

**# 579 - MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - MAY 26, 2011**

The Minutes of the May 26, 2011 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on ***June 23, 2011.***

The notice of the May 26, 2011 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 26, 2011 was called to order at 9:00 am with the following Members in attendance:

Peter Voros. Chairman

Michael K. Maloney, Vice-Chairman

James McManus, Jr.

Michael L. Sestanovich, Secretary

Donald Dileo

Adam J. Sabath, Robert B. Reeve and Paul N. Bontempo were 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, Executive Assistant

Public Session Visitors:

Thomas Walsh, Licensed Master Plumber, New Jersey State League of Master Plumbers

Vincent Tinervia, Licensed Master Plumber # 10945

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 28, 2011 MTG

A motion was made by Michael Maloney and seconded by Donald Dileo to approve the minutes of the April 28, 2011 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

1. LOREN L. SPECIALE of GROSS C GINLEY, ATTORNEYS AT LAW
ALLENTOWN, PA
MARCH 30, 2011 INQUIRY RE
PLUMBING, DRAIN CLEANING AND CODE ISSUES

On May 26, 2011, the Board discussed this inquiry and clarified that no cutting or altering of pipe is permitted without a valid New Jersey master plumber's license. Drain cleaning is not plumbing; however, during the task of drain cleaning, if any pipe is broken, or warrants cutting, that work is deemed plumbing.

The removal of a trap and clean out is not plumbing work. Drain cleaning outside of a building not does require a master plumber's license. The jurisdiction for plumbing work ends three (3) feet outside the building.

2. DIVISION OF LAW BILLING - DARLENE KANE, APRIL 4, 2011
2nd QUARTER OF FY 2011
The Board reviewed this report without comment.

3. STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
EDWARD M. SMITH, DIRECTOR, DIVISION OF CODES AND STANDARDS
LIQUIFIED PETROLEUM GAS (LP) GAS BOARD {PROPANE}
CORRESPONDENCE DATED MAY 2, 2011

On May 26, 2011, Board Members discussed this correspondence from Mr. Smith of the Department of Community Affairs and agreed to invite him to attend the July 28, 2011 meeting scheduled for propane issues.

- 3A. **PAUL RIVERS, LMP # 11913**
ADMINISTRATIVE ACTION
FINAL ORDER OF DISCIPLINE FILED FEBRUARY 24, 2011
PENALTY \$250.00 PAID MAY 6, 2011

Respondent was reprimanded for engaging in professional misconduct pursuant to N.J.S.A. 45: 1-21 (e) by failing to properly track and withdraw the permit issued for consumer (CB) when the licensee did not receive a signed contract for plumbing work, thereby creating an unintended situation which allowed an unlicensed entity to use the signed and sealed permit to perform the plumbing work.

Continued

Respondent was assessed a civil penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$250 for engaging in professional misconduct pursuant to N.J.S.A. 45: 1-21 (e) by failing to properly track and withdraw the permit issued for consumer CB when he did not receive a signed contract for plumbing work.

NOT ON THE PUBLISHED AGENDA:
PRIOR AGENDA 2-24 -2011 - ITEM B

(B) MEDICAL GAS INQUIRY FROM DAVIDSON AND HOWARD, INC.
JEFFREY V. HOWARD, VICE-PRESIDENT

Inquiry concerning medical gas piping installations at the
CAPITAL HEALTH MEDICAL CENTER, HOPEWELL, NJ
HOSPITAL FACILITY
Correspondence dated February 16, 2011

Recusal: Board Member Maloney recused himself from participation in this matter.

On February 24, 2011, the Board discussed this matter and concluded that the installation of the “hangers and supports” for medical gas requires the installer certification issued by the State Board of Examiners of Master Plumbers for the type of medical gas equipment.

Additionally, with respect to the installation of the “Stratus II, “ a ceiling mounted medical gas service assembly, this also requires the Board certification of a medical gas piping installer.

On February 24, 2011, the Board agreed in a motion made by Michael Maloney and seconded by Michael Sestanovich to request that Deputy Attorney General Joseph A. Donofrio draft a response to Mr. Howard concerning these medical gas installations.

A vote was taken and the motion unanimously passed.

On March 16, 2011, DAG Donofrio corresponded with Jeffrey V. Howard to state that this equipment **must be installed by medical gas certificants** registered by the State of New Jersey.

CAPITAL HEALTH MEDICAL CENTER, HOPEWELL, NJ (Continued)
STERLING JOHNSON, PROJECT FIELD TECHNICIAN
MODULAR SERVICES COMPANY

On May 26, 2011, Deputy Attorney General Joseph A. Donofrio returned to the Board to address electronic correspondence he had received on May 23, 2011, from Sterling Johnson of Modular Services.

Mr. Johnson states in his email of May 23, 2011 that the Stratus II boom requires factory trained installers to perform the bolt up installation, and explains that the equipment is a UL certified medical device that is pre-wired and pre-plumbed. Mr. Johnson states that the equipment requires factory trained installers to perform the bolt up installation to insure that it is mounted to factory specifications to avoid any liability issues and to insure proper fit and function.

Mr. Johnson stated that the problem at Modular Services is that the mechanical and electrical contractors are claiming the labor for the full installation; however, neither is willing to accept responsibility for the liability. On May 26, 2011, A Committee of the Board (with Member Maloney recused) referred this matter to DAG Donofrio to explore the training provided by the manufacturer, and return to the Board with his findings.

NOT ON THE PUBLISHED AGENDA

A3952 Concerns licensure exemptions for boiler operators

Bill analysis due date: May 31, 2011

On May 26, 2011, the Board expressed their opposition to A3952. Members expressed their concern for the safety of any inhabitant of any home and/or structure that may have a steam or hot water boiler that requires a boiler license under the guidelines of the Department of Labor "Office of boiler and pressure vessel." The safety of the aforementioned people are the key issue here and it should never be jeopardized by the relaxation of any law or requirements.

MEDICAL GAS PIPING

Enforcing regulations with certified medical gas installers

N.J.A.C. 13:32-7.2 defines "Medical Gas piping" as the piping used for medical gases within a health care facility licensed pursuant to P.L. 1971, C. 136 (N.J.S.A. 26:2H-1 et seq), located after the source valve and intended for patient use.

On May 26, 2011, the Board discussed their concerns for the enforcement of Medical Gas Piping Certifications, brazers and installers, on job sites within the State of New Jersey.

MEDICAL GAS (Continued)

Members agreed in a motion made by Michael Maloney and seconded by Donald Dileo, that the enforcement of medical gas piping certifications is a public safety issue. Construction Officials within the State should request that Medical Gas Piping certificants produce their certification cards for these projects, and officials should maintain a copy of the Medical Gas Piping card on file.

The Board also requested that DAG Donofrio correspond with the Department of Community Affairs Director and Thomas Pitcherello, after obtaining approval from the Division, and request that the Department of Community Affairs enforce the Medical Gas Piping regulations by notifying all plumbing inspectors and construction officials of these requirements and publishing a notice in the Construction Code Communicator.

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 Michael Maloney and seconded by Donald Dileo to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, unlicensed advertisements and 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.

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 **June 23, 2011** at 9:00 am in the Hudson Room.

Respectfully submitted,

Lawrence DeMarzo, Deputy Director
Division of Consumer Affairs