

**#526 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS - MINUTES**

The Minutes of the July 27, 2006 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on September 28, 2006. (The Board meeting for August 24, 2006 has been cancelled.)

The notice of the July 27, 2006 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 27, 2006 was called to order at 9:00 am with all Board Members in attendance:

Mark McManus, Chairman

Ralph Wetzel, Vice-Chairman

Peter I. Voros

Michael K. Maloney

Michael L. Sestanovich

Paul N. Bontempo

Adam J. Sabath

Donald Dileo

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 4:00 pm:

Barbara A. Cook, Executive Director

Rosemarie Baccile, Executive Assistant

Deputy Attorney General Joseph A. Donofrio

PUBLIC SESSION VISITORS

Bill Stepler, CEP Associates

Thomas F. Walsh, Licensed Master Plumber # 7854, Plumbing Subcode Official, Township of East Brunswick, and Member of New Jersey State League of Master Plumbers

PLEDGE OF ALLEGIANCE to the FLAG

Chairman Mark McManus led the Board in the Pledge of Allegiance to the Flag. Mr. McManus also requested that the Board join in a moment of silence in recognition of U.S. troops serving our Country.

APPROVAL OF THE MINUTES ~ JUNE 22, 2006 MEETING

A motion was made by Ralph Wetzel and seconded by Paul Bontempo to approve the minutes of the June 22, 2006 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. IN ADVANCE OF THE 2007-2009 MASTER PLUMBER'S BIENNIAL RENEWAL/ CE REQUIREMENT - COURSES TAKEN DURING PERIOD 2005-2007

On July 27, 2006, the State Board of Examiners of Master Plumbers reviewed applications for teaching Continuing Education (CE) for the 2007-2009 biennial.

MARK HILER CODE ENLIGHTENMENT - SPONSOR #13
64 LYONSVILE ROAD, BOONTON, NJ

CONTACT # 973-263-0294
EMAIL The HILERS@OPTIONLINE.NET

On July 27, 2006, subsequent to a brief discussion, the following motion was made by Ralph Wetzel and seconded by Donald Dileo to approve this sponsor and his course outline for CE instruction of the 2007-2009 biennial requirements. A vote was taken and the motion unanimously passed.

WILLIAM STEPLER, CEP ASSOCIATES - SPONSOR #1
APPROVED INSTRUCTORS : ERNIE HISTING #1,
MENGSTE THOMAS EL, #3, STEPHEN TIBERIO, # 5
JAMES VALENTINE # 6

CONTACT # 800-596-8886
EMAIL WSTEPLER1@VERIZON.NET
CEP.ASSOCIATES1@VERIZON.NET

On July 27, 2006, subsequent to a brief discussion, the following motion was made by Ralph Wetzel and seconded by Donald Dileo to approve this sponsor and his course outline for CE instruction of the 2007-2009 biennial requirements. A vote was taken and the motion unanimously passed.

2. REQUIREMENT OF PRESSURE SEAL; PENALTIES FOR MISUSE; RETURN OF PRESSURE SEAL - N.J.A.C. 13:32-4.1

Charles Manning of Regulatory Affairs, Division of Consumer Affairs, attended the Board's meeting on July 27, 2006, to discuss his "revised copy" of the seal press rule.

Subsequent to a discussion among Board Members on July 27 2006, a motion was made by Ralph Wetzel and seconded by Michael Maloney, to approve these changes to the Pressure Seal regulation, as follows:

- Clarify the initial fee for the Pressure Seal as \$25.00;
- Price the replacement seal at \$25.00 (a change from \$40.00);
- These changes will be reflected in the Fee Schedule.

A vote was taken and the motion unanimously passed.

