

**# 582- MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS -MINUTES - SEPTEMBER 22, 2011**

The Minutes of the September 22, 2011 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on ***October 27, 2011.***

The notice of the September 22, 2011 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 September 22, 2011 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., Secretary

Michael L. Sestanovich

Robert B. Reeve

Adam J. Sabath

Paul N. Bontempo

Donald Dileo

*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:**

Thomas Walsh, Licensed Master Plumber, New Jersey State League of Master Plumbers

**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 JULY 28, 2011 MTG

A motion was made by Michael Maloney and seconded by Robert Reeve to approve the minutes of the July 28, 2011 meeting. A vote was taken and the motion unanimously passed.

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BOARD BUSINESS

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***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. KENNETH PETRIE OF PETRIE & REENSTRA, LLC, ATTORNEYS AT LAW  
CLIENT: JOSEPH S. CASTIGLIA, CANDIDATE  
MASTER PLUMBERS EXAMINATION

*Correspondence dated July 19, 2011, seeking special accommodations for language restrictions.*

On September 22, 2011, the Board discussed the correspondence submitted by Kenneth Petrie on behalf of his client, Master Plumber's candidate Joseph S. Castiglia, and concluded in a motion made by Michael Maloney and seconded by Donald Dileo to refer this matter to DAG Donofrio. A vote was taken and the motion unanimously passed.

REFER: Deputy Attorney General Joseph A. Donofrio for research of the candidate's right to a special reader.

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DISCIPLINARY MATTER

2. OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING  
**FRANK ALVAREZ LMP # 11639**, t/a Frank Alvarez & Sons  
VIOLATION OF N.J.S.A. 45:1-21(e) engaged in professional misconduct for failure to issue a contract; \$500 penalty

PENALTY PAID IN FULL	JUNE 21, 2011
CERTIFICATION SIGNED	JUNE 17, 2011
CLOSED FILE	SEPTEMBER 22, 2011

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DISCIPLINARY MATTER

3. OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING  
**SALVATORE PETRUZZELLA, LMP # 9105**, t/a TRIPLE P PLUMBING  
HONG SHOU MA, CONSUMER

VIOLATION OF N.J.A.C. 13:32-3.4 IDENTIFICATION OF LICENSEES  
\$100 FINE FOR FAILURE TO INDICATE HIS LICENSE NUMBER ON HIS  
INVOICE & \$500 FAILURE TO ISSUE A CONTRACT TO THE CONSUMER

TOTAL PENALTY OF \$600 PAID MARCH 23, 2011 & AND SIGNED  
CERTIFICATION - CLOSED FILE SEPTEMBER 22, 2011

4. IN THE MATTER OF **KARL HOLL, LMP # 5695**, LICENSED TO PRACTICE  
PLUMBING IN THE STATE OF NEW JERSEY - ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF DISCIPLINE FILED JULY 28, 2011

This matter was opened to the Board of Examiners of Master Plumbers upon receipt of information that the Board reviewed: Karl Holl is a licensed master plumber in the State of New Jersey, and is currently registered to trade as Karl A Holl Plumbing and Heating. At the time of the complaint, respondent was a ten percent owner and bona fide representative for "Above All Plumbing and Heating."

The Board received a complaint from consumer "V.E." pertaining to plumbing work that Above All was contracted to perform on or about October 19, 2008, at a laundromat owned in Fairview, NJ. According to the consumer, Above All was called to assess a leak from a heater, and two technicians from Above All arrived and quoted a price of \$1,500 to repair the leak. The consumer wrote an initial check for \$1000 to allow the technicians to purchase a part. The technicians were to obtain the part and return that day to work on the heater. A technician returned on or about October 20, 2008 and requested an additional \$1,000 to obtain the needed part, when the consumer wrote a second check for \$1,000.

The following day when the technician requested an additional \$1,000, the consumer wrote a third check for \$1,000. The technician repaired the furnace on or about October 22, 2008 and presented the consumer with a bill for an additional \$11,235.00. The consumer, V.E. issued two checks to the technician, one for \$5,235 and the other for \$6,000.

