

**# 570 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - JULY 22, 2010**

The Minutes of the July 22, 2010 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, 2010.***

The notice of the July 22, 2010 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.

A motion was made on July 22, 2010 by Robert Reeve and seconded by Donald Dileo to *cancel the August 26, 2010 meeting.* A vote was taken and the motion unanimously passed.

The Board meeting of July 22, 2010 was called to order at 9:00 am with the following Members in attendance:

Michael K. Maloney, Vice-Chairman, served as Chairman for this meeting.

James McManus, Jr.,

Michael L. Sestanovich, Secretary

Donald Dileo

Robert B. Reeve

Peter Voros, Paul N. Bontempo and Adam J. Sabath 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:

Bill Stepler, CEP Associates, Liz Moritz, Administrator, NJSLMP
Thonas Walsh, LMP # 7854

Public Session Visitors:

Oscar A. Ibarra

Joe Remschar, New Jersey Council of Master Plumbers (NJCMPPI)

Veryl Anderson, NJCMPI and William White, NJCMPI

Pledge of Allegiance to the Flag

Michael Maloney 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 ~ June 24, 2010

A motion was made by Donald Dileo and seconded by Michael Sestanovich to approve the minutes of the June 24, 2010 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. REQUEST FOR REINSTATEMENT
MARK LESBIREL, EXPIRED LMP #6630
Expiration June 30, 1999

Mr. Lesbirel corresponded in his letter of June 14, 2010 seeking the reinstatement of his Master Plumber's license, stating the reasons for its expiration and advising the Board of his intentions with his reinstated license.

Subsequent to a discussion on July 22, 2010, the Board concluded in a motion made by Donald Dileo and seconded by Michael Sestanovich, that the expired licensee must comply with existing New Jersey Plumbing Statutes and Regulations in order to achieve the reinstatement of his Master Plumber's license, specifically **N.J.A.C. 13:32-2.6 (f) Renewal of license**, which states:

“A person seeking reinstatement after more than five (5) years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3, and shall submit:

- A completed reinstatement application;
- Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;
- Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5-1; and
- An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.”

A vote was taken and the motion unanimously passed.

2. REQUEST FOR REINSTATEMENT
ROWLAND R. METCALF, #9311 - Expiration June 30, 2003

Mr. Metcalf corresponded in his letter of June 21, 2010 seeking the reinstatement of his Master Plumber's license, stating the reasons for its expiration and advising the Board of his intentions with his reinstated license.

A motion was made by Robert Reeve and seconded by Michael Sestanovich to proceed into Executive Closed Session to review this file. A vote was taken and the motion unanimously passed. The Board returned to Open Public Session to report the following:

ROWLAND R. METCALF

Continued

Members concluded in a motion made by Robert Reeve and seconded by Donald Dileo that the expired licensee must comply with existing New Jersey Plumbing Statutes and Regulations in order to achieve the reinstatement of his Master Plumber's license, specifically **N.J.A.C. 13:32-2.6 (f) Renewal of license**, which states:

“A person seeking reinstatement after more than five (5) years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3, and shall submit:

- A completed reinstatement application;
- Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;
- Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5-1; and
- An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.”

A vote was taken and the motion unanimously passed.

3. MARK TRIMBLE, LMP # 7513 ... Reporting compliance with the FINAL ORDER OF DISCIPLINE FILED 12-18-2008

Correspondence dated July 7, 2010 was received from Christine M. Gravelle, Attorney for Mark Trimble, which details recent restitution checks forwarded by Ms. Gravelle's trust account to the three (3) respective consumers named in this action. Such payments are required in the terms of this filed order, and are made a part of the licensee's file.

This month's payments include: the sum of \$372.81 to consumer Ken Outlaw; a payment of \$290.61 to consumer John Wiacek; and a payment of \$86.58 David Stevens.

4. CONSENT ORDER FILED AUGUST 26, 2009
JOHN C. MARSHALL, APPLICANT, MASTER PLUMBER'S EXAMINATION
Request for appearance before Board

The Board held a discussion of Mr. Marshall's obligation to comply with the filed Consent Order and considered his recent correspondence requesting a change to the requirements of that order.

