

**# 593- BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - SEPTEMBER 27, 2012**

The minutes of the September 27, 2012 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, 2012.***

The notice of the September 27, 2012 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 27, 2012 was called to order at 9:00 am with the following Members in attendance:

Peter Voros. Chairman

Michael K. Maloney, Vice-Chairman

Michael L. Sestanovich, Secretary

James McManus, Jr.

Donald Dileo

Robert B. Reeve

Adam J. Sabath

Paul N. Bontempo

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:

William White, LMP # 8443, New Jersey Council of Master Plumbers, Inc. (NJCMPI)
 Vincent Tinervia, LMP # 10945, NJSLMP
 Joe Remshard, NJCMP, President
 Steve Rodzinak, NJSLMP
 M. Faraone, NJSLMP
 Nick Azmo
 Jeffrey Giesberg

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 26, 2012 MTG

A motion was made by James McManus and seconded by Donald Dileo to approve the minutes of the July 26, 2012 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

1. PLUMBERS EXPERIENCE PROPOSAL -
CHUCK MANNING, REGULATORY ANALYST

On September 27, 2012, Charles Manning, Regulatory Analyst, discussed the above rule proposal with the Board. Subsequent to a discussion, a motion was made by James McManus and seconded by Michael Sestanovich, to amend the proposed rule to include the following:

- the **one year of journeyman experience must be gained in the State of New Jersey**, after completion of the formal apprenticeship training, or upon gaining the Bachelor's Degree, in mechanical, plumbing or sanitary engineering from a college or university accredited by a regional accreditation agency recognized by the Council on Post-Secondary Accreditation Or the United States Department of Education; and
- the requirement for the one journeyman year will be defined as **at least 1,200 hrs.**

A vote was taken and the motion unanimously passed.

2. IRRIGATION LEGISLATION

PERMITS LANDSCAPE IRRIGATION CONTRACTORS TO INSTALL BACKFLOW PREVENTION DEVICES UNDER CERTAIN CIRCUMSTANCES, LIMITS CONNECTIONS TO PIPING OVER 2 INCHES IN DIAMETER

RECUSAL: Board Member Paul Bontempo recused himself from participation in this matter.

On September 27, 2012, the Board discussed this bill and concluded, in a motion made by James McManus and seconded by Robert Reeve, that the Board strongly objects to this legislation for purposes of protecting the health and welfare of consumers. The device described in this legislation is directly connected to a potable water source and if improperly installed, the result could be catastrophic potentially leading to death, where the threat of contamination is imminent.

Members continued in their agreement that the Licensed Master Plumber has been the trade person permitted to perform this task as regulated within the Scope of Practice as defined in New Jersey Plumbing Statutes and Regulations, and is the only person who is properly trained and versed in the principles of plumbing necessary to install the backflow preventer. A vote was taken and the motion unanimously passed.

3. MEMORANDUM - DARLENE KANE
DIVISION OF LAW BILLING - JULY 19, 2012

On September 27, 2012, the Board discussed this report and accepted the billing in a motion made by Michael Maloney and seconded by Robert Reeve. A vote was taken and the motion unanimously passed.

4. FUNDAMENTALS OF LP
INTRODUCTION TO PROPANE - BILL WHITE, CE SPONSOR

On September 27, 2012, the Board reviewed Mr. White's submission of training on propane for his CE program. No comment was made.

5. NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS, INC.
2013-2015 CONTINUING EDUCATION - STEPHEN RODNINAK

On September 27, 2012, the Board considered the above request for re-approval as CE Sponsor. A motion was made by James McManus and seconded by Donald Dileo to re-approve this Sponsor and their course outline. A vote was taken and the motion unanimously passed.

6. TIMOTHY J. FOX, COORDINATOR OF UA LOCAL 9 TRAINING CENTER
RE-CERTIFICATION OF SPONSOR FOR MASTER PLUMBER 2012-2015
BIENNIAL CONTINUING EDUCATION

On September 27, 2012, the Board considered the above request for re-approval as CE Sponsor. A motion was made by Donald Dileo and seconded by Robert Reeve to re-approve this Sponsor and their course outline.

