

**# 571 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - SEPTEMBER 23, 2010**

The Minutes of the September 23, 2010 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, 2010.***

The notice of the September 23, 2010 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 23, 2010 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.

Robert B. Reeve

Paul N. Bontempo

Adam J. Sabath

Michael L. Sestanovich, Secretary, and Donald Dileo were 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:

Bill Stepler, CEP Associates, Liz Moritz, Administrator, NJSLMP
Thonas Walsh, LMP # 7854

Public Session Visitors: William Stepler, CEP Associates, Liz Moritz, NJSLMP, Ralph Wetzel, NJSLMP, Gary Italiano, NJSLMP, Al Krill, NJSLMP

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 ~ July 22, 2010

A motion was made by Michael Maloney and seconded by Adam J. Sabbath to approve the minutes of the July 22, 2010 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

2011 MEETING DATES

On September 23, 2010, the Board reviewed the meeting dates for 2011 and approved them in a motion made by Michael Maloney and seconded by Robert Reeve. A vote was taken and the motion unanimously passed.

2. **CONTINUING EDUCATION REQUIREMENTS** (5) hrs.
JULY 1, 2011 - JUNE 30, 2013 BIENNIAL RENEWAL
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS - SPONSORS:

APPLICATIONS FOR RE-APPROVAL 2011-2013

CHARLES T. REINERS, LMP #1105; MARK T. HILER, LMP # 5353;
ALBERTO M. VENTURA, LMP # 9123 -&- PAUL V. LOBOZZO, LMP # 5524
ROBERT EHRENTAUT, LMP # 7456 - NJSLMP SPONSOR

On September 23, 2010, the Board reviewed the resumes and course outlines of the above instructors and in a motion made by Adam J. Sabbath and seconded by Robert Reeve voted to approve all of the instructors. A vote was taken and the motion unanimously passed.

3. **CODE MATTERS; LORI GRIFA, COMMISSIONER, DEPT OF COMMUNITY AFFAIRS, TRENTON, CORRESPONDENCE 8-12-2010 RE UNIFORM CONSTRUCTION CODE - Sprinkler Installation requirements AMY F RANK, DEPT OF COMMUNITY AFFAIRS ADOPTION OF 2009 MODEL CODES**

Members noted that 2009 Uniform Construction Code was adopted on September 7, 2010 and published in the New Jersey Register.

DISCIPLINARY ACTIONS - REPORTING PENALTIES ASSESSED & PAID

4. **NICK & SONS CO, UNLICENSED.....\$2,500 PENALTY RESTITUTION
26 RIVER SIDE GARDENS, HACKETTSTOWN, NJ 07840**

**OFFER OF SETTLEMENT - UNLICENSED PRACTICE
FILE ID: #66953**

The Board acknowledged payments of the below actions:

- 5. DAVID GROSSMAN, LMP #10129.....\$1,500 penalty assessed for professional misconduct in failing to issue a contract for work exceeding \$500; payment arrangements permitted 7-22-2010 agenda
\$150 PENALTY PAYMENT 6/22/10
\$150 PENALTY PAYMENT 7/29/10

OFFER OF SETTLEMENT - PAYMENT ARRANGEMENT
FILE ID: #64081

- 6. TONY BRANDO, UNLICENSED.....\$1,500 PENALTY (MODIFIED)
\$200 PENALTY PAID 7/10/10; \$200 PENALTY PAYMENT 8/12/10
149 COOPERSKILL ROAD, DELRAN, NJ 08075

OFFER OF SETTLEMENT - PAYMENT ARRANGEMENT
FILE ID: #65698

- 7. RAY BROWN, UNLICENSED.....\$2500 PENALTY
\$240.00 PAYMENT 7/9/10
210 HIGH STREET, HACKETTSTOWN, NJ 07840
OFFER OF SETTLEMENT - UNLICENSED PRACTICE
PAYMENT ARRANGEMENT FILE ID: #64164

- 8. MEMORANDUM
BURT LIEBMAN 7/30/10
RE: PERIODIC REPORT ON LEGISLATION
No comment

- 9. MEMORANDUM
DARLENE KANE 8/4/10
RE: DIVISION OF LAW BILLING
No comment

- 10. GENERAL HEATING AND COOLING
FILE ID: #66874
DAN O’GORMAN, LMP #7656, COMPLAINANT

On 6-24-2010 the Board reviewed and discussed the advertisement of General Heating and Cooling submitted by Dan O’Gorman on 8-7-2009.

GENERAL HEATING AND COOLING

Members noted that beneath the telephone # 732-251-0849, the language is clear that plumbing work requiring a licensee is subcontracted to a licensed master plumber or authorized plumbing contractor.

