

**#505 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS - SEPTEMBER 23, 2004**

Public Session Minutes

The Minutes of the September 23, 2004 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on October 28, 2004.

The notice of the September 23, 2004 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 September 23, 2004 was called to order at 9:00 a.m. The following Board Members were in attendance:

Alexander J. Tucciarone, Chairman

Ernest Tretola Vice-Chairman

Margaret Sieb, Secretary

Ralph Wetzel

James Moore

Mark McManus

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

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

Additionally, Deputy Attorneys General Carol Jacobson and Darlene Lapola were present for a short period during Executive Closed Session to review a Sears issue.

PUBLIC SESSION VISITORS:

The following individuals were present from the public and signed the attendance register for this meeting:

Bill Stepler, C.E.P. Associates

Charles Reiners, LMP # 1105

Stephen Rodzinak

Brien McLaughlin, David Weinfeldt, and Walt Emerle of the State League of Master Plumbers

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF THE MINUTES ~ JULY 22, 2004

Note: The meeting scheduled for August 26, 2004 was cancelled.

A motion was made by James Moore and seconded by Mark McManus to approve the Minutes of the July 22, 2004, meeting. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

**CONTINUING EDUCATION AUDIT
OFFICIAL RESULTS ~ and ~ DISCIPLINARY ACTIONS**

1. FULFILLING THE (5) FIVE HOUR REQUIREMENT for the 2003-2005 BIENNIAL RENEWAL

The State Board of Examiners of Master Plumbers conducted an audit into compliance by its licensees concerning the (5) five hour CE requirement for the recent 2003-2005 biennial renewal cycle.

Master Plumbers licenses were renewed for 2003-2005; however, the Board's audit produced a letter dated November 17, 2003, to some 460 randomly selected Licensed Master Plumbers, and requested that each licensee furnish a copy of his/her CE Certificate proving completion of the five (5) hour course for the 2003-2005 biennial renewal.

The Board has continued its pursuit of this audit, and is hereby reporting the following actions– updated since its July 22, 2004, meeting:

2. IN ADVANCE OF THE 2005-2007 MASTER PLUMBER'S BIENNIAL RENEWAL/ CE REQUIREMENT - COURSES TAKEN DURING PERIOD 2003-2005

On September 23, 2004, the State Board of Examiners of Master Plumbers reviewed the resumes and course outlines of those who have expressed interest in teaching Continuing Education (CE) for the 2005-2007 biennial, and who have requested to be scheduled for either initial approval or re-approval as CE Instructors. Those seeking re-approval were not required to appear at the Board's meeting.

REQUEST FOR RE-APPROVAL(S):

ERNEST HISTING LMP #6680 CE INST. # 1
WILLIAM STEPLER CE INST. # 2
MENGSTE THOMAS EL LMP #5756 CE INST. # 3
STEPHEN TIBERIO CE INST. # 5
JAMES VALENTINE CE INST. # 6

SPONSOR:

C.E.P. ASSOCIATES, P.O. BOX 533 - 78 JACKSON RD, BERLIN, NJ 08009

CONTACT PERSON: WILLIAM STEPLER

TEL #: (800)596-8886 (856)719-8887 FAX #: (856)767-8742

E-MAIL #: CEP.ASSOCIATES1@VERIZON.NET

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Mark McManus and seconded by Ernest Tretola, to approve these instructors and their course outline for teaching the CE requirements necessary for the 2005-2007 biennial renewal. A vote was taken and the motion unanimously passed.

DANIEL M. O'GORMAN, CE INSTRUCTOR # 11
LICENSED MASTER PLUMBER # 7656

ÿ SOLE SPONSOR
10 ALBANY ST., EDISON, NJ 08837

TEL #: (732)661-1935
FAX #: (732)661-9326
E-MAIL: DANOGORMAN@VERIZON.NET
CELL #: (732)841-5799

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Ernest Tretola and seconded by James Moore, to approve this Instructor and his course outline for teaching the CE requirements necessary for the 2005-2007 biennial renewal. A vote was taken and the motion unanimously passed.

PAUL FRANK DAMON, CE INSTRUCTOR # 33
LICENSED MASTER PLUMBER # 10002

SOLE SPONSOR for
GREATER NEWARK PLUMBING ASSOCIATION
54 WEST DRIVE, LIVINGSTON, NJ 07039
TEL #: (973)994-0435 (No fax, cell or e-mail)

ÿ APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Mark McManus and seconded by Ernest Tretola to approve this Instructor and his course outline for teaching the CE requirements necessary for biennial renewal 2005-2007, contingent upon the instructor providing time allotments for his course. A vote was taken and the motion unanimously passed.

