

**#538 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS – SEPTEMBER 27, 2007 MINUTES**

The Minutes of the September 27, 2007 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on October 25, 2007.

The notice of the September 27, 2007 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 27, 2007 was called to order at 9:00 am with the following Members in attendance:

Mark McManus, Chairman

Ralph Wetzel, Vice-Chairman

Peter I. Voros

Michael K. Maloney

Michael L. Sestanovich

Paul N. Bontempo

Donald Dileo and Adam J. Sabath were both absent

As of this Board meeting date, there is one (1) Board member vacancy for a Public Member.

That position was formerly held by Board Member Margaret Sieb who resigned on December 15, 2005.

Others in attendance:

The following individuals were in attendance from 9:00 a.m. until the close of the meeting at 3:00 pm:

Rosemarie Baccile, Executive Assistant

Deputy Attorney General Joseph A. Donofrio

Barbara A. Cook, Executive Director, was absent from this meeting and serving on Jury Duty.

PUBLIC SESSION VISITORS:

Thomas Walsh, LMP # 7854, Plumbing Subcode Official, Township of East Brunswick, NJSLMP

PLEDGE OF ALLEGIANCE to the FLAG

Chairman Mark McManus 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 26, 2007 MEETING

A motion was made by Michael Maloney and seconded by Ralph Wetzel to approve the minutes of the July 26, 2007, meeting. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

PRESENT BOARD MEMBERS - &- CAPACITIES

MARK MC MANUS ~ CHAIRMAN, JOURNEYMAN PLUMBER

RALPH WETZEL ~ VICE-CHAIRMAN ~ MASTER PLUMBER MEMBER

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER

ADAM J. SABATH ~ STATE MEMBER - CHIEF OF STAFF TO SENATE PRESIDENT RICHARD J. CODEY

1. MASTER PLUMBERS REGULATIONS "SUN SETTING" MARCH 28, 2008

The New Jersey Office of Administrative Law reported that the State Board of Examiners of Master Plumbers' Regulations will expire on March 28, 2008.

A Committee of the Board met with Deputy Attorney General Joseph A. Donofrio and Regulatory Analyst Charles Manning on Thursday, September 13, 2007 for a discussion on Sun setting.

Board Members Michael Maloney, Peter Voros and Ralph Wetzel were in attendance with Executive Director Barbara A. Cook and Rosemarie Baccile, Ex. Assistant. The Committee presented their recommendations to the full Board at the September 27, 2007, meeting.

On September 27, 2007, the Board voted to re-adopt the Master Plumbers Regulations with the amendments suggested by the Committee, in a motion made by Peter Voros and seconded by Ralph Wetzel. A vote was taken and the motion unanimously passed.

2. CALENDAR YEAR 2008

STATE BOARD OF EXAMINERS OF MASTER PLUMBERS MEETING DATES

A calendar of meeting dates for 2008 was provided to Board Members without comment.

3. INQUIRY - STEPHEN RODZINAK, SUPERINTENDENT CONSTRUCTION OFFICIAL, TOWNSHIP OF BRIDGEWATER, LETTER OF AUGUST 23, 2007

This inquiry requests a clarification as to the requirements for a Licensed Master Plumber's need to have an HIC Registration with regard to the replacement and new installation of hydronic heating equipment, ie, hot water and steam boilers, also hot air heating systems.

On September 27, 2007, the Board considered Mr. Rodzinak's correspondence, and concluded that this work falls within the scope of the Licensed Master Plumber; therefore this work requires permits and inspections. However, the Licensed Master Plumber does not need a Home Improvement Contractors Registration when doing this work.

A motion was made by Ralph Wetzel and seconded by Michael Maloney.
A vote was taken and the motion unanimously passed.