Based on the proper subcontracting language, the Board waived any disciplinary action in this matter and closed the file.

The Board acknowledged payments of the below actions:

- 11 OFFER OF SETTLEMENT - \$2,500 PENALTY
MICHAEL J. MOORE, LMP #8383, T/A MOORE PLUMBING

***N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct;
N.J.S.A. 13:32-3.3 Bona fide representative responsibilities;
(5) Serve as a bonafide representative for only one plumbing contractor***
PERMIT MATTERS - LISTING CHURCHVILLE MECHANICAL,
UNLICENSED
Executing Uniform Construction Code (UCC) Plumbing permits
FILE ID # 66273

- 12 OFFER(S) OF SETTLEMENT \$2,500 FINES FOR
UNLICENSED ENTITIES: ADVERTISING PLUMBING SERVICES
NEWS ARTICLES, INTERNET ADS: CRAIG'S LIST, NEWSPAPERS, NEW JERSEY
STATE LEAGUE OF MASTER PLUMBERS, COMPLAINANT

Responses to the Offer(s) of Settlement issued on January 14, 2010 are provided for Board review in Executive Closed Session.

WILLIAM CROWE, t/a J. MALONEY & SON, Unlicensed
PO BOX 329, CEDAR BROOK, NJ 08018 - FILE ID# 65624

Reporting: On June 24, 2010, the Board retracted the fine since the work performed is heating and not plumbing.

13. CHARLES MANNING, REGULATORY ANALYST
CONTINUING EDUCATION MATTERS

Revisiting from May 27, 2010 (#5)
THOMAS F. WALSH, PLUMBING SUBCODE OFFICIAL #5634
LICENSED MASTER PLUMBER #7854

Mr. Walsh submitted correspondence dated January 27, 2010 regarding requirements for both Uniform Construction code (UCC) official courses and the Master Plumber biennial (5) hours.

On April 22, 2010 the Board held a discussion with Charles Manning and concluded that he will draft correspondence to address CE classes for both Master Plumbers and Plumbing inspectors licensed by the Department of Community Affairs(DCA) in Trenton, NJ, by having the Board approve the Sponsors for these requirements and possibly eliminate the need for duplicate classes.

Reply dated July 21, 2010 - Lawrence DeMarzo, Deputy Director

DISCIPLINARY ACTIONS

14. **IN THE MATTER OF THE APPLICATION OF SEAN T. WHELAN FOR
A PLUMBING LICENSE IN THE STATE OF NEW JERSEY
CONSENT ORDER FILED 6-17-2010**

This matter was opened to the State Board of Examiners of Master Plumbers upon receipt of an application for examination for a plumbing license from Sean T. Whelan, respondent. Whelan indicated on the application that he had been convicted of criminal offenses, and provided information and documentation regarding his criminal history. A summary of this Consent Order is as follows:

Whelan appeared at an investigative inquiry and provided testimony concerning his arrests and alcohol addiction. A Consent Order was filed whereby respondent agreed to abstain from any and all mood altering or intoxicating substances and continue in treatment with Alcoholics Anonymous. Prior to examination and subsequent to his licensure, respondent shall provide proof— on a quarterly basis — of attendance at AA, as well as reports from each and every mental health professional participating in his care and treatment. He shall submit to random urine screens at a minimum of twice per month. The Board may modify the frequency of testing or method of testing during the monitoring period. The program and facility for urine screening must be approved by the Board.

Page 7 9-23-2010

SEAN T. WHELAN, *Continued*

All test results shall be provided to the Board's Executive director or designee, and

any failure to provide a urine screen within 24 hours of a request will be deemed as the equivalent to a positive urine test. Urine screens shall not be waived by lab personnel and should the respondent be out of State, arrangements may be made for alternate testing.

Respondent shall provide proof of probation compliance on a quarterly basis and he shall provide any and all releases to any and all parties participating in the monitoring treatment or other program. Mr. Whelan may seek modification of the terms of this order no sooner than one year from the filed date of this order, and shall appear before the Board to discuss his recovery and demonstrate that he is not impaired or limited by any condition which could affect his practice as a master plumber. The Board may require a psychiatric evaluation by a Board approved psychiatrist.

Mr. Whelan consents to the entry of an order of automatic suspension of license without notice should the Board receive documentation showing a violation of this filed order. Respondent shall have the right to apply for a removal of the automatic suspension on five days notice, but shall be limited to showing that the evidence was false.

On September 23, 2010 the Board reserved time in Executive Closed Session regarding Sean Whelan's compliance.

