

**#504 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS - JULY 22, 2004**

The Minutes of the July 22, 2004 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on September 23, 2004. (The meeting scheduled for August 26, 2004, had been cancelled.)

The notice of the July 22, 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 July 22, 2004 was called to order at 9:00 a.m. The following Board Members were in attendance:

Alexander J. Tucciarone, Chairman

Ernest Tretola Vice-Chairman

Margaret Sieb, Secretary

Ralph Wetzel

James Moore

Mark McManus

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 4:00 pm:

Barbara A. Cook, Executive Director

Rosemarie Baccile, Executive Assistant

Deputy Attorney General Joseph A. Donofrio served as counseling deputy for this Board meeting.

Deputy Attorney General Carol Jacobson was present for a short period during Executive Closed Session to review an issue with the Board concerning Sears.

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

Charles Reiners, LMP # 1105

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 James Moore to approve the Minutes of both the May 27, 2004 and the June 24, 2004, meetings. 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 July 22, 2004, the Board noted its continued pursuit of this audit, and reported the following disciplinary actions— updated since its June 24, 2004, meeting:

Revisiting from the April 22, 2004, Meeting ~

2. DIVISION OF CONSUMER AFFAIRS NEW JERSEY BOARD OF EXAMINERS OF MASTER PLUMBERS

DEFINITIONS: SCOPE OF PRACTICE; WITHDRAWAL OF BONA FIDE REPRESENTATIVE

REPROPOSED AMENDMENTS: N.J.A.C. 13:32-1.3 AND 3.2 PROPOSED NEW RULE: N.J.A.C. 13:32-1.4

On April 22, 2004, Members of the Board reviewed the above rule and amendments published in the New Jersey Register on April 5, 2004, and noted that readers may submit comments to the Board by June 4, 2004.

On July 22, 2004, with the assistance of Charles Manning, Regulatory Affairs, Division of Consumer Affairs, the Board reviewed the following:

copies of the six (6) comments submitted;

a copy of the Adoption Notice, and

Mr. Manning's Agency responses to those comments.

Subsequent to a brief discussion on July 22, 2004, a motion was made by Mark McManus and seconded by Margaret Sieb to adopt the regulation as proposed and amended at this meeting. A vote was taken and the motion unanimously passed.

Mr. Manning noted that he will explore whether or not the changes discussed at this meeting were

substantive, and he will return to the Board with that determination.

3. DIVISION OF LAW BILLING, DARLENE KANE, BUDGET OFFICER DIVISION OF CONSUMER AFFAIRS, JULY 12, 2004 MEMORANDUM

On July 22, 2004, Members of the Board reviewed this billing without any formal comment.

4. INQUIRY FROM F. DALE GLYNN, LMP #3565, CE INST. # 10

Mr. Glynn submitted a letter for the Board's review dated June 21, 2004, and questioned some requirements concerning the New Jersey Uniform Construction Code (UCC). Licensee F. Dale Glynn questioned if one needs to be licensed as a Master Plumber to perform "Ordinary Maintenance" as outlined in Section 5:23-2.7, and specified in subsection (c)2 (i-xi) "Ordinary plumbing maintenance...."

On July 22, 2004, Members of the Board responded by confirming that one must be a Licensed Master Plumber to perform the tasks outlined above in the UCC.

REVISITING FROM 6/24/04 Mtg. Introduced June 10, 2004 ÿ

5. STATE OF NEW JERSEY, SENATE BILL # 1667 ~ 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 referred this matter to DAG Donofrio for him to communicate their concern, in writing, as to how this legislation would impact upon Licensed Master Plumbers. Members noted that the language of the statute does not exempt Master Plumbers based on their expertise.

A copy of DAG Donofrio's letter dated July 6, 2004, was provided for the Board's review on July 22, 2004. Members acknowledged their approval of DAG Donofrio's correspondence.

