

**#515 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -**

The Minutes of the July 28, 2005 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on September 22, 2005.

NOTE: The meeting scheduled for August 25, 2005, was cancelled.

The notice of the July 28, 2005 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 28, 2005 was called to order at 9:00 a.m., with all Members in attendance:

Ernest Tretola, Chairman

James Moore, Vice-Chairman

Mark McManus

Alexander J. Tucciarone

Ralph Wetzel

Margaret Sieb, Secretary

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

Alok Jain, Assistant to Barbara A. Cook

Deputy Attorney General Joseph A. Donofrio served as counseling deputy.

PUBLIC SESSION VISITORS:

Bill Stepler, CEP Associates, CE Instructors

Brien McLaughlin, LMP, New Jersey State League of Master Plumbers

Frank Brill, New Jersey Plumbing - Heating - Cooling- Contractors (PHCC)

PLEDGE OF ALLEGIANCE:

Chairman Ernest Tretola led the Board in the Pledge of Allegiance to the Flag. Mr. Tretola 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 23, 2005

A motion was made by James Moore and seconded by Alexander Tucciarone to approve the minutes of the June 23, 2005 meeting. A vote was taken and the motion unanimously passed.

On Monday, June 20, 2005, the New Jersey State Senate confirmed Kimberly S. Ricketts as the 10th Director of the New Jersey Division of Consumer Affairs. On July 28, 2005, Director Kimberly S. Ricketts visited the Board meeting to introduce herself and offer assistance on any matter(s) of concern to Members.

BOARD BUSINESS

CONTINUING EDUCATION (CE) AUDIT 1. CONCLUSION OF AUDIT 2003-2005 MARCH 25, 2004 - JULY 28, 2005

The State Board of Examiners of Master Plumbers has been reporting on its audit of the 2003-2005 five (5) hour CE biennial renewal requirement by providing all disciplinary statistics in Open Public Session since the March 25, 2004 meeting.

As a result of the CE disciplinary actions issued to date, the Board has collected civil penalties totaling *\$56,500.00, and stenographic costs in the amount of \$690.59--- based solely on the audit of 460 randomly selected Licensed Master Plumbers...

No monies were received during June, 2005, however, further disciplinary actions are underway by way of Provisional and Final Orders of Discipline issued by the Board and developed by the Division of Law.

On July 28, 2005, Members of the Board noted that they prefer to conclude all files pending with the Division of Law from the 2003-2005 CE audit— prior to proceeding with any new disciplinary actions stemming from the current 2005-2007 biennial CE requirement.

The renewal deadline of June 30, 2005, has passed, and while all CE Instructors have submitted their attendance sheets, most licensees have fulfilled their five (5) hour requirement. The Board Office is preparing to initiate a new audit for the 2005-2007 CE compliance.

2. DEPARTMENT OF COMMUNITY AFFAIRS DIVISION OF CODES AND STANDARDS, MEMO DTD 6-06-05

Ms. Megan K. Sullivan submitted a memorandum enclosing the Agenda of the June 10, 2005 Code Advisory Board meeting and the approved minutes of their meeting of February 4, 2005. On July 28, 2005, these documents were reviewed by Members of the Board of Master Plumbers without any formal comment.

3. DEPUTY DIRECTOR ANTHONY MIRAGLIOTTA Re DIVISION OF CODES & STANDARDS Uniform Construction Code Enforcement Responsibilities Proposed Amendment N.J.A.C. 5:23-3.4

On July 28, 2005, the Board reviewed the documents provided by Deputy Director Miragliotta. Board Member Alexander Tucciarone explained that these new responsibilities are outlined and assigned to appropriate inspectors licensed by the Department of Community Affairs in Trenton, NJ, in compliance with the State's new code updates.

4. Inquiry concerning business opportunities and serving as a bona fide representative...

DAVID O. DAHLQUIST, LICENSED MASTER PLUMBER # 11977

Licensee Dahlquist submitted a letter dated June 7, 2005, stating that he is considering a business opportunity in the State of Florida, and questioned any 'conflict of interest' concerning this venture.

On July 28, 2005, subsequent to discussion of this matter, a motion was made by Margaret Sieb and seconded by Ralph Wetzel, to invite the licensee to appear before the Board for an Investigative Inquiry proceeding to address some of the concerns expressed in Mr. Dahlquist's correspondence.

This matter will be scheduled for a date and time convenient for the licensee, and based on the Board's calendar for either the September or October, 2005, meeting.

5. Inquiry concerning Zurn Pex piping and code requirements...

TOM JOHNSEN, LMP # 6156, T/A JOHNSEN SERVICE, INC.

Licensee Johnsen submitted a letter to the Board questioning code requirements for this product.

On July 28, 2005, Members of the Board held a brief discussion and concluded that this matter is not within the jurisdiction of the Board, and advised that the licensee should proceed to contact Tom Pitcherello, Code Assistance, at the Department of Community Affairs in Trenton, NJ.

