of:

DISCIPLINARY ACTION
JAMES R. MURRAY, LMP # 8706, T/A All Week Plumbing and Heating
{ \$3,250 PENALTY PAID 9/07/07 AND OFFER SIGNED }
OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

Violation of ~ N.J.S.A. 45:1-21(d) has engaged in repeated acts of negligence
In conjunction with:

(13) CONSUMER COMPLAINT MATTERS - JULY 26, 2007 AGENDA

File identification numbers:

42274, 45043, 45225, 46475, 48404, 48500, 50290, 50302, 50364, 52034, 52511, 52513 and 52520

The licensee paid the \$3,250 penalty for engaging in repeated acts of negligence based on the number of

consumer complaints generated against his Master Plumber's license. The licensee has now paid all restitution sums owed to the (13) consumers involved.

CLOSED

DISCIPLINARY ACTION

3. PETER DILL, LMP # 8815, PROVISIONAL ORDER OF DISCIPLINE (POD) FILED 5/22/2008

Respondent's license to practice as a Master Plumber is provisionally suspended by above POD until such time that he cooperates with the Board's investigation by providing requested documentation concerning his continued compliance and/or completion of probation, his participation with NA/AA and his compliance with urine screen monitoring.

Respondent had pled guilty to a charge of Theft by Deception on March 26, 2003, and was sentenced to probation for three (3) years. He failed to renew his license before June 30, 2003, and that license expired. He appeared before the Board requesting reinstatement, and during his testimony provided information regarding his conviction, criminal probation and participation in NA/AA/ urine screening. To date, he has failed to respond to requests for additional information.

The within order shall be subject to finalization by the Board at 5:00 pm on the 30th business day following entry {June 22, 2008}, unless Respondent requests a modification or dismissal of the outlined Findings of Fact or Conclusions of Law. The Board reserved time within Executive Closed Session to address this matter; however, no findings were reported this date.

DISCIPLINARY ACTION

4. OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

DENNIS B. ALVAREZ, LMP # 11639, T/A ALVAREZ AND SONS
Reporting full penalty payment of \$200 on 6-03-2008

Violation of ~

N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct In conjunction with Paul Brody, Consumer, file # 54111, for not obtaining a permit within 72 hours.

CLOSED

DISCIPLINARY ACTION

5. Reporting full penalty payment of \$2,500 on 3-06-2008

MARK R. WITZKE, LMP # 7074
JOHN P. KELLY, PLUMBING SUBCODE, COMPLAINANT
LITTLE EGG HARBOR, COMPLAINT # 51756; and
FRANK RIZZO, VINELAND INSPECTOR, COMPLAINT # 51500

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

Information contained in two (2) complaints received respectively from plumbing inspectors of Little Egg Harbor and Vineland New Jersey, that plumbing services were performed by Witzke's company with an expired Master Plumber's license, and reported that he was signing and sealing permits within both municipalities.

CLOSED

DISCIPLINARY ACTION

6. Reporting full penalty payment of \$1,000 on 5-08-2008

RUSSELL J. PALUMBO, JR., LMP #11128

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

BOROUGH OF MILLTOWN COMPLAINT MATTER: SECURING PLUMBING PERMITS,
OPERATING WITHOUT PROPER LICENSE

Information was reported that while licensee Palumbo's Master Plumber's license had been expired since June 30, 2005, that he was securing plumbing permits within Milltown, NJ. The licensee was assessed a fine and the matter was resolved.

CLOSED

DISCIPLINARY ACTION

7. STEPHEN J. DE BIASSE, LMP # 9767

FINAL ORDER OF DISCIPLINE FILED APRIL 28, 2007

Payment arrangement= \$500 Payment(s): (#5) 4-15 -&- (#6) 5-13-2008

TOTAL \$3,000 PAID IN FULL

Respondent is assessed a civil penalty in the aggregate amount of \$3,000, consisting of a \$1,000 penalty for failing to cooperate with the Board's continuing education audit by not responding to the Board's request for information upon receipt of the November 17, 2003 and January 14, 2004 letters in violation of N.J.S.A. 13:45C-1.3; a \$1,000 penalty for failing to complete the 2003-2005 continuing education (CE) requirement prior to June 30, 2003 in violation of N.J.S.A. 45:14C-18.1 and N.J.S.A. 13:32-6.1; and finally a \$1,000 penalty for indicating on the application for the 2003-2005 biennial renewal that he would have already completed his continuing education requirement by June 30, 2003, when in fact, he failed to provide a copy of a CE certificate demonstrating his compliance by that date.

CLOSED

8. Updated collected penalties to include De Biasse's payments:

CONTINUING EDUCATION AUDIT

CONCLUSION OF AUDIT 2003-2005

Total 2003- 2005 AUDIT penalties collected:

Total 2003-2005 AUDIT costs collected:

9. DIVISION OF LAW BILLING

DARLENE KANE, BUDGET OFFICER, CONSUMER AFFAIRS

MAY 13, 2008 MEMO RE 3RD QUARTER OF FY 2008

On June 26, 2008, the Board reviewed this billing without any formal comment.

10. CONTINUING EDUCATION (CE) MATTERS

2009-2011 BIENNIAL RENEWAL (5) HR. REQUIREMENT

.....Courses held until June 30, 2009

On June 26, 2008, Sponsors, resumes and courses were presented to the Board for review. A motion was made by Mark McManus and seconded by Michael Maloney to approve the sponsors and their course

outlines. A vote was taken and the motion unanimously passed. The sponsors are as follows:

PHIL CHEFF, Sponsor # 9

JAMES A. ERDMAN, Sponsor # 8

ANTHONY F. GARGANI, Sponsor # 26

JOHN AND FRANCIS GLYNN, Sponsor # 5

MARK HILER, Sponsor # 13

STEPHEN C. RODZINAK, Sponsor # 14

THOMAS WALSH, Sponsor # 30

DAN O’GORMAN, Sponsor # 2

11. For information of the Board and Public

NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS (NJSLMP)

Correspondence of APRIL 23, 2008 concerning advertising matters

The State Board of Examiners of Master Plumbers (SBEMP) Rules and Regulations were sent to Ben Smith, Vice President of the Clipper Magazine, at the request of the NJSLMP.

12. EXECUTIVE DIRECTOR’S REPORT Ms. Barbara A. Cook, Ex Director, provided the Board with information on current medical gas installers and brazers.

NOT ON THE PUBLISHED AGENDA

REQUEST FOR CONTINUANCE OF BUSINESS from

Lisa Regalbuto-Santelli and James Regalbuto letter dated June 17, 2008

co-signed by LMP # Joe Regalbuto, LMP # 8689

NAZARENO R. REGALBUTO, - DECEASED, LMP # 5420

On June 26, 2008, the Board reviewed correspondence from the Regalbuto family and granted a six-month Continuance of Business in a motion made by Mark McManus and seconded by Ralph Wetzal, to commence the date of death, May 3, 2008, and end on September 3, 2008.

The Board considered a letter from Joe Regalbuto, LMP # 8689, who will be supervising the business for the six (6) month continuance. A vote was taken and the motion unanimously passed.

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 Mark McManus and seconded by Donald Dileo to proceed into Executive Closed Session to conduct two (2) Investigative Inquiry matters, conduct 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.

P EXECUTIVE CLOSED SESSION MOTION: Continued

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 July 24, 2008, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director