3. DISCIPLINARY ACTION

FINAL ORDER OF DISCIPLINE FILED 6-22-2006 - SUSPENSION

In the matter of the SUSPENSION OR REVOCATION of the PLUMBING LICENSE OF JAMES R. BALLARD, SR. LMP # 10737,
PROVISIONAL ORDER OF DISCIPLINE FILED ON 5/27/04
\$2,500 PENALTY PAID 7-14-04 & Pressure seal returned

Prosecuting Deputy DAG Donofrio -&- Counseling Deputy DAG Susan Carboni

The Board received a consumer complaint that licensee Ballard signed between 760 and 775 permits pertaining to water sub-meters installed in an apartment complex located in Plainsboro, NJ. The complaint alleged that neither Ballard nor his employees performed the work, but reportedly the work was done by Richard Klein, a State of Maryland master plumber, who was not an employee of Ballard's, and who is not licensed in New Jersey as a Master Plumber.

JAMES R. BALLARD, SR., LMP # 10737 - Disciplinary Action - continued...

The Board established grounds for discipline action based on professional or occupational misconduct pursuant to N.J.S.A. 45:1-21(e) in that Ballard failed to cooperate with the Board's investigation in providing specific information requested in a Demand for Statement Under Oath (DSO).

The Board proceeded to finalize the Provisional Order of Discipline with regard to the suspension of Mr. Ballard's license. Mr. Ballard had surrendered his license {requested that the Board "cancel" his license}, paid the \$2,500 fine and returned his Master Plumber's pressure seal. However, Mr. Ballard failed to comply with the terms of the Provisional Order in that he did not respond to the questions raised within the POD on permit issues, nor did he remedy the situation to avoid the suspension of his Master Plumber's license.

On June 22, 2006, a Final Order of Discipline was entered stating that Ballard's license is suspended until he furnishes the Board with the information requested in the DSO and the request for Production of Records.

4. DISCIPLINARY ACTION

Offer of Settlement in lieu of disciplinary proceeding

Rocco Turtur, Licensed Master Plumber # 1809
\$750.00 PENALTY PAID ON 6-14-2006

RE: CARNELL MARABLE, CONSUMER, FILE ID # 40692

The Board established the licensee's failure to fully comply with N.J.S.A. 45:1-21(e) in that he engaged in professional or occupational misconduct by failing to obtain the permit for this job in a timely fashion and prior to starting the job.

5. DISCIPLINARY ACTION

Offer of Settlement in lieu of disciplinary proceeding

Joseph Valente, Jr., Licensed Master Plumber # 9100
\$250 PENALTY PAID ON 6-06-2006

RE: BARBARA BROWN, CONSUMER, FILE ID # 36296

The Board established the licensee's failure to fully comply with N.J.A.C. 13:32-3.1 (a) - (e) Identification of Licensed Master Plumber; vehicles; stationery; advertising. The invoice and work order presented to the consumer failed to reflect his identity as the LMP.

6. ~ UNLICENSED PRACTICE ~

*Reporting (3rd) penalty payment ~ @ \$500- dtd 6/13/2006
on a \$2,500 PENALTY - payment arrangements

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

ROBERT LEVIN, TA/ LL HEATING, UNLICENSED
UNLICENSED PRACTICE - OIL FIRED HOT WATER HEATER
NEGLIGENT HAZARDOUS CONDITIONS ~
plumbing services without proper permits and inspections

WORK SITE LOCATION @ CEDAR GARDEN APARTMENTS,
571 PLAZA TERCE EAST, aka 1030 CEDAR BRIDGE RD, BRICK, NJ;
IMPROPER INSTALLATION CAUSING FIRE - BRICK FIRE DEPARTMENT
DANIEL NEWMAN, CONSTRUCTION OFFICIAL, 2964-UP- COMPLAINANT

On January 6, 2006, Robert Levin signed the acknowledgment portion of the "Offer of Settlement" letter issued to him dated September 13, 2005. The Board is permitting Levin to submit five (5) monthly payments of \$500.00.

A closing fax was transmitted to the complainant, Mr. Newman. The third payment has been received and is reflected herein; the balance is now \$1,000.

7. INQUIRY from JOHN GLYNN, PRESIDENT
MASTER PLUMBERS EDUCATION SERVICE OF NEW JERSEY
RE: Continuing Education Class size

John Glynn submitted his request for an increase in class size for one specific CE seminar on September 23, 2006.