On May 28, 2009, respondent appeared for an investigative inquiry and acknowledged that he had been registered to trade as Above All and was a ten percent owner and bona fide representative of the company. He also testified that he was unaware of Above All billing activities. He stated that he was only notified if there was a complex plumbing issue where his expertise is needed. Respondent stated that when he became aware of Above All's billing and price-setting practices pertaining to this matter, he terminated his association with the entity. He admitted that he did not visit the job site at any time while Above All was rendering plumbing services for V.E. He advised that he did not supervise the meetings with V.E. and did not obtain a contract for the job that was to be performed.

Pursuant to N.J.S.A. 45:121(h) respondent violated the provision of a Board administered regulation, N.J.A.C. 13:32-3.3(a), in that the respondent, as the bona fide representative, did not provide the required supervision concerning the plumbing work performed for consumer V.E.

## IN THE MATTER OF **KARL HOLL, LMP # 5695** PROVISIONAL ORDER OF DISCIPLINE FILED JULY 28, 2011

Respondent is provisionally reprimanded for the above violation and assessed a \$5,000 civil penalty. The within Order shall be subject to finalization by the Board at 5pm on the 30<sup>th</sup> business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by submitting a written request.

**Response:**

*A letter dated August 18, 2011 was submitted by Santo J. Bonanno, Esq., Attorney for Karl Holl. This matter was reviewed by the Board in Executive Closed Session; however, no additional information was reported in Open Session at this meeting.*

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### UNLICENSED PRACTICE MATTERS

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5. OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING  
*In the matter of:*

**JOHN RISSO, CONSTRUCTION OFFICIAL**  
**TOWNSHIP OF SPRINGFIELD - FIRE REPORT - FILE ID # 73814**  
**FRANCISCO MORENO, GENERAL CONTRACTOR, UNLICENSED**

**WORK SITE LOCATION: 67 FOREST DRIVE, SPRINGFIELD, NJ**  
**FEBRUARY 24, 2011 AGENDA ITEM 36**  
**UNLICENSED PRACTICE OF PLUMBING**

A Cease and Desist with a \$10,000 penalty was issued to the above general contractor, Francisco Moreno. Mr. Moreno signed the Certification to the Cease and Desist on August 24, 2011, and appealed to the Board to reduce the penalty and or allow a payment plan.

**Response:**

*This matter was reviewed by the Board in Executive Closed Session; however, no additional information was reported in Open Session at this meeting.*

6. DIVISION OF LAW BILLING  
MEMORANDUM DATED AUGUST 8, 2011  
DARLENE KANE, BUDGET OFFICER  
4<sup>TH</sup> QUARTER OF FY 2011

This report was reviewed in Executive Closed Session.

7. INQUIRY FROM HARRY C. PURDY, T.A PURDY MECHANICAL  
LICENSED MASTER PLUMBER # 11071 - ACTIVE -  
EXPIRATION JULY, 2013;  
MEDICAL GAS INSTALLER CERTIFICATION # 198 - ACTIVE;  
EXPIRATION JUNE, 2013

Licensee Purdy corresponded with the Office of the Attorney, Citizens Services and Relations, concerning his medical gas certification and those of his employees with respect to installations and repairs. Mr. Purdy questioned the need for his medical gas certification.

On September 22, 2011, the Board discussed this matter, and concluded in a motion made by Michael Maloney and seconded by Donald Dileo, to respond to Mr. Purdy and advise him that his company is permitted to perform medical gas piping provided that his certified employees (a) hold an active med gas piping installers certification and (b) those certified employee are performing the work.

Mr. Purdy is also required to provide a copy of the medical gas certification to the municipality for the work being performed. A vote was taken and the motion unanimously passed

REFER: Deputy Attorney General Joseph A. Donofrio to correspond with Mr. Purdy.

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**◆ 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.**

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EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Michael Maloney 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 **October 27, 2011** at 9:00 am in the Hudson Room.

Respectfully submitted,

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Lawrence DeMarzo, Deputy Director  
Division of Consumer Affairs