CHARLES T. REINERS, CE INSTRUCTOR # 48
LICENSED MASTER PLUMBER # 1105

SOLE SPONSOR
309 FYCKE LANE, TEANECK, NJ 07666
TEL #: (201)836-4658
FAX (201)692-9465
EMAIL: CREINERS@IOPENER.NET

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Ernest Tretola and seconded by James Moore, to approve this Instructor and his course outline for teaching the CE requirements necessary for the 2005-2007 biennial renewal. A vote was taken and the motion unanimously passed.

JOHN GLYNN, INSTRUCTOR # 9
LICENSED MASTER PLUMBER # 5882 -&-
F. DALE GLYNN, INSTRUCTOR # 10
LICENSED MASTER PLUMBER # 3565

SPONSOR:
MASTER PLUMBERS EDUCATION SERVICE OF NEW JERSEY
28 KILL ROAD, COLUMBIA, NJ 07832

CONTACT PERSON: GLORIA GLYNN
TEL #: (908)496-9034
FAX #: (908)496-9083
E-MAIL: MPES@nac.net

MASTER PLUMBERS EDUCATION SERVICE OF NEW JERSEY Continued

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Ernest Tretola and seconded by James Moore to approve these Instructors and their course outline for teaching the Continuing Education requirements necessary for biennial renewal 2005-2007. A vote was taken and the motion unanimously passed.

THOMAS W. PANGALDI
CE INSTRUCTOR # 20
LICENSED MASTER PLUMBER # 5536

SOLE SPONSOR
103 WINDMERE COURT, YARDVILLE, NJ 08620
TEL #: (609)298-9618
FAX#: (609)298-9618
OTHER #: (609)468-6885

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by James Moore and seconded by Mark McManus to approve this Instructor and his course outline for teaching the CE requirements necessary for biennial renewal 2005-2007. A vote was taken and the motion unanimously passed.

Note: Messrs. Pangaldi and Pitcherello applied as "sole sponsors" for teaching CE, and advised that they also plan to teach some of their classes together.

THOMAS C. PITCHERELLO
CE INSTRUCTOR # 19

SOLE SPONSOR
17 OAK AVENUE, BORDENTOWN, NJ 08505
TEL#: (609)298-7385
FAX#: (609)298-2285
E-MAIL: 7PITCH1017@AOL.COM

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Ralph Wetzel and seconded by

Ernest Tretola, to approve this Instructor and his course outline for teaching the CE requirements necessary for biennial renewal 2005-2007. A vote was taken and the motion unanimously passed.

Note: Mr. Pitcherello applied as a "sole sponsor" for teaching CE, and advised that he also plans to teach some classes with Sponsor Robert Muller, whose details are also contained in this Agenda.

JAMES A. ERDMAN, CE INSTRUCTOR # 28
LICENSED MASTER PLUMBER # 2555

SOLE SPONSOR
90 FAIR ACRES DR., TOMS RIVER, NJ 08753
TEL #: (732)341-8091 FAX: NONE
E-MAIL: JAERDMAN90@AOL.COM

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Mark McManus and seconded by Ernest Tretola, to approve this Instructor and his course outline for teaching the CE requirements necessary for biennial renewal 2005-2007, contingent upon receipt of his resume and time allotments for his course. A vote was taken and the motion unanimously passed.

PHILIP CHEFF, CE INSTRUCTOR # 15
LICENSED MASTER PLUMBER # 5525

SPONSOR:
THE INSTITUTE FOR CONTINUING EDUCATION
7 SPIELMAN ROAD, FAIRFIELD, NJ 07004

CONTACT PERSON: LOIS D'APUZZO
TEL #: (973)808-1666
FAX #: (973)808-3305
E-MAIL: EdDSI@AOL.COM

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Mark McManus and seconded by Ralph Wetzel, to approve this Instructor and his course outline for teaching the CE requirements necessary for biennial renewal 2005-2007. A vote was taken and the motion unanimously passed.

RUSSELL L. HALL, CE INSTRUCTOR # 7
LICENSED MASTER PLUMBER # 8831

SOLE SPONSOR
140 VAN WINKLE AVE., HAWTHORNE, NJ 07506

TEL#: (973)427-0575
FAX#: (973)427-1275
E-MAIL: HRUSTYDRUM@AOL.COM

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by James Moore and seconded by Ernest Tretola, to approve this Instructor and his course outline for teaching the CE requirements necessary for biennial renewal 2005-2007. A vote was taken and the motion unanimously passed.

