

**# 592- BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - JULY 26, 2012**

The minutes of the July 26, 2012 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, 2012**. (*The Board cancelled the August 22, 2012 Meeting - Page 2*).

The notice of the July 26, 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 July 26, 2012 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

Robert B. Reeve

Adam J. Sabath

Paul N. Bontempo was 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:

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
Joe Remshard, NJCMP, President

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 JUNE 28, 2012 MTG

A motion was made by Michael Maloney and seconded by Adam J. Sabath to approve the minutes of the June 28, 2012 meeting. A vote was taken and the motion unanimously passed.

CANCELLATION OF THE AUGUST 23, 2012 MTG.

A motion was made by Michael Maloney and seconded by Robert Reeve to cancel the August 23, 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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1. CHARLES MANNING, REGULATORY ANALYST,
DIVISION OF CONSUMER AFFAIRS
13:32-2.2 EXPERIENCE REQUIREMENTS - **PROPOSAL**
Gaining one year of practical hands-on experience

On July 26 2012, the Board discussed this proposal with Regulatory Analyst Charles Manning, and agreed in a motion made by Michael Maloney and seconded by Robert Reeve, to add the “effective date of one year” to the proposed regulation, and approve this change.

A vote was taken and the motion unanimously passed.

2. LAW AND PUBLIC SAFETY - DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
BONA FIDE REPRESENTATIVE; REPORTING RESPONSIBILITIES
ADOPTION JUNE 18, 2012
Proof of ownership interest in business

On July 26, 2012, Board acknowledged this adoption and will begin requesting the proof of ownership from licensees who register as bona fide representatives.

3. WILLIAM WHITE, SECRETARY OF NJ COUNCIL OF MASTER PLUMBERS
(NJCMP) LETTER DATED - JUNE 20, 2012 - SUBMITTED TO THE BOARD
REQUEST FOR MEETING WITH - DAG AND CONSUMER
PROTECTION
ENTITLED “WISH LIST”

On July 26, 2012, during the public comment period, Chairman Peter Voros reviewed the “Wish List” with (11) eleven issues detailed by the NJCMP. Chairman Voros advised that he will correspond with the Director, Eric Kanefsky, concerning this meeting request.

4. NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS (NJSLMP)
CORRESPONDENCE - **MEETING REQUEST WITH MR. KANESKY**
THOMAS F. WALSH, STEVEN RODZINAK, STEVEN RICKERSHAUSER,

ANTHONY SCHIAVONE, ORLANDO OLIVA, RICHARD MARTINELLI
LICENSE ENFORCEMENT ISSUES LETTER - DATED JULY 7, 2012
ADDRESSED TO ERIC T. KANEFSKY, ACTING DIRECTOR

On July 26, 2012, also during the public comment period, Chairman Peter Voros reviewed the above correspondence submitted from the NJSLMP. After a brief discussion, Mr. Voros expressed the Board's concern for the protection of licensees and consumers, and requested that all *future correspondence be directed to the Board for appropriate handling*.

Chairman Voros advised that he will correspond with Mr. Kanefsky concerning this meeting request.

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5. UNLICENSED ADVERTISING - OFFER OF SETTLEMENT PAID IN FULL
PAID \$2,500 PENALTY

MIKE MATHEWS - UNLICENSED, T/A ON-CALL PLUMBING
RICHARD NIROD, LMP #11862, COMPLAINANT
FILE ID: #79180

On July 26 2012, the Board acknowledged the payment of this civil penalty and closed the file.

6. UNLICENSED PRACTICE - OFFER OF SETTLEMENT -PENALTY \$2,500
PAID
JOE MURINO AND JOHN PALMIERI, UNLICENSED
T/A **PASSAIC BERGEN WATER SOFTENING, UNLICENSED**
MICHAEL J. HELLER, LMP #10310, COMPLAINANT

On July 26 2012, the Board acknowledged the payment of this civil penalty and closed the file.

