

**#537 MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS – JULY 26, 2007 MINUTES**

The Minutes of the July 26, 2007 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on September 27, 2007.

The meeting of August 23, 2007 has been cancelled.

The notice of the July 26, 2007 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 26, 2007 was called to order at 9:00 am with the following Members in attendance:

Mark McManus, Chairman

Ralph Wetzel, Vice-Chairman

Peter I. Voros

Michael K. Maloney

Michael L. Sestanovich

Paul N. Bontempo

Donald Dileo and Adam J. Sabath were absent

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

Deputy Attorney General Joseph A. Donofrio

**PUBLIC SESSION VISITORS:**

Elizabeth Moritz, Administrator, New Jersey State League of Master Plumbers NJSLMP

Thomas Walsh, LMP # 7854, Plumbing Subcode Official, Township of East Brunswick, NJSLMP

William White, LMP # 8443, Salem and Cumberland Associations

Gary J. Devine, LMP # 6568, Chairman, Gloucester and Salem County Plumbing Enforcement Committee

**PLEDGE OF ALLEGIANCE to the FLAG**

Chairman Mark McManus 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 28, 2007 MEETING**

A motion was made by Michael Maloney and seconded by Ralph Wetzel to approve the minutes of the June 28, 2007, meeting. A vote was taken and the motion unanimously passed.

### **BOARD BUSINESS**

#### **PRESENT BOARD MEMBERS - &- CAPACITIES**

MARK MC MANUS ~ CHAIRMAN, JOURNEYMAN PLUMBER

RALPH WETZEL ~ VICE-CHAIRMAN ~ MASTER PLUMBER MEMBER

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER

MICHAEL L. SESTANOVICH ~ INSPECTOR 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

#### **1. MASTER PLUMBERS REGULATIONS**

"SUN SETTING" MARCH 28, 2008

The New Jersey Office of Administrative Law reports that the State Board of Examiners of Master Plumbers' Regulations will expire on March 28, 2008. On April 26, 2007, Deputy Attorney General Joseph A. Donofrio and Regulatory Analyst Charles Manning held a brief discussion with Board Members concerning "Sun setting." On July 26, 2007, the Board agreed to schedule a Committee meeting on Thursday, September 13, 2007 at 9:00 am.

#### **2. REQUEST FOR REINSTATEMENT**

JOHN GERECKE, LMP # 6693 - EXPIRATION JUNE 30, 1987

Letter dated July 9, 2007 requesting reinstatement

On July 26, 2007, a motion was made by Ralph Wetzel and seconded by Michael Maloney, that the expired licensee must re-test and pass the Master Plumber's examination in order to re-gain his license. A vote was taken and the motion unanimously passed.

#### **3. REQUEST FOR REINSTATEMENT**

WILLIAM S. KILROY, LMP # 7963 - EXPIRATION JUNE 30, 1999

Letter dated June 28, 2007 requesting reinstatement

On July 26, 2007, a motion was made by Ralph Wetzel and seconded by Michael Sestanovich, that the expired licensee must re-test and pass the Master Plumber's examination in order to re-gain his license. A vote was taken and the motion unanimously passed.

#### **4. REQUEST FOR REINSTATEMENT**

TIMOTHY D. SMITH, LMP # 8691 - EXPIRATION JUNE 30, 2001

Letter dated June 3, 2007 requesting reinstatement

On July 26, 2007, a motion was made by Ralph Wetzel and seconded by Michael Maloney, that the expired licensee must re-test and pass the Master Plumber's examination in order to re-gain his license. A vote was taken and the motion unanimously passed.

Members noted that all expired licensees named in #2, #3 and #4 must re-test in accordance with existing New Jersey Plumbing Statutes and Regulations, namely N.J.A.C. 13:32-2.6 Renewal of license, (f), 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;

REQUEST FOR REINSTATEMENT.... continued

Payment of all past delinquent renewal fees as set forth in fee schedule N.J.A.C. 13:32-5.1;

Payment of a reinstatement fee as noted in N.J.A.C. 13:32-5.1;

An affidavit of employment listing each job held during the suspension.

5. DIVISION OF LAW BILLING JULY 12, 2007  
DARLENE KANE, BUDGET OFFICER  
DIVISION CONSUMER AFFAIRS - 4TH QUARTER FY 2007

No formal comment was made on July 26, 2007 concerning this report.

6. THOMAS F. WALSH, PLUMBING SUBCODE OFFICIAL  
TOWNSHIP OF EAST BRUNSWICK

RE: Home Improvement Contractors -Correspondence dated June 5, 2007 directed to Stephen B. Nolan, Acting Director, Consumer Affairs - Correspondence urging the Division to consider a disclaimer on Home Improvement certificates: "Does not constitute a plumbing or electrical license."

On July 26, 2007, Executive Director Barbara A. Cook reported that this change has been implemented by the Division according to a recent memo from Acting Director Stephen B. Nolan.

7. DAVID A. REIF, SR., CONSTRUCTION OFFICIAL , OFFICE OF  
LOCAL CODE ENFORCEMENT - NORTHERN REGIONAL OFFICE  
INQUIRY dated JULY 13, 2007 RE SCOPE OF "LICENSES"

On July 26, 2007, Board members held a discussion of this matter and concluded in response to Mr. Reif's question: "Can licensed plumbing and/or electrical contractors perform the following projects without also possessing a home improvement contractors' registration? ..."

