

**# 591- BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS -MINUTES - JUNE 28, 2012**

The Minutes of the June 28, 2012 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on ***July 26, 2012.***

The notice of the June 28, 2012 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 June 28, 2012 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.

Donald Dileo

Robert B. Reeve

Adam J. Sabath

Paul N. Bontempo

*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:

William White, LMP # 8443, New Jersey Council of Master Plumbers, Inc. (NJCMPI)  
 Tiny Anderson, NJLMP # 5017, NJCMPI  
 Thomas F. Walsh, President, New Jersey State League of Master Plumbers (NJSLMP)  
 Plumbing Subcode East Brunswick, LMP # 7854  
 Vincent Tinervia, LMP # 10945, NJSLMP  
 Thomas Sabetta, LMP # 11988, NJCMPI

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 MAY 24, 2012 MTG

A motion was made by Robert Reeve and seconded by Adam J. Sabath to approve the minutes of the May 24, 2012 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*

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DISCIPLINARY ACTIONS

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A.

**THOMAS GALIGER, LMP # 12200**

ADMINISTRATIVE ACTION - CONSENT ORDER \$5,000 TOTAL PENALTY

SIGNED BY LICENSEE OCTOBER 11, 2011:

(1ST) \$500 payment dtd 10-27-2011

(2<sup>nd</sup>) \$500 payment dtd 1-9-2012

(3<sup>rd</sup>) \$500 payment dtd 5-7-2012

*This matter was opened to the Board upon receipt of a complaint that licensee Galiger, trading as "Image Plumbing and Heating" on two occasions signed and sealed permits for "Passaic Bergen Water Softening Company" (PBWS), an unlicensed entity. The first occasion involved a water softener installation for consumer (A.K.), and while the respondent signed the permit (10) months later, the work was done by Passaic Bergen Water with a code violation and posing a health risk.*

*The second situation involved a water softener installed for consumer (S.S.) performed by PBWS, where a permit was not pulled prior to the work and where Respondent failed to supervise the work.*

*Respondent was assessed a total \$5,000 penalty:*

*\$2,500 in violation of N.J.S.A. 45:1-22, for failing to comply with the provisions of any act or regulation, in violation of N.J.S.A. 45:1-21(h); and \$2,500 for violation of N.J.S.A. 45:1-21(n), aiding and abetting the unlicensed practice of plumbing and allowing the use of his seal for a plumbing permit by an unlicensed person, in violation of N.J.A.C. 13:32-4.1c, and violation of N.J.S.A. 45:1-21(b) employment of dishonesty, fraud, misrepresentation and false pretense.*

***Bi-monthly payments of \$500 are permitted in the Consent Order.***

B. IN THE MATTER OF **DEAN MC CALL, LMP # 8947 - CONSENT ORDER**  
t/a TRUJILLO HTG AND SEWER MECHANICAL, LLC  
TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY

CONSENT ORDER FILED JUNE 18, 2012  
FILE ID # 71278 - 1<sup>st</sup> payment \$250 paid June 13, 2012

***Note: Licensee requested approval for a payment arrangement of (10) monthly payments @ \$250.00 with his submission of the first payment***

*This matter was opened to the New Jersey State Board of Examiners of Master Plumbers upon receipt of two (2) complaints filed against Dean E. McCall, Respondent. The first complaint was filed by the plumbing subcode official for the Borough of Roselle Park, NJ. The second complaint was filed by consumer M.F. Both complaints concerned plumbing work performed by the Respondent. The complaint from the inspector alleged that respondent applied for a plumbing permit while the inspector found that the site was unsafe. Respondent is hereby reprimanded for violations of New Jersey Plumbing Statutes and Regulations.*

*Respondent was assessed a civil penalty in the amount of \$625: pursuant to NJSA 45:1.21(h) for violating and failing to comply with regulation specifically NJAC 13:32.3.4 by allowing persons who are not employees of Respondent's plumbing company to perform plumbing work.*

