

**#483 MEETING OF THE  
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
- SEPTEMBER 26, 2002**

The Minutes of the September 26, 2002, Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on October 24, 2002.

The notice of the 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 the State in Trenton, New Jersey.

The Board Meeting of September 26, 2002, was called to order at 9:00 a.m. The following Board Members were present:

Ralph Wetzel, Chairman

Alexander J. Tucciarone, Vice-Chairman

Margaret Sieb, Secretary

James Moore

Mark McManus

Ernest Tretola

*At present, there are (3) 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.*

*Recently appointed Board Member Peter J. Mc Donough Jr., Public Member, was not in attendance on August 22, 2002, and formally resigned his position in his letter to the Board dated September 5, 2002.*

*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 present 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 Darlene Lapola served as the Board's counseling deputy for this meeting.

**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

Joseph Albanese, Licensed Master Plumber #6622

## **PLEDGE OF ALLEGIANCE:**

Chairman Ralph Wetzel led the Board in the Pledge of Allegiance to the Flag.

## **APPROVAL OF THE MINUTES - AUGUST 22, MEETING**

A motion was made by Alexander Tucciarone and seconded by James Moore to approve the Minutes of the August 22, 2002, meeting. A vote was taken and the motion unanimously passed.

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### **BOARD BUSINESS**

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#### **1. IN THE MATTER OF JOSEPH R. FICHER, JR.**

Former Licensed Master Plumber # 6213

~ Payment of penalties, costs, fees and interest

On June 28, 2002, one check in the amount of \$54,649.51, plus eight (8) consumer restitution checks (totaling \$2,288.27) were sent to the Board Office from Kathleen Fichner, in satisfaction of the Board's judgment entered on its Certificates of Debt, for Joseph R. Fichner, Jr., former LMP # 6213.

This matter was extensively litigated through administrative, appellate, and enforcement litigation during a ten (10) year period, and resulted in the entry of an order revoking Mr. Fichner's license, directing and ordering restitution to be paid by him to seven (7) consumers, plus assessing civil penalties and costs.

In discharging its role to protect the consumers of this State, the Board returned the restitution checks to each respective consumer on September 16, 2002.

On September 26, 2002, Members of the Board acknowledged receipt of the penalty and restitution monies outlined above.

#### **2. RESIGNATION LETTER FROM BOARD MEMBER PETER J. MC DONOUGH, JR.**

A letter dated September 5, 2002, addressed to Executive Director, Barbara A. Cook, from Peter J. Mc Donough, Jr., expressed that while he is grateful for the nomination to the State Board, he cannot currently serve as a Board Member.

Board Members acknowledged Mr. McDonough's resignation without any formal comment.

#### **3. CONTINUING EDUCATION IN ADVANCE OF THE 2003-2005 MASTER PLUMBER'S BIENNIAL RENEWAL/ CE REQUIREMENT - COURSES TAKEN DURING PERIOD 2001-2003**

The Board continues to review the resumes and course outlines of those who have expressed interest in teaching Continuing Education (CE) for the 2003-2005 biennial and who have requested to be scheduled for either initial approval or re-approval as CE Instructors.

The following individual submitted his resume and course outline:

JOSEPH ALBANESE, LMP # 6622  
113 MAC DONALD DRIVE, WAYNE, NJ 07470  
973-694-1800, Ext/ 3297  
Requested re-approval as CE INSTRUCTOR # 65

On September 26, 2002, Joseph Albanese was present before the full Board seeking re-approval, and following a brief discussion, a motion was made by Alexander Tucciarone and seconded by Mark McManus, to re-approve Mr. Albanese as an instructor of Continuing Education, and approve his course outline.

A vote was taken and the motion unanimously passed.

4. CONTINUING EDUCATION MATTER ~  
ANTHONY MAZZETTA, LICENSED MASTER PLUMBER # 6525  
RENEWED 2001-2003, *seeking CE exemption for the 2003-2005 biennial*

Mr. Mazzetta submitted a letter dated August 8, 2002, expressing his health concerns, and he requested an exemption from the CE requirement for biennial 2003-2005. He confirmed in a telephone call placed to him on September 18, 2002, that he no longer maintains an active plumbing business.

On September 26, 2002, Board Members reviewed Mr. Mazzetta's correspondence concerning his ill health, and recommended that he change the status of his Master Plumber's license from "active" to "inactive." Board Members noted that such a change in licensure would provide Mr. Mazzetta with an opportunity to restore his health, and when he is recovered, he may re-activate his plumbing license and return to the trade.

On September 26, 2002, a motion was made by James Moore and seconded by Ernest Tretola, that correspondence should be directed to Mr. Mazzetta to advise him of the Board's recommendation.

A vote was taken and the motion unanimously passed.

5. CONTINUING EDUCATION  
IN ADVANCE OF THE 2003-2005 MASTER PLUMBER'S BIENNIAL  
RENEWAL CE REQUIREMENT

On September 26, 2002, Members were provided with a current copy of the Continuing Education instructors approved by the Board. Executive Director Barbara A. Cook informed Board Members that the "Biennial Renewal Continuing Education Requirement" listing of all approved CE Instructors has been posted to our website at:

<http://www.nj.gov/lps/ca/plumber/mped.htm>

6. ANTHONY MIRAGLIOTTA, DEPUTY DIRECTOR JUNE 11, 2002, MEMORANDUM

RE: DIVISION OF CODES AND STANDARDS PLUMBING SUBCODE, PRESSURE ASSISTED WATER CLOSETS ~ PROPOSED AMENDMENT: N.J.A.C. 5:23-3.15

Deputy Director Anthony Miragliotta furnished a cover memorandum to the Board enclosing a copy of the above amendment.