On July 27, 2006, a motion was made by Ralph Wetzel and seconded by Donald Dileo to approve this increase of students to 75 for this particular seminar. Members acknowledged that CE sponsors must obtain permission from the Board for such changes in a CE class size.

A vote was taken and the motion unanimously passed.

8. FAIRFIELD TOWERS PROJECT

INSTALLATION OF VANITY TOPS, ATLANTIC CITY, NJ

NEW JERSEY REGIONAL CARPENTER'S COUNCIL; PLUMBERS LOCAL 322

A letter dated July 11, 2006, signed by Executive Director Barbara A. Cook was issued by the Board to Albert G. Kroll, Esq. of Kroll, Heineman & Giblin (Carpenters Union) and Joseph T. Cleary, Esq., of Cleary & Josem, LLP, (Local 322).

This letter concludes the Board's investigation into an inquiry of James B. Kehoe, Business Manager for Local Union 322, United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry. The Union had advised that sinks were being installed at the Fairfield Towers Project in Atlantic City, NJ, by members of the New Jersey Regional Carpenter's Council who are not licensed master plumbers or employed by a licensed plumbing contractor.

On July 27, 2006, the Board acknowledged this correspondence and noted the conclusion of this matter.

9. "ASK CONSUMER AFFAIRS" INQUIRY" from Wendy Calva ... Re: Pipe fitters and Master Plumbers

Ms. Calva submitted an e-mail via "Ask Consumer Affairs" dated June 28, 2006 questioning the requirements for pipe fitters and master plumbers. The Board Office responded to Ms Calva, after which she submitted a second e-mail dated June 30, 2006, questioning: "Are pipe fitters subject to the stipulations as plumbers are specific to...."

On July 27, 2006, the Board held a discussion of this matter, and responded that pipe fitters are stipulated as long as they are performing plumbing work. Hydronic piping is not plumbing work, and may be performed by non-licensed persons.

10. ASSEMBLY BILL NO. 3397 STATE OF NEW JERSEY, 212TH LEGISLATURE INTRODUCED JULY 4, 2006 - Sponsored by: Assemblyman Vincent Prieto

Synopsis: Creates Construction Trades Licensing Board for licensing and regulation of several construction professions; creates new division for homeowner protection in Department of Law and Public Safety.

On July 27, 2006, a discussion was held among Board Members concerning Assembly Bill No. 3397. Members expressed unanimous concern that this legislation proposes "overlapping" of duties which are presently within the jurisdiction and the "Scope of Practice" of the Licensed Master Plumber. {Members referred to Page 11 (d) of Assembly Bill # 3397.}

A motion was made by Peter Voros and seconded by Michael Maloney.

It is noted that Board Member Paul Bontempo recused himself from the discussion of this matter.

A vote was taken and the motion unanimously passed.

11. Barbara A. Cook, Executive Director, reserved a portion of Open Public Session to review some pending issues with the Board.

Ms. Cook reported that Director Kimberly S. Ricketts will be leaving the Division of Consumer Affairs and noted that Steve Nolan will become the Acting Director for the Division upon Ms. Ricketts' departure.

NOT ON THE PUBLISHED AGENDA
REGULATORY MATTERS - UPDATE

On July 27, 2006, Charles Manning advised the Board that the Medical Gas regulation is pending in the Governor's Counsel and the Regulation for the Exemption to the Home Improvement Contractors (HIC) Registration is pending in Trenton at the Division of Law. DAG Donofrio confirmed that he had completed the legal justification for the HIC Regulation.

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.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Ralph Wetzel to proceed into Executive Closed Session to review approximately thirteen (13) consumer complaint matters, four (4) administrative closings, issues surrounding the CE audit, the DAG quarterly report, unlicensed practice matters, two (2) investigative inquiries 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. 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 on Thursday, September 28, 2006, at 9:00 a.m. in the Hudson Room.

Members noted that the Board meeting for August 24, 2006 has been cancelled.

Respectfully submitted,

Barbara A. Cook
Executive Director