BRIAN MITCHELL, CE INSTRUCTOR # 14

SOLE SPONSOR
CONSTRUCTION TRAINING SERVICE
6 ADAM PLACE., P.O. BOX 321, MILLTOWN, NJ 08850

TEL#: (732)247-9897
FAX#: (732)247-7363
E-MAIL: GO2CTS@EARTHLINK.NET

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Ralph Wetzel and seconded by Mark McManus, to approve this Instructor and his course outline for teaching the CE requirements necessary for biennial renewal 2005-2007. A vote was taken and the motion unanimously passed.

ROBERT KORDULAK, CE INSTRUCTOR # 66
LICENSED MASTER PLUMBER # 7053

THOMAS PITCHERELLO, CE INSTRUCTOR # 19

ROBERT W. MULLER, CE INSTRUCTOR #46
LICENSED MASTER PLUMBER # 7053

SPONSOR AND CONTACT PERSON: ROBERT MULLER
TEL #: (732)566-2417
FAX #: (732)566-0935
E-MAIL: Rmuller631@AOL.COM

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Ralph Wetzel and seconded by Ernest Tretola, to approve these Instructors and their course outline for teaching the CE requirements necessary for biennial renewal 2005-2007, contingent upon their submitting time allotments for their course. A vote was taken and the motion unanimously passed.

MARK HILER
LICENSED MASTER PLUMBER # 5353
New CE INSTRUCTOR # 76
SOLE SPONSOR
MARK HILER ~ CODE ENLIGHTENMENT

64 LYONSVILLE RD
BOONTON, NJ 07005-9531
TEL#: 201-460-4629
E-MAIL MHILER@MEADOWLANDS.STATE.NJ.US

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by James Moore and seconded by Mark McManus to approve this Instructor and his course outline for teaching the CE requirements necessary for biennial renewal 2005-2007. A vote was taken and the motion unanimously passed.

REQUEST FOR INITIAL APPROVAL & RE-APPROVAL
New Jersey State League of Master Plumbers (NJSLMP) SPONSOR
Re-approval

STEPHEN C. RODZINAK ~ INSTRUCTOR # 72
LICENSED MASTER PLUMBER # 6761

RICHARD L. PERFETTI ~ INSTRUCTOR # 16
LICENSED MASTER PLUMBER # 4663

PETER I. VOROS ~ INSTRUCTOR # 23
LICENSED MASTER PLUMBER # 8971

JULIUS LEMBO ~ INSTRUCTOR # 73
LICENSED MASTER PLUMBER # 6013

STEPHEN R. COPELAND ~ INSTRUCTOR # 40
LICENSED MASTER PLUMBER # 8871

Initial Approval and scheduled for appearance:

WALTER F. EMERLE, LMP # 11748
New CE INSTRUCTOR # 77

DAVID A. WEINFELDT, LMP # 11772
New CE INSTRUCTOR # 78

SPONSOR:
NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS
821 LINCOLN AVENUE
MANVILLE, NJ 08835

CONTACT PERSON: STEPHEN C. RODZINAK
TEL #: (908)725-5991
FAX #: (908)725-5991
E-MAIL: SRODZINAK@AOL.COM
CELL # (908)625-6717

APPROVAL MOTION ~

On September 23, 2003, subsequent to the Board's review, a motion was made by Mark McManus and seconded by Ralph Wetzels, to approve these Instructors and their course outline for teaching the CE requirements necessary for biennial renewal 2005-2007. A vote was taken and the motion unanimously passed.

It is noted that Michael J. Heller withdrew his request to teach CE in a fax received at the Board Office on Thursday, September 23, 2004. Therefore, he must re-submit a written request for consideration in the event he wishes to teach CE in the future. Mr. Heller was not approved as an Instructor of CE with the NJSLMP sponsor.

3. Revisited from the April 22, & July 22, 2004, Meetings ~

DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF EXAMINERS OF MASTER PLUMBERS

DEFINITIONS: SCOPE OF PRACTICE;
WITHDRAWAL OF BONA FIDE REPRESENTATIVE

REPROPOSED AMENDMENTS: N.J.A.C. 13:32-1.3 AND 3.2
PROPOSED NEW RULE: N.J.A.C. 13:32-1.4

On April 22, 2004, Members of the Board reviewed the above rule and amendments published in the New Jersey Register on April 5, 2004, and noted that readers may submit comments to the Board by June 4, 2004.