4. CONTINUING EDUCATION AUDIT CONCLUSION OF AUDIT 2003-2005

The State Board of Examiners of Master Plumbers will continue to report on the conclusion of its audit of 2003-2005 CE requirements. Recent developments include:

**KARL HOLL, LMP # 5695 — CE AUDIT OF 2003-2005
FINAL ORDER OF DISCIPLINE FILED 12/12/2006
\$25.00 PENALTY PAYMENT - 8/01/2007**

**STEPHEN J. DE BIASSE, LMP # 9767
FINAL ORDER OF DISCIPLINE FILED APRIL 28, 2007 - DAG SWANG OO
\$500 Payment August 4, 2007 = \$1,500 PAID TO DATE**

Respondent is assessed a civil penalty in the aggregate amount of \$3,000, consisting of a \$1,000 penalty for failing to cooperate with the Board's continuing education audit by not responding to the Board's request for information upon receipt of the November 17, 2003 and January 14, 2004 letters in violation of N.J.A.C. 13:45C-1.3; a \$1,000 penalty for failing to complete the 2003-2005 continuing education (CE) requirement prior to June 30, 2003 in violation of N.J.S.A. 45:14C-18.1 and N.J.A.C. 13:32-6.1; and finally a \$1,000 penalty for indicating on the application for the 2003-2005 biennial renewal that he would have already completed his continuing education requirement by June 30, 2003, when in fact, he failed to provide a copy of a CE certificate demonstrating his compliance by that date. Total 2003- 2005 AUDIT penalties collected:

Total 2003-2005 AUDIT costs collected:

These figures were updated August 16, 2007

4A. The CONTINUING EDUCATION (CE) AUDIT for BIENNIAL 2005-2007 2nd (Second) Official Board audit

The Board scheduled a review in Executive Closed Session to consider the findings of its "second official CE audit" of licensees pertaining to the 2005-2007 biennial renewal. Any disciplinary action instituted by the Board will be reported in Open Public Session upon completion.

5. JOSEPH KLISH, LMP # 10159, T/A JFK PLUMBING OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING ISSUED MAY 14, 2006 VIOLATIONS OF N.J.S.A. 45:1-21(e) professional or occupational misconduct

\$100 penalty paid July 23, 2007

**In conjunction with consumer complaint matter:
KATHLEEN COATES, CONSUMER, FILE ID # 42333**

The licensee was assessed and paid a \$100 fine for professional misconduct. The Board determined that the licensee advertises for "Same day service;" however, he failed to meet the scheduled demands of the consumer on four (4) occasions and was fined. This matter is paid in full and closed.

6. NICHOLAS F. PALMIERI, LMP # 5452 FINAL ORDER OF DISCIPLINE FILED 12-19-2006 CONTINUING EDUCATION ACTION - 2003-2005 AUDIT

Since the licensee had not worked since 1986, licensee Palmieri had been directed by the Board to first, surrender his Master Plumber's pressure seal to the Board Office and secondly, change the

status of his license from "Active" to "Inactive." Based on the licensee's compliance with these terms, the Board waived his civil penalty. The matter is now closed.

**7. RICHARD N. BARLET, SR., LMP # 7917
T/A BLUEWATER MECHANICAL, INC.
OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING
ISSUED JULY 9, 2007 - \$1,750 PENALTY PAID JULY 30, 2007**

Violations of ~

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;
N.J.S.A. 13:32-3.1 Identification of licensed master plumber; vehicles; advertising

In conjunction with consumer complaint matter:
JOHN AND LINDA STEPHAN, CONSUMERS, FILE ID # 44869

A \$250 penalty was assessed against the licensee for his failure to reflect his name and identity as a Master Plumber on the proposal for John and Linda Stephan; a \$1,500 penalty was also assessed for his failure to register his trade name as "Bluewater Mechanical, Inc."

**8. JAMES M. AMMEAN, LMP # 10952
CONSENT ORDER - \$250 PENALTY PAID 8-24-2007**

Respondent's plumbing license expired on June 30, 2005 based on his failure to renew, and as a result, that license was suspended since he did not renew within (30) thirty days of the expiration. While applying for reinstatement, James Ammean acknowledged that he had engaged in the practice of installing irrigation taps— deemed the practice of plumbing. Respondent paid a \$250 penalty for failing to renew his license in a timely fashion, in violation of N.J.S.A. 45:1-22, and for continuing to engage in the unlicensed practice of plumbing after his license was suspended, in violation of N.J.S.A. 45:1-21(e). He agreed to the terms of the Consent Order and paid the penalty in full.

**9. E-MAIL INQUIRY DATED MAY 18, 2007
STATE OF NEW JERSEY, DIVISION/ CRIMINAL JUSTICE (DCJ)
Submitted by: GRACE MAZZOCCHI - CJ # 2007-4071-G
to the DCJ "TIPLINE..."**

An e-mail dated May 18, 2007 was forwarded to the Board Office by DCJ concerning a bid dispute in the Township of Montgomery, regarding "disconnects."