6. DISCIPLINARY ACTION

reporting final payment of \$1,000 on 6-28-05

Mr. Widing is maintaining his payment schedule concerning:

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF LICENSE

TO PRACTICE AS A MASTER PLUMBER/ 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 ~ PD IN FULL 7-01-05 ~

On July 28, 2005, Board Members accepted the final \$1,000 payment from licensee John Widing in completing his submission of penalties on the disciplinary action found against him.

All payments are detailed below and the file is now closed:

\$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

\$500 ~ 8/02/04..... 12th

\$500 ~ 8/31/04..... 13th

\$500 ~ 10/04/04..... 14th

\$500 ~ 11/01/04..... 15th

\$500 ~ 11/29/04..... 16th

\$500~ 12/24/04..... 17th
\$500~ 01/28/05..... 18th
\$500~ 02/28/05..... 19th
\$500~ 03/30/05..... 20th
\$500~ 05/02/05..... 21st
\$500~ 06/01/05.....22nd
\$1,000~ 06/28/05....23 & 24

7. THOMAS H. MC GROGAN, EXPIRED, FORMER LMP # 10103

FAILED TO RENEW FOR (3) BIENNIALS
1999-2001; 2001-2003; 2003-2005

Thomas H. McGrogan submitted a letter to the Board (undated) requesting the reinstatement of his Master Plumber's license.

On July 28, 2005, subsequent to a discussion of this matter, the following motion was made by Alexander Tucciarone and seconded by Mark McManus, that the expired licensee should be informed that he must comply with the following in order to achieve the reinstatement of his Master Plumber's license:

N.J.A.C. 13:32-2.6 (f) Renewal of license 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:

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

8. CHARLES ROONEY, EXPIRED, FORMER LMP #3822 FAILED TO RENEW FOR 1983-1985
{ELEVEN (11) BIENNIALS}

Mr. Rooney submitted a letter dated June 14, 2005, requesting the reinstatement of his Master Plumber's license.

On July 28, 2005, subsequent to a discussion of this matter, the following motion was made by James More and seconded by Ralph Wetzel, that the expired licensee should be informed that he must comply with the following in order to achieve the reinstatement of his Master Plumber's license:

N.J.A.C. 13:32-2.6 (f) Renewal of license 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:

- (1) A completed reinstatement application;
- (2) Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;
- (3) Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5-1; and

(4) An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer."

9. Letters dated June 28, 2005, were directed to the Secretary of State, "Newark Star Ledger," the "Trenton Times," and the "Courier Post" publications to advise that the Board's meeting of August 25, 2005, has been cancelled.

A notice concerning this cancellation will also be posted to the Board's website at www.njconsumeraffairs.org.

On July 28, 2005, Board Member Alexander Tucciarone advised that he will be in attendance at the State of New Jersey, Department of Community Affairs, Code Advisory Board meetings in Trenton, NJ, on August 25, 2005.

10. ASSEMBLY BILL NO. 4259, STATE OF NEW JERSEY, 211TH LEGISLATURE, INTRODUCED 6-23-05

Assemblyman John S. Wisniewski re

Synopsis: Exempts certain Master Plumbers from certification requirements as fire protection contractors for limited area suppression systems...This bill would permit New Jersey Licensed Master Plumbers to install limited area fire suppression or sprinkler systems, which is defined to mean "...a fire suppression system or sprinkler or no more than 20 heads off a domestic water line..."

ASSEMBLY BILL NO. 4259,

On July 28, 2005, Board Members held a discussion of this matter, and noted the following comments for the record:

Members voiced their overwhelming support of this legislation-- however with one suggested amendment noted below:

Board Members defined "domestic water lines" and "non-domestic water lines" explaining that fire suppression systems may be supplied with water from either source;

Members pointed to "ponds" as an example of a "non-domestic water" source;

A "domestic water source" is strictly potable water;

The Board noted that this legislation-- as written-- limits the type of work strictly to "domestic" or potable water, and suggested that this legislation be amended to remove the phrase [domestic water line] so as to include both sources of water;

Members clarified that a Licensed Master Plumber must obtain a special Fire Protection Contractor Certification in instances of more than 20 heads; and

The Board clarified that a Licensed Master Plumber may perform fire suppression or sprinkler system work in cases of a fire suppression system or sprinkler of no more than 20 heads, and Members noted that Master Plumber's licensee is sufficient as a requirement for this limited work.

A motion was made by James Moore and seconded by Ralph Wetzel to voice the Board's favor of this legislation as amended. A vote was taken and the motion unanimously passed.

11. On July 28, 2005, Barbara A. Cook, Executive Director, provided an update concerning the impending Master Plumber's 2005-2007 Biennial Renewal noting that nearly 94% of the renewals have been processed.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by James Moore and seconded by Alexander Tucciarone to proceed into Executive Closed Session to review five (5) pending consumer complaint matters, two (2) administrative closings, issues surrounding the CE audit, the DAG quarterly report, one criminal history file, 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 22, 2005, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director