A vote was taken and the motion unanimously passed.

7. REGAN YOUNG, AIA PRESIDENT, REGAN YOUNG ENGLAND BUTERA
ARCHITECTS/PLANNERS/INTERIOR DESIGNERS
SCHOOL BOARD LICENSED PLUMBER EXEMPTION
LETTER DATED AUGUST 23, 2012

On September 27, 2012, a motion was made by Michael Maloney and seconded by Adam J. Sabath to refer Mr. Young to New Jersey Plumbing Statutes and Regulations, namely **Scope of Practice**, N.J.A.C. 13:32-1.4(f)(2) : *Provisions of this section do not apply to: (2) plumbing work performed by full-time employees of a public agency on property owned by that agency.*

It is noted that there are other components of State Law with respect to permits, insurance and bidding regulations. The Board suggested that Mr. Young also explore those other requirements when conducting business in the State of New Jersey.

A vote was taken and the motion unanimously passed.

8. *Scheduled to consider for a default on PROVISIONAL ORDER OF DISCIPLINE:*

**IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF
JAY V. OPRE, LMP #7336**

**LICENSED TO PRACTICE AS A MASTER PLUMBER IN
THE STATE OF NEW JERSEY - FILED 11-2-2011**

Jay V. Opre is a licensed master plumber whose license expired on June 30, 2011, and remains expired. A consumer complaint from consumer BC alleged that the licensee was hired to install a water service to the house to convert from well to city water. Respondent failed to cover trenches that were dug and excessive rain caused those trenches to collapse resulting in damages to the consumer's property. The consumer filed a complaint in Superior Court and a default judgment was obtained for the sum of \$6,557.00. Respondent appeared for an inquiry and testified that he refuses to pay the judgment.

With respect to his business practices, Opre advised that he does not issue W-2s to workers, but provides 1099s instead. He also testified that he maintains contact with workers via cell phone and will often stamp, sign and fill out blank permits before he leaves for Florida so workers can complete them when a job arises. He also admitted that he does not keep records of contacts, and is not present for all final inspections.

Respondent is provisionally reprimanded and provisionally suspended with a \$1,500 penalty for violations of N.J.S.A. 45:1-21(e) in that he engaged in professional misconduct by not paying the valid \$6,557.00 judgment obtained by consumer BC.; violation of N.J.A.C. 13:32-3.5 which provides that any plumbing work that a LMP agrees to perform shall be performed only by the LMP or the employees of the LMP; violations of N.J.A.C. 13:32-3.3(a)2, which requires only the bona fide representative, an authorized employee, or an independent contractor licensed as a master plumber, can secure all permits for plumbing work. Respondent must appear to demonstrate fitness to resume practice and satisfy all requirements for reinstatement.

On September 27, 2012, the Board concluded in a motion made by Michael Maloney and seconded by Robert Reeve, that DAG Donofrio may proceed to finalize the FOD based on the licensee's failure to respond to the POD after being properly served with this action. Members requested that inspectors in Opre's municipality and those surrounding towns should be notified of the POD.

A vote was taken and the motion unanimously passed.

9. **JASON BELANGER, LMP # 12685**

ADMINISTRATIVE ACTION(S) - \$1,000 PENALTY PAID

PROVISIONAL ORDER OF DISCIPLINE FILED JULY 28, 2011

FINAL ORDER OF DISCIPLINE FILED JANUARY 26, 2012

Respondent is reprimanded for conduct outlined in violation of N.J.S.A. 45:1.21 (h) when found by the Manchester Township plumbing officials digging a water service without the proper permit and without the proper license. Other actions include filing false and misleading statements to the township. A \$1,000 penalty is assessed for working as a master plumber and using the designation without the proper license in violation of NJSA 45:14c-12.3 and NJAC 13:32-1.4(b).

Belanger failed to renew his license on June 30, 2011; therefore his license continued in an expired status at the time of the POD. Service of the POD was accomplished August 8, 2011.

On November 29, 2011, Belanger corresponded in writing to change his license status from expired to inactive. However, no response had been submitted in reply to the POD.