Board Member Paul Bontempo recused himself from the discussion on this Agenda item based on his acquaintance with the Mazzocchi family. Subsequent to the Board's review of this item, a motion was made by Peter Voros and seconded by Ralph Wetzel, that the Board Office will mail a copy of the Scope of Practice regulations to this writer. A vote was taken and the motion unanimously passed

**10 E-MAIL INQUIRY DATED 7-26-2007
MICHAEL J. HELLER-GIUDICE, LMP # 10310**

Question concerning Members of professional Boards: "Are professional board members at liberty to discuss the contents of their package with anyone before the public meeting?"

On September 27, 2007, Deputy Attorney General Joseph Donofrio held a discussion with Board Members and concluded that he will be drafting a reply to Michael J. Heller to respond that professional board members should not share such information before the public meeting.

11. E-MAIL INQUIRY DATED JUNE 28, 2007

**ERIC GRUB, LMP # 6088 / LORRAINE GRUB
OFFICE OF THE ATTORNEY GENERAL (OAG)
CITIZENS SERVICES @ LPS.STATE.NJ.US**

Questioning a "service charge" for payments not made {by customers} within thirty (30)days of billing date.

On September 27, 2007, the Board discussed Mr. Grub's inquiry and concluded in a motion made by Michael Maloney and seconded by Michael Sestanovich that the Grubs would be best served by conferring with their own attorney since such an inquiry is not within the Board's jurisdiction. A vote was taken and the motion unanimously passed.

**12. "PLUMBING LICENSE FOR HIRE"
PROVISIONAL ORDER OF DISCIPLINE FILED 4-26-2007**

Respondent's license to practice plumbing in the State of New Jersey, which is currently suspended by application of N.J.S.A. 45:1-7.1(b), as a result of his failure to apply for renewal within 30 days of its expiration date of June 30, 2005, shall provisionally remain suspended for a period of two years upon any request for reinstatement. The first six months of the suspension are to be active and the remaining 18 months are to be stayed and considered a period of probation. Respondent shall not be reinstated until such time as he has paid in full the civil penalties and costs which are outlined in this provisional order.

Respondent shall immediately surrender his master plumber's pressure seal upon entry of a final order. Respondent shall pay a civil penalty in the aggregate amount of \$10,000, consisting of a \$2,000 penalty for attempting to secure a plumbing permit for an unlicensed person; a \$2,000 penalty for permitting his license and seal to be used by another person; a \$2,000 penalty for willfully allowing an unlicensed person to use his seal; a \$2,000 penalty for aiding or abetting unlicensed practice and a \$2,000 penalty for initially misrepresenting his testimony during the October 23, 2003 inquiry . Respondent is hereby assessed costs in the amount of \$5,387.17.

13. In the absence of the Executive Director, Ms. Baccile reported that during Executive Closed Session at today's meeting, the Board was to consider the conclusive results of the 2005-2007 biennial renewal audit for Continuing Education. Ms. Baccile noted that this is the Board's second audit in enforcing Continuing Education requirements for Master Plumbers. Preliminarily, the results appear encouraging since there are fewer licensees requiring disciplinary action in comparison to the 2003-2005 audit. Monies by way of civil penalties are forthcoming yet from the 2003-2005 audit, and those are reported in today's agenda. With respect to renewal of licensure for 2007-2009, any licensee who has yet to renew, must now qualify for reinstatement procedures and may do so by contacting the Board Office. Ms. Baccile concluded by reporting that the first "On-Line" renewal for Master Plumbers proved successful: 5,476 licensees renewed online: 87.52%; 532 licensees renewed by paper: 8.50% ; 239 licensees were terminated for not renewing.

It is noted that applications for the Master Plumber's examination and Master Plumber's business registration forms are reviewed by Board Members during the course of each business meeting. Applications for Medical Gas piping installers, brazers and instructors will also be reviewed by the Board during the business meeting.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Michael Maloney and seconded by Ralph Wetzel to proceed into Executive Closed Session to review consumer complaint matters, issues surrounding the CE audit, the DAG quarterly report, conduct three (3) Investigative Inquiries, consider seven (7) administrative closings, conduct investigations 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. 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 25, 2007 at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

**Rosemarie S. Baccile
Executive Assistant to**

Barbara A. Cook, Executive Director