DISCIPLINARY ACTIONS

15. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF JEFFREY R. PATTEN, PLUMBING LICENSE NO. 11020 TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY PROVISIONAL ORDER OF DISCIPLINE (POD) FILED JUNE 17, 2010

This matter was opened to the State Board of Examiners of Master Plumbers upon receipt of information which the Board has reviewed concerning Jeffrey R. Patten. Patten is licensed as a Master Plumber in the State of New Jersey, # 11020, and is the bona fide representative for Jeff Patten Heating and Plumbing. A summary of this POD follows:

On March 10, 2008, the Board received a complaint from consumer 'S.I.' concerning plumbing work performed by Patten, and according to the written estimate, the total cost of the job would be \$3,200. The respondent was paid \$1,000 by check prior to beginning the work and the balance was to be paid upon completion. Patten's signature is on the estimate acknowledging receipt of the initial payment. However, consumer "SI" demanded the return of the deposit when the respondent was late to arrive in beginning the work and failed to return for several appointments. The Board considered the complaint, and voted to recommend the licensee return the \$1,000 deposit.

On May 28, 2009, the Board reviewed the matter and the respondents failure to

respond to the restitution letter requesting the scheduling of Patten's appearance at an Investigative Inquiry. However, Patten failed to appear for the Investigative Inquiry on July 23, 2009. The facts provide grounds for disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(e) in that respondent engaged in professional or occupational misconduct by failing to appear for the scheduled investigative inquiry, though properly notified.

Respondent's license to practice as a Master Plumber is provisionally suspended until such time as he appears before the Board concerning the complaint from consumer "S.I."

Respondent is provisionally assessed a \$2,500 penalty pursuant to N.J.S.A. 45:1-21(e) for failing to appear for the July 23, 2009 inquiry in violation of N.J.A.C. 13:45c-1.3. The within Order is subject to finalization by the Board at 5pm on the 30th business day following entry unless Patten requests a modification or dismissal of the above stated Findings of Fact or conclusions.

DISCIPLINARY ACTIONS

16. **IN THE MATTER OF THE APPLICATION OF GREGORY HOLGATE TO BE CERTIFIED AS A MEDICAL GAS PIPING INSTALLER IN THE STATE OF NEW JERSEY - CONSENT ORDER FILED JUNE 17, 2010**

This matter was opened to the State Board of Examiners of Master Plumbers upon receipt of an application for certification as a medical gas piping installer. Holgate indicated on his application that he had been convicted on December 13, 1976 of breaking and entering in Middlesex County, and was sentenced to three years probation. A condition of that probation was for respondent to receive alcohol treatment and counseling. Holgate's offense history includes a driving under the influence conviction on August 8, 1975, June 20, 1988 and December 20, 2000.

Holgate appeared at an Investigative Inquiry proceeding and testified regarding the conviction and driving offenses. He provided testimony regarding his sobriety and current attendance at AA. The Board is aware of respondent's history and any deviation from the terms of this order will result in an immediate suspension of his medical gas certification. Respondent shall be granted certification as a medical gas piping installer subject to the restrictions in this order. Holgate shall abstain from all mood altering and intoxicating substances. He shall continue in treatment with AA and Carrier Clinic and submit quarterly reports to the Board.

Holgate consents to the entry of an automatic suspension of is certification upon receipt of information of a relapse or recurrence of drug or alcohol abuse. Holgate may apply for a modification or termination of these requirements no sooner than six (6) months from the entry date of this order.

17. IN THE MATTER OF WILLIAM E. TRAVISANO, LMP # 10981 LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NEW JERSEY
FINAL ORDER OF DISCIPLINE FILED 6-17-2010

This matter was opened to the State Board of Examiners of Master Plumbers upon receipt of information concerning William Travisano. He has been a licensed master plumber in the State of New Jersey, # 10981, since 1999. Respondent is the sole owner / bona fide representative of Travisano Plumbing and Heating, and he has never been registered to operate under any other trade name.

The Board received a complaint that respondent's master plumber's license number was appearing in advertisements for Fairfield Plumbing and Rooter-Man, neither of whom are licensed plumbing entities in the State of New Jersey. Travisano provided a response to the Board that he was trying to help his friend, and when business was struggling, he admitted to signing a few permits for Fairfield Plumbing but testified that he had supervised every job. Respondent testified at an investigative inquiry, and admitted to allowing Fairfield Plumbing to use his license number for certain jobs involving boilers and a boiler conversion from steam oil to hot air. Travisano admitted that he and the owner of Fairfield Plumbing (unlicensed) performed the work. He testified that this individual was not an employee of his company.