On September 26, 2002, Board Member Alexander Tucciarone, serving as the Board's Inspector Member, clarified that these particular installations (pressure assisted water closets) pertain to commercial applications where more than two (2) water closets are involved.

Mr. Tucciarone advised that he will report to the Board on the adoption of this proposal when it occurs.

7. DISCIPLINARY ACTION - PROVISIONAL ORDER OF DISCIPLINE  
JOHN NEMRI, LICENSED MASTER PLUMBER # 7073

Board Members were provided with a copy of a letter addressed to licensee John Nemri, dated September 6, 2002, from Deputy Attorney General Darlene Lapola, enclosing a Provisional Order of Discipline filed by Executive Director Barbara A. Cook on September 5, 2002.

The Order includes its finalization by the Board at 5:00 pm on the 30th business day following entry unless licensee Nemri requests a modification or dismissal of the outlined Findings of Fact or Conclusions of Law.

The Conclusions of Law indicate that there are grounds for disciplinary action against Mr. Nemri pursuant to N.J.S.A. 45:1-21(h) in that he failed to cooperate with the Board's investigation; violation of N.J.S.A. 45:1-21(b) in that Mr. Nemri engaged in deception and misrepresentation by advertising under different trade names while unauthorized to do so; and violation of N.J.A.C. 13:32-3.3, which prohibits a licensee to serve as a bona fide representative for more than one entity. Said order also details the assessment of a \$10,000 civil penalty for Mr. Nemri's advertising practices in violation of existing New Jersey's Plumbing Statutes and Regulations.

On September 26, 2002, DAG Lapola advised Board Members that to date, there is no written response submitted from the licensee concerning this Provisional Order.

## **NOT ON THE PUBLISHED AGENDA**

Revisiting Item #5 ~ AUGUST 22, 2002, MTG, ~ regarding:

MEMORANDUM OF DARLENE KANE, BUDGET ANALYST  
AUGUST 8, 2002, DIVISION OF LAW BILLING - *Questionable charges*

Executive Director Barbara A. Cook re-scheduled this matter based on the questionable charges billed by the Division of Law, reflected in the fourth quarter report for Fiscal Year 2002. The item in question was a taxation matter billed by DAG Lapola, page # 1068, and Board Members requested that Ms. Cook explore these charges.

On September 26, 2002, DAG Lapola explained that this taxation matter indicated on page 1068 in the billing report is a discrepancy, and those charges will be deleted.

## **NOT ON THE PUBLISHED AGENDA**

JAMES E. COWAN - DECEASED, FORMER LMP # 7465  
DATE OF DEATH JANUARY 23, 2002  
REQUEST FOR CONTINUANCE OF BUSINESS (COB), THOMAS P. COWAN

On September 26, 2002, the Board acknowledged receipt of the following two (2) items of correspondence:

(A) A letter dated September 18, 2002, from Thomas P. Cowan, President, Cowan Plumbing and Heating, advised that Thomas' brother, licensee James E. Cowan, passed away on January 23, 2002. The letter from Thomas Cowan also requested an application for the Master Plumber's examination.

(B) A letter dated September 18, 2002, from Attorney George Cieri advised that Thomas P. Cowan was requesting an extension for the plumbing license of James E. Cowan.

On September 26, 2002, Members of the Board held a discussion regarding the requests of Thomas P. Cowan and his attorney.

Subsequent to their discussion, the following motion was made by Mark McManus and seconded by Margaret Sieb, that:

(A) An application for the Master Plumber's examination should be sent immediately to the applicant, Thomas P.

Cowan, and the application should be submitted for processing as soon as possible;

(B) The Board noted that the licensee passed away on January 23, 2002, and his death *should have been reported to the Board within ten (10) days of his death*, in accordance with N.J.A.C 13:32-3.2 (d). The family failed to comply with that requirement. However, in this case, the Board allowed an exception to the bonafide representative regulation with respect to reporting the date of the licensee's death, based on Mr. Cowan's egregious and untimely death;

(C) One six-month Continuance of Business (COB) extension will be granted by the Board, extending from the date of the meeting on *September 26, 2002, for six months, until March 26, 2002*, and no other extensions will be granted;

(D) Cowan Plumbing must secure the services of a Licensed Master Plumber to supervise their plumbing work during the six-month COB, and they should immediately advise the Board of that supervising licensee, in accordance with N.J.A.C 13:32-3.2(d);

(E) Board Members especially noted that the COB is contingent upon the compliance of Cowan Plumbing meeting all of the terms outlined in (A) through (D).

A vote was taken and the motion unanimously passed.

### **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 and (8) eight pending consumer complaint matters; for consideration of investigation of possible violations of applicable law, pending or anticipated litigation, matters under investigation; review matters within the attorney-client relationship exception to the Open Public Meetings Act. (No investigative inquiries were scheduled for this meeting). 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 24, 2002, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

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Barbara A. Cook  
Executive Director

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*Posted February 2003*