*A penalty was assessed for \$625 pursuant to NJSA 45:1.21c for engaging in gross negligence and malpractice which endangered the life, health, welfare and safety of any person when he improperly left the trench open and unsecured.*

*A penalty was also assessed for \$625 in that the respondent allowed his pressure seal to be used by a person other than the plumber to whom it was issued in order to secure a plumbing permit for an unlicensed person. Finally, a \$625 penalty was assessed in that the respondent committed professional or occupational misconduct by failing to obtain a final inspection and therefore failing to fulfill the responsibilities of a bona fide representative regarding the inspection of his work. Respondent fulfilled the provision of \$2,000 in consumer restitution to consumer M.F. This restitution was paid in full.*

***On June 28, 2012, a motion was made by Robert Reeve and seconded by Donald Dileo to approve the above noted payment arrangement for licensee McCall in his penalty due the Board. A vote was taken and the motion unanimously passed.***

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**REQUEST FOR RE-APPROVAL**

**SPONSOR # 5**

C. MASTER PLUMBERS EDUCATIONAL SERVICE OF NEW JERSEY (MPES)

(5) FIVE-HOUR BIENNIAL REQUIREMENT FOR **2013-2015**  
RE: AMENDMENT TO CONTINUING EDUCATION COURSE TOPICS  
GLORIA GLYNN

On June 28, 2012, the Board reviewed the correspondence submitted by the MPES and concluded in a motion made by Michael Maloney and seconded by Michael Sestanovich, to re-approve this CE Sponsor and approve their course outline, the propane materials and the corresponding test for propane. A vote was taken and the motion unanimously passed.

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**REQUEST FOR RE-APPROVAL                      SPONSOR # 4**

- D.     CONTINUING EDUCATION - CONTINUANCE AS INSTRUCTOR  
(5) FIVE-HOUR BIENNIAL REQUIREMENT FOR **2013-2015**  
CHARLES T. REINERS, LMP #1105, CE INSTRUCTOR #048

On June 28, 2012, Board Members reviewed Mr. Reiners' correspondence and concluded in a motion made by Donald Dileo and seconded by Robert Reeve to re-approve this Sponsor for CE and approve his course outline. A vote was taken and the motion unanimously passed.

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**REQUEST FOR RE-APPROVAL                      SPONSOR # 9**

- E.     THE INSTITUTE FOR CONTINUING EDUCATION **2013-2015**  
LOIS D'APUZZO / FOR PHIL CHEFF  
(5) FIVE-HOUR BIENNIAL REQUIREMENT

On June 28, 2012, Board Members reviewed the correspondence submitted by the Institute for Continuing Education and concluded in a motion made by Robert Reeve and seconded by Michael Maloney to re-approve this Sponsor for CE and approve their course outline. A vote was taken and the motion unanimously passed.

- F.     DARLENE KANE, BUDGET OFFICER  
DIVISION OF LAW BILLING

MEMORANDUM - MAY 21, 2012

On June 28, 2012, Board Members reviewed the correspondence from Darlene Kane and concluded in a motion made by Michael Maloney and seconded by Michael Sestanovich to approve this billing report.

A vote was taken and the motion unanimously passed.

G. APPLICANT FOR MASTER PLUMBER'S EXAMINATION  
JOEL E. CONTRERAS T/A ARIES HEATING AND COOLING CORP.  
APPEAL ON DENIAL - CORRESPONDENCE MAY 31, 2012

On June 28, 2012, the Board acknowledged receipt of Mr. Contreras' letter of appeal dated May 31, 2012 and concluded in a motion made by Michael Maloney and seconded by Robert Reeve, to **table this matter** pending a further review of existing Rules and Regulations with **DAG Donofrio and Charles Manning of Regulatory Affairs**.

A vote was taken and the motion unanimously passed.