Respondent further testified that the same individual who owns Fairfield Plumbing also owns Rooter-Man, but denied giving permission to use Travisano's license number in Rooter-Man advertisements. A Provisional Order of Discipline was entered on January 14, 2010. Mr. Travisano submitted a response to the POD by his attorney; however, the Board rejected their argument. Respondent is reprimanded pursuant to N.J.S.A. 45:11-22, for serving as a bona fide representative for more than one plumbing contractor in violation of N.J.A.C. 13:32-33.3(a)(5) and for permitting an unlicensed person/entity to perform an act for which a license is required, and aided and abetted an unlicensed person/entity in performing such an act in violation of N.J.S.A. 45:1-21 (n).

Respondent is ordered to pay a \$2,000 penalty for serving as a bona fide representative for more than one plumbing contractor in violation of N.J.A.C. 13:32-3.3(a)(5). He is also ordered to pay a \$2,000 penalty pursuant to N.J.S.A. 45:11-22 for permitting an unlicensed person/entity to perform an act for which a license is required, and aided and abetted an unlicensed person/entity in performing such an act in violation of N.J.S.A. 45:1-21(n). Payment of the \$4,000 penalty shall be sent to the board no later than thirty (30) days after entry of any final order.

DISCIPLINARY ACTIONS

18. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF WALTER KAZAR, LMP # 7984, PROVISIONAL ORDER OF DISCIPLINE FILED 6-17-2010

Walter Kazar is a licensed master plumber in the State of New Jersey, holding license # 7984. The Board received three (3) consumer complaints relating to plumbing work agreed to be performed by the respondent. Respondent is reprimanded for the violations of N.J.A.C. 13:45A-16.2(12) in that he failed to obtain a written contract for home improvement work to be performed for consumers "AG" and "AC", where the purchase price for the work was in excess of \$500.

The preliminary findings of fact provide ground for disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(d) for engaging in repeated acts of negligence by failing to obtain signed contracts for consumers, for the twelve (12) code violations cited by the East Brunswick plumbing subcode official for the work performed for consumer "AG," and for the judgement entered against him concerning the negligent work performed for consumer "GS."

Respondent's license to practice plumbing in the State of New Jersey is hereby provisionally suspended for performing work for consumers "AG" and "AC" without a required signed contract and for repeated acts of negligence by failing to obtain signed contracts with "AG" and "AC" for the 12 (twelve) code violations cited by the East Brunswick plumbing subcode official for the work performed for "AG" and the judgement entered against him concerning the negligent work performed for consumer "GS." The suspension shall remain active and the Board shall not consider an application for reinstatement until he has satisfied the following:

Page 11 9-23-2010

WALTER KAZAR, LMP # 7984, *Continued*

*Reimbursed consumer "AG" in the amount of \$3,800;
Reimbursed consumer "AC" in the amount of \$6,525.00;*

Reimbursed consumer "GS" pursuant to the terms of the Middlesex County Superior Court Order dated July 21, 1999;

Any practice prior to formal reinstatement of license by the Board shall constitute grounds for unlicensed practice charges. The within order shall be subject to finalization by the Board at 5pm on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above facts or conclusions.

19 MARK TRIMBLE, LMP # 7513 ... Reporting compliance with the FINAL ORDER OF DISCIPLINE FILED 12-18-2008

Correspondence dated February 26, 2010 was received from Christine M. Gravelle, Attorney for Mark Trimble, which details recent restitution checks forwarded by Ms. Gravelle's trust account to the three (3) respective consumers named in this action. Such payments are required in the terms of this filed order, and are made a part of the licensee's file.

This month's payments include: the sum of \$372.81 to consumer Ken Outlaw; a payment of \$290.61 to consumer John Wiacek; and a payment of \$86.58 David Stevens.

Not on the published agenda ➤

STATE BOARD OF EXAMINERS OF HEATING, VENTILATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS (HVACR)

September 8, 2010 meeting

Attending Board Members:

Dominic D. Demico Jr. - Mechanical Inspector 1

Paul J. Mitchell - Master HVACR Contractor 3

Peter Voros, Master Plumber

Michael Maloney, Licensed Master Plumber

Joseph Schooley and James Flaherty

State Board of Examiners of Electrical Contractors

Rosemarie S. Baccile, Executive Assistant

A meeting was held on September 8, 2010 to discuss the development of HVACR Regulations including the issues of the disconnect (electrical) and backflow preventer (plumbing).

◆ 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.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Michael Maloney and seconded by Paul Bontempo to proceed into Executive Closed Session to review 49 consumer complaint matters, unlicensed advertisements and unlicensed practice matters, conduct two (2) investigative inquiries, discuss disciplinary matters arising from the CE audit, 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 28, 2010** at 9:00 am in the Hudson Room.

Respectfully submitted,

Lawrence DeMarzo, Deputy Director
Division of Consumer Affairs