- Members would only address the jurisdictional issues pertaining to "Master Plumbers" and not comment with respect to electricians;
- Licensed Master Plumbers may perform gas piping, hydronic piping, boilers, warm air furnaces, and water heaters;
- With respect to air-conditioning, only if the Licensed Master Plumber also holds a "Certificate of Refrigeration," the licensee may perform that work;

- If the "disconnect" is within site of the water heater, the Licensed Master Plumber is permitted to change that water heater. However, he cannot perform the initial installation of that water heater.

#### 8. DORSEY FINN, LICENSED MASTER PLUMBER # 7842

LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE  
STATE OF NEW JERSEY

\$5,000 PENALTY PAID 7-06-2007

A complaint from the Plumbing Subcode Official for the Township of Hillsborough alleged that Dorsey Finn ("respondent") signed and sealed plumbing permits for use by persons other than the State Licensed Master Plumber to whom they were issued. The facts of this matter are as follows:

On October 5, 1996, the plumbing subcode official for the Township of Hillsborough received complaints of no hot water and no heat at two apartment buildings. The subcode official previously received permit applications on September 9, 1996, that had not yet been approved, to install boilers and hot water heaters for these two buildings. The applications were sent by Jayson Company. Jayson Company is not licensed to practice plumbing in the State of New Jersey. The permits were signed and sealed by respondent. However, the permits had not been issued because additional engineering work and information concerning the equipment was needed. The subcode official inspected the buildings on October 5th. His inspection revealed that the boilers and hot water heaters were already replaced in the first apartment building, although the permits had not been issued. Jayson Company workers were present at the second apartment building. The Jayson Company foreman told the subcode official that the respondent did the plumbing work and Jayson Company did the rest of the work. However, during subsequent visits and inspections, the subcode official never saw respondent nor any of respondent's employees at the work site.

#### DORSEY FINN, LICENSED MASTER PLUMBER # 7842

The investigation of the matter further revealed that the respondent signed and sealed approximately one hundred (100) permit applications annually, beginning in or around 1993 until January 1998, that he gave to Jayson Company. Jayson Company paid respondent twenty-five dollars (\$25) for each signed and sealed permit application. The plumbing work specified in the permit applications was performed by Jayson Company employees. The investigation further revealed that Jayson Company was in possession of an additional twelve blank plumbing subcode permit applications containing respondent's signature and plumbing seal. These facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21(b) and N.J.A.C. 13:32-4.1©, in that respondent used his signature and seal to secure plumbing permits for unlicensed persons.

1. Respondent is hereby reprimanded for allowing his signature and plumbing seal to be used in securing plumbing permits for unlicensed persons.
2. Respondent shall pay a civil penalty pursuant to N.J.S.A. 45:1-22, in the amount of \$5,000 for placing his signature and seal on plumbing permit applications for use by persons other than the state licensed master plumber to whom the seal was issued.

DAG Donofrio recalled in Open Session that Jayson Company was assessed a \$5,000 fine which was paid on 2/24/99, in conjunction with this investigation.

#### 9. CONTINUING EDUCATION AUDIT CONCLUSION OF AUDIT 2003-2005

The State Board of Examiners of Master Plumbers will continue to report on the conclusion of its audit of 2003-2005 CE requirements. Recent developments include:

STEPHEN J. DE BIASSE, LMP # 9767 - \$1,000 PAID AS OF 6-25-2007 FINAL ORDER OF DISCIPLINE FILED APRIL 28, 2007 - DAG SWANG OO

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.A.C. 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.A.C. 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.

Total 2003- 2005 AUDIT penalties collected:

Total 2003-2005 AUDIT costs collected:

These figures were updated June 30, 2007

#### 10. LORMAN EDUCATION SERVICES, KARI J. CAMPBELL, COORDINATOR - REQUEST FOR CE SPONSORSHIP

On July 26, 2007, Members of the Board noted that this entity must submit a professional resume, course outline and be scheduled for an appearance before the full Board in order to qualify as a Sponsor for Continuing Education. This entity may be considered for CE Sponsorship in advance of the 2009-2011 biennial renewal requirement provided they submit the necessary criteria.

#### 11. EDWARD J. OSOLINIEC - PROFESSIONAL ENGINEER #29072 REQUEST FOR CE SPONSORSHIP

On July 26, 2007, Members of the Board noted that this entity must submit a professional resume, course outline and be scheduled for an appearance before the full Board in order to qualify as a Sponsor for Continuing Education. This entity may be considered for CE Sponsorship in advance of the 2009-2011 biennial renewal requirement provided they submit the necessary criteria.

#### 12. Ms. Barbara A. Cook, Ex Director

It is noted that applications for the Master Plumber's examination and Master Plumber's business registration forms are reviewed by Board Members during the course of each business meeting.

#### NOT ON THE PUBLISHED AGENDA - ASSEMBLY BILL NO. A-4382

Sponsored by Assemblymen Jack Connors and Guy R. Gregg

Synopsis: Delays expiration date of certain professional and occupational licenses for individuals with certain types of military service.

On July 26, 2007, Members reviewed A-4382 and voted unanimously in favor of this legislation in a motion made by Ralph Wetzel and seconded by Michael Maloney. No formal comments were made and there were no objections to A-4382. A vote was taken and the motion unanimously passed.

#### **EXECUTIVE CLOSED SESSION MOTION:**

A motion was made by Michael Maloney and seconded by Peter Voros to proceed into Executive Closed Session to review approximately (33) consumer complaint matters, issues surrounding the CE audit, the DAG quarterly report, consider 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. 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 27, 2007 at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

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Barbara A. Cook  
Executive Director