On July 22, 2004, with the assistance of Charles Manning, Regulatory Affairs, Division of Consumer Affairs, the Board reviewed:

copies of the six (6) comments submitted;

a copy of the Adoption Notice, and

Mr. Manning's Agency responses to those comments.

Subsequent to their discussion on July 22, 2004, Members of the Board voted to approve this regulation as amended on that date.

On September 23, 2004, Charles Manning revisited this matter with Board members, and following a brief discussion, concluded that the minor changes agreed upon do not appear to be substantive in nature.

However, Mr. Manning advised that he would return to the Board with his findings. A motion was made by Mark McManus and seconded by Ralph Wetzel to approve the changes discussed at this meeting.

A vote was taken and the motion unanimously passed.

4. DISCIPLINARY ACTION _____

*Reporting (1) penalty payment ~ @ \$500 Mr. Widing is maintaining his payment schedule concerning:

IN THE MATTER OF THE SUSPENSION OR REVOCATION
OF THE LICENSE OF
JOHN WIDING, LMP # 7127

TO PRACTICE AS A MASTER PLUMBER IN THE 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 : w/ (12) PAYMENTS TO DATE:

\$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

5. DISCIPLINARY ACTION _____

IN THE MATTER OF THE SUSPENSION OR REVOCATION of the PLUMBING LICENSE OF JAMES BALLARD, LMP # 10737 to PRACTICE PLUMBING IN THE STATE OF NEW JERSEY

PROVISIONAL ORDER OF DISCIPLINE (POD) PREPARED BY DAG JOSEPH A. DONOFRIO FILED BY EXECUTIVE DIRECTOR BARBARA A. COOK 5/27/04 \$2,500 PENALTY PAID 7-14-04 & pressure seal returned

1. Respondent's license to practice plumbing is hereby provisionally suspended unless or until he furnishes the Board with the information requested in the Demand for Statement in Writing Under Oath and for Production of Records in connection with a consumer complaint from A.S. dated May 29, 2003. The complainant asserted that respondent had signed between 760 to 775 permits pertaining to water sub-meters installed in an apartment complex located in Plainsboro, NJ;
2. Respondent shall be assessed a penalty in the aggregate amount of \$2,500 for his failure to cooperate with the Board's request for information pursuant to the Demand for Statement in Writing Under Oath and for Production of Records. Said penalty shall be paid no later than 15 days after entry of any Final Order of Discipline in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.
3. This POD is subject to finalization by the Board at 5:00 pm on the 30th business day following entry hereof unless respondent submits a written reply according to the terms stated within.

Noted on September 23, 2004: This file will require further disciplinary action insofar as licensee Ballard failed to fully comply with the terms of the POD.

6. REQUEST FOR REINSTATEMENT RICHARD A. BADROW, LMP # 6869

EXPIRED LICENSE EFFECTIVE JUNE 30, 1991 FAILED TO RENEW (7) BIENNIALS

1991-1993; 1993-1995; 1995-1997; 1997-1999; 1999-2001; 2001-2003; 2003-2005

On September 23, 2004, Members of the Board held a discussion of this matter and concluded in a motion made by James Moore and seconded by Ernest Tretola, that while Mr. Badrow need not re-apply as a candidate with Board approval, however, he must re-test and successfully pass the Master Plumber's examination in order to regain his license.

A vote was taken and the motion unanimously passed.

7. DEPARTMENT OF COMMUNITY AFFAIRS DIVISION OF CODES AND STANDARDS

MEMORANDUM DTD. AUGUST 6, 2004 FROM MEGAN J. SULLIVAN

Ms. Sullivan provides information concerning the Code Advisory Board meeting of August 13, 2004 and the approved minutes of the Code Advisory Board meeting of April 23, 2004.

8. EXECUTIVE DIRECTOR'S REPORT

Barbara A. Cook, Executive Director, reserves a portion of Open Public Session to review some pending issues with Board Members. Ms. Cook made no formal comment at this time.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by James Moore and seconded by Ernest Tretola to proceed into Executive Closed Session to review seven (7) administrative closings of consumer complaints, eight (8) pending consumer complaint matters; three (3) unlicensed practice cases, issues surrounding the CE audit, the DAG quarterly report, one investigative inquiry, an issue involving Sears, 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, October 28, 2004, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director