H. H.T. LYONS - JUNE 6, 2012 CORRESPONDENCE

RICHARD U. PEROSA, P.E, PRESIDENT  
RE: INDIRECT EQUIPMENT DRAINS AND CONDENSATE PIPING

On June 28, 2012, the Board held a discussion of this matter and agreed in a motion made by James McManus and seconded by Adam J. Sabath, **to hold this issue in abeyance pending further review with DAG Donofrio and Chuck Manning, Regulatory Affairs**.

A vote was taken and the motion unanimously passed.

*Reporting signed Certification:*

I. ACKNOWLEDGMENT OF OFFER OF SETTLEMENT - STAYED PENALTY

GREGG GERWITZ, UNLICENSED  
FLYER FOR GREGG GERWITZ PLUMBING AND HEATING  
FILE ID: #71649 - ADVERTISING VIOLATION

On June 28, 2012, the Board acknowledged receipt of this signed certification and closed the file.

**J. REQUEST FOR RE-APPROVAL  
WILLIAM WHITE, SECRETARY INSTRUCTOR # 100  
(5) FIVE-HOUR BIENNIAL REQUIREMENT FOR 2013-2015  
NEW JERSEY COUNCIL OF MASTER PLUMBERS (NJCMP) -SPONSOR**

A list of the New Jersey Council of Master Plumbers members applied for re-approval to teach continuing education courses under the guidance of the Sponsor William C. White LMP # 8843, CE Instructor #100:

Walter F. Emerle LMP # 11748	CE Instructor #77
Stephen R. Copeland LMP # 8817	CE Instructor #40
Veryl Anderson LMP # 5017	CE Instructor New #99
Joseph E. Remshard LMP # 11168	CE Instructor #101
Gerald Fahr LMP # 2940	CE Instructor #102
Edison R. Shinn LMP # 10904	CE Instructor #103
Frank Rojas, LMP # 7655	

**New Instructor:** THOMAS SABETTA, LMP # 11988

On June 28, 2012, Board Members met with Mr. Sabetta in Open Session to discuss his resume and consider his initial request to teach CE with the sponsor, NJCMP. A motion was made by Donald Dileo and seconded by Robert Reeve to approve Mr. Sabetta as a CE instructor, re-approve this sponsor of CE, all instructors listed and their course outline. A vote was taken and the motion unanimously passed.

DEPARTMENT OF COMMUNITY AFFAIRS, TRENTON  
N.J.S.A 52:27D-509 “**PROPANE GAS CUSTOMER PROTECTION ACT**”  
**CHARLES MANNING, REGULATORY AFFAIRS**  
**DIVISION OF CONSUMER AFFAIRS**

*On March 22, 2012, a motion was made by Paul Bontempo and seconded by Michael Sestanovich to amend the regulations as discussed that date: to add the definition of propane, include a change to the Scope of practice, and approve the proposed amendments to the regulations. A vote was taken and the motion unanimously passed.*

*On June 28, 2012, the following clarification(s) were noted:*

- *CE Sponsors may opt now during 2012 to incorporate the topic of propane into their 2013 - 2015 (5) five hour biennial renewal requirement. However, since the Propane regulations have not been adopted as yet, Sponsors are not required to teach CE for this renewal;*
- *This early instruction of propane will not provide any advantage for CE credits toward propane;*
- *Any license taking any CE instruction early in 2013-2015 must re-take the course in for the 2015 - 2017 biennial renewal;*
- *After adoption of the Regulations, CE Sponsors will be required to incorporate the (1) **one hour of PROPANE** instruction and administer a competency test into the curriculum for the 2015- 2017 biennial renewal;*
- *At that time, all Board approved CE sponsors will be notified of the new requirement to incorporate PROPANE and provide the competency test. Continuing education sponsors would be required to administer a competency evaluation examination that tests a licensee's understanding of the information provided on propane services.*

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Michael Maloney to 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 regularly scheduled meeting is for **July 26, 2012**, at 9:00 am in the Hudson Room.

A vote was taken and the motion unanimously passed.

Respectfully submitted,

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Rosemarie S. Baccile  
Executive Assistant