A motion was made by Robert Reeve and seconded by Donald Dileo to proceed into Executive Closed Session to discuss this matter. A vote was taken and the motion unanimously passed. No other findings were reported at this meeting.

5. BILL COMMENT REQUEST S2064, FRANCESCA FLANAGAN
S2064- ALLOWS MASTER PLUMBERS AND SUPERVISED JOURNEYMAN
PLUMBER TO PERFORM PROPANE SERVICES

JULY 2, 2010 Letter from the New Jersey Propane Gas Association
LARRY HOROWITZ, PRESIDENT

Comments were obtained from Board Members prior to this meeting and were submitted to Ms. Flanagan at the Director's Office of Consumer Affairs. The letter from New Jersey Propane Gas Association supports the Board's position regarding S2064.

6. **CONTINUING EDUCATION REQUIREMENTS (5) hrs.**
JULY 1, 2011 - JUNE 30, 2013 BIENNIAL RENEWAL
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

APPLICATIONS FOR RE-APPROVAL 2011-2013:

WILLIAM STEPLER - MENGESTE THOMAS EL - STEPHEN TIBERIO

On July 22, 2010, a motion was made by James McManus and seconded by Michael Sestanovich to re-approve the above sponsor and instructors of continuing education. A vote was taken and the motion unanimously passed.

7. CONTINUING EDUCATION REQUIREMENTS (5) hrs.
JULY 1, 2011 - JUNE 30, 2013 BIENNIAL RENEWAL

RESUMES FOR THE INSTRUCTORS OF THE
"NEW JERSEY COUNCIL OF MASTER PLUMBERS, INC." {NJCMPI} - Sponsor

“NEW JERSEY COUNCIL OF MASTER PLUMBERS, INC.” {NJCMPI} - Sponsor
Instructors:

WALTER F. EMERLE	Re-approval
STEPHEN R. COPELAND	Re-approval
VERYL ANDERSON	Initial approval
WILLIAM C. WHITE	Initial approval
JOSEPH E. REMSHARD	Initial approval

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DAN O’GORMAN Re-approval
Sponsor

OSCAR A. IBARRA Initial approval
Instructing with Thomas Walsh

On July 22, 2010, Board Members reviewed the resumes and course outlines submitted by the above individuals. A motion was made by Donald Dileo and seconded by Michael Sestanovich to approve the initial applicants, re-approve past instructors and sponsors, and approve all course outlines. A vote was taken and the motion unanimously passed.

GERALD FAHR.....INITIAL APPROVAL

Mr. Fahr was not present. His appearance, resume and request were re-scheduled for September 23, 2010.

- 7A. Offer(s) of Settlement assessing \$2,500 fines for
UNLICENSED ENTITIES: ADVERTISING PLUMBING SERVICES
NEWS ARTICLES, INTERNET ADS: CRAIGS LIST, NEWSPAPERS, ETC.
NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS, COMPLAINANTS

Complaints against unlicensed entities advertising plumbing services were submitted by the New Jersey State League of Master Plumbers.

These complaints were assigned file numbers and reviewed by the Board. Members voted on June 25, 2009, to issue an Offer of Settlement with a \$2,500 fine to each unlicensed entity where a review of an advertisement established a violation(s) of New Jersey Plumbing Statutes and Regulations. Some of these violations included references to plumbing, minor or light plumbing, water heaters, or ordinary repairs.

UNLICENSED ENTITIES: ADVERTISING PLUMBING SERVICES

This "Offer" replaces the advertising letter, includes a cease and desist, and assesses a penalty. Offers of Settlement were issued on January 14, 2010 to the subscribers provided by the NJSLMP; however, the responses to these settlement letters are forthcoming and the investigations of these complaints are continuing. Responses are scheduled for review at this meeting in Executive Closed Session.

◆ 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 Donald Dileo and seconded by James McManus to proceed into Executive Closed Session to review consumer complaint matters, unlicensed advertisements and unlicensed practice matters, discuss disciplinary matters arising from the CE audit, 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 **September 23, 2010** at 9:00 am in the Hudson Room.

Respectfully submitted,

Lawrence DeMarzo, Deputy Director
Division of Consumer Affairs