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 : (11) 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

\$500 ~ 6/28/04 11th

7. DISCIPLINARY ACTION

*Reporting penalty payment of \$4,431.31 Payment date 7-05-04

IN THE MATTER OF HARRISON MC CLOUD, UNLICENSED INDIVIDUALLY AND T/A MAC PLUMBING AND HEATING ADMINISTRATIVE ACTION CONSENT ORDER ISSUED/SIGNED & RETURNED TO BD 7-14-04

This investigation was predicated upon receipt of an Enforcement Bureau report disclosing that subject McCloud engaged in the unlicensed practice of plumbing while he advertised and operated as "Mac Plumbing and Heating."

Respondent McCloud maintained a business checking account bearing the same unlicensed trade name and held an active business through the services of an answering machine where he identified himself as a plumbing and heating business.

Harrison McCloud signed this Consent Order whereby he agreed to:

Immediately cease and desist from any unlicensed practice of plumbing;

Immediately cease and desist from utilizing his former trade name of "Mac Plumbing and Heating" without obtaining a bona fide representative authorized by the Board;

Submit his payment of \$2,500 for unlicensed practice plus costs of \$1,931.31, for an aggregate payment of \$4,431.31.

8. TOWNSHIP OF VERNON, DAVID CONDON, PLBG. OFFICIAL CORRESPONDENCE OF MAY 17, 2004

Mr. Condon submitted a letter to the Board dated May 17, 2004, concerning a question he had pertaining to Plumbing Statute N.J.S.A. 45:14C-12.4, specifically "Can a homeowner of multiple single family dwellings engage in plumbing work on all the dwellings he owns, or only on his primary residence?"

On July 22, 2004, Members of the Board responded to Mr. Condon's question in a motion made by James Moore and seconded by Ralph Wetzel, by stating that the homeowner {described by Mr. Condon} is permitted to perform plumbing services only on the dwelling where he presently resides. A vote was taken and the motion unanimously passed.

9. EXECUTIVE DIRECTOR'S REPORT Barbara A. Cook, Executive Director, reserved a portion of Open Public session to review some pending issues with Board Members; however, Ms. Cook made no formal comment for the record at this time.

CANCELLATION OF AUGUST 26, 2004, MEETING

Subsequent to a brief discussion on July 22, 2004, a motion was made by Mark McManus and seconded by Ernest Tretola, to cancel the Board's scheduled meeting of August 26, 2004. Members noted that in the event an important issue should arise, a committee of the Board would meet if necessary. A vote was taken and the motion unanimously passed.

NOT ON THE PUBLISHED AGENDA ASSEMBLY BILL NO 1763 Allowing persons with criminal records to obtain certain employment if disqualifying offense was committed more than (10) years ago.

Board Members reviewed Assembly Bill No. 1763, and requested that DAG Donofrio prepare a response

expressing their concern as to how this legislation would impact on its ability to refuse to admit a person to examination or license for certain offenses. Members of the Board advised that they believed that certain offenses, particularly those relating to moral turpitude, should have been excluded.

NOT ON THE PUBLISHED AGENDA REQUEST FOR CONTINUANCE OF BUSINESS STEVE CRUZ, LMP # 10481, T/A DEPENDABLE PLUMBING

DECEASED MICHAEL LO SASSO, LMP # 8161 DATE OF DEATH APRIL 23, 2004

A letter dated July 14, 2004, was received from Steve Cruz who advised that based on the recent passing of Michael LoSasso, licensee Cruz wished to assume bona fide supervision of the company named P & M Plumbing, for six (6) months.

A motion was made by James Moore and seconded by Ralph Wetzel to permit a six (6) month Continuance of Business for this company. A vote was taken and the motion unanimously passed.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by James Moore and seconded by Ernest Tretola to proceed into Executive Closed Session to review one (1) administrative closing of a consumer complaint, seven (7) pending consumer complaint matters; one (1) unlicensed practice case, the CE audit, the DAG quarterly report, an issue involving Sears, 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, September 23, 2004, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director