7. DISCIPLINARY ACTIONS
ORLANDO SALAZAR, LMP # 9574
ADMINISTRATIVE ACTION - CONSENT ORDER -
FILED OCTOBER 28, 2011
PAYMENTS: #1: \$650.00, #2: \$650.00, #3: \$650.00 -
ONE PAYMENT REMAINS DUE

This matter was opened to the Board upon receipt of a complaint from the Bayonne, NJ, plumbing subcode official that Salazar failed to list his licensed plumbing contractor's name " R & A Advanced Plumbing" on two plumbing permits for work scheduled at Bayonne public schools. Salazar listed "Salazar and Associates" with his license number as the contractor.

The complaint also alleged that the permits for these jobs were not sealed with Salazar's master plumber's pressure seal. Salazar was fined by the City of Bayonne. Respondent testified and admitted his error on the improper trade name, with his failure to register that name with the Board. He admitted he lost his seal and his office manager replaced the seal with an outside vendor seal. Respondent was fined \$2,600, with quarterly payments permissible, for violation of N.J.S.A. 45:1-21(e) engaging in professional misconduct and N.J.A.C. 13:32-4.1, mis-use of his pressure seal.

On July 26 2012, the Board acknowledged the payment of these penalties.

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8. **DISCIPLINARY ACTIONS**

LOUIS L. PASQUALINI, LMP #9742 - PROVISIONAL ORDER OF DISCIPLINE (POD) FILED MAY 24, 2012

Based on a complaint from the Township of Jackson for a water heater and gas piping, the following is outlined in a Provisional Order of Discipline. Respondent is provisionally reprimanded and fined \$1,000: \$500 for failing to comply with the provisions of a regulation administered by the Board pursuant to NJSA 45:1.21(h) in that he failed to supervise the plumbing work performed for consumer "JM" under his permit in accordance with NJAC 13:32.3; and fined \$500 for engaging in the use and employment of dishonesty, fraud, deception, misrepresentation and false pretense, pursuant to NJSA 45:1.21(b) in that he allowed his plumbing seal to be used to secure a plumbing permit for an unlicensed person in violation of NJAC 13:32.4.1c. The order is final within 30 days unless respondent requests a modification or dismissal.

On July 26 2012, the Board discussed the POD filed against licensee Pasqualini and concluded in a motion made by Robert Reeve and seconded by Donald Dileo to request DAG Joseph Donofrio finalize the FOD in this matter. A response from licensee Pasqualini and his penalty payment of \$1,000 were received at the Board office subsequent to release of this July 26, 2012 agenda, and both will be listed for the meeting on September 27, 2012.

A vote was taken and the motion unanimously passed.

DISCIPLINARY ACTIONS

9. **THOMAS GALIGER, LMP # 12200**
ADMINISTRATIVE ACTION - CONSENT ORDER \$5,000 PENALTY
SIGNED BY LICENSEE OCTOBER 11, 2011

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

(2ND) \$500 payment dtd 1-9-2012

(3RD) \$500 payment dtd 5-7-2012

(4TH) \$500 payment dtd 3-2-2012

(5TH) \$500 payment dtd 7-10-2012

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) 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.

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THOMAS GALIGER, LMP # 12200

Continued ...

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.

◆ *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.

NOT ON THE PUBLISHED AGENDA

JOEL E. CONTRERAS, APPLICANT, MASTER PLUMBER'S EXAMINATION

LETTER OF APPEAL DATED MAY 31, 2012

On July 26, 2012, the Board reviewed the correspondence dated May 31, 2012 submitted by the applicant, Joel E. Contreras. Mr. Contreras had been denied as an applicant for the Master Plumber's examination and was requesting a re-consideration of his credentials.

A motion was made by James McManus and seconded by Michael Maloney that the applicant is denied based on N.J.S.A. 45:14c-15 (b)(2) which states in part, applicants for the master plumber's examination: has been awarded a bachelor's degree in mechanical, plumbing or sanitary engineering from a college or university accredited by a regional accreditation agency recognized by the Council on Post-Secondary Accreditation Or the United States Department of Education, and has completed one year of practical hands-on experience as a journeyman plumber. Mr. Contreras does not meet the qualifications according to existing New Jersey Plumbing Statutes and Regulations.

A vote was taken and the motion unanimously passed.

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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, 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 *September 27, 2012*, at 9:00 am in the Hudson Room.

A vote was taken and the motion unanimously passed.

Respectfully submitted,

Rosemarie S. Baccile
Acting Executive Director