On December 15, 2011, a motion was made to proceed into Executive Session for a discussion, and the Board returned to report their decision to finalize the POD.

The FINAL ORDER was entered January 26, 2012 and the fine has been paid in full.

10. *Reports are submitted by applicant Anibal Rivera
In the matter of his application for licensure:*

ADMINISTRATIVE ACTION - ANIBAL RIVERA

CONSENT ORDER FILED MARCH 22, 2012

ACTION REPORTED ON MAY 24, 2012 AGENDA

Respondent applied for examination for a plumbing license and indicated that he had a criminal arrest and conviction history. Having reviewed the entire record of the applicant including his testimony, respondent may sit for the examination for licensure and upon passage of exam, will be granted a license subject to the conditions outlined in filed order. The Board is aware of respondent's lengthy criminal and substance abuse history, and any deviation from the terms of this order will result in immediate suspension of his Master Plumber's license. Such a provision, coupled with restrictions, are adequate to protect the health safety and welfare of the public. Full details are contained in the Filed Order.

On September 27, 2012, the Board discussed this matter and concluded in a motion made by Donald Dileo and seconded by Michael Sestanovich to approve this applicant as a candidate for examination and permit him to test on November 5, 2012. The Board noted that Mr. Rivera must continue his treatment with his counselor. A vote was taken and the motion unanimously passed.

11. **ADMINISTRATIVE ACTION**

ORDER OF SUMMARY SUSPENSION FILED 6-28-2012

JEFF S. GELBEIN, LMP # 9835

LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE
STATE OF NEW JERSEY

Respondent's license is suspended without a hearing and upon any request for reinstatement, he is required to appear before the Board to demonstrate his fitness to resume practice and provide information concerning the complaints from the Township of Bernards Construction Officials. Those complaints state that respondent attempted to submit a falsified chimney certification, and he was later issued a violation by that town. Both Bernards Township and the Board have been unsuccessful in locating Gelbein. He shall also provide a response regarding his activities from the date of his lapsed license (June 30, 2011) until the date of his appearance. He shall surrender his pressure seal to a Board representative. A penalty is not associated with this suspension.

12. Report dated June 6, 2012 submitted

**IN THE MATTER OF THE APPLICATION OF JASON PENTA
FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY
ADMINISTRATIVE ACTION, CONSENT ORDER FILED 6-23-2011**

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 Jason Penta, Respondent, who had indicated on his application that he had been convicted of criminal offenses. Consent Order states in part:

Respondent is permitted to sit for the master plumber's examination and upon passage of same and other license requirements, shall be granted a license subject to restrictions in this order. Penta shall submit to an alcohol/substance abuse evaluation by a licensed alcohol and drug counselor at his own expense and the counselor shall receive prior approval from the Board. The counselor shall notify the Board and submit a full report to the Board.

The Board reserves the right to enter a subsequent order. Respondent consents to an automatic suspension of license should the Board establish that he has violated this order. Respondent has the right to apply for a hearing regarding the removal of such automatic suspension on five (5) days notice.

On September 27, 2012, a motion was made by Paul Bontempo and seconded by Adam J. Sabath to approve Jason Penta for the master plumber's examination.

A vote was taken and the motion unanimously passed.

13. **DISCIPLINARY ACTIONS**

LOUIS L. PASQUALINI, LMP #9742 - \$1,000 - PAID 7/16/12
PROVISIONAL ORDER OF DISCIPLINE FILED MAY 24, 2012

Based on a complaint from the Township of Jackson for a water heater and gas piping, the following is outlined in a Provisional Order of Discipline. Respondent is provisionally reprimanded and fined \$1,000: \$500 for failing to comply with the provisions of a regulation administered by the Board pursuant to NJSA 451.21(h) in that he failed to supervise the plumbing work performed for consumer "JM" under his permit in accordance with NJAC 13:32.3; and fined \$500 for engaging in the use and employment of dishonesty, fraud, deception, misrepresentation and false pretense, pursuant to NJSA 45:1.21(b) in that he allowed his plumbing seal to be used to secure a plumbing permit for an unlicensed person in violation of NJAC 13:3 2-4.1. The order is final within 30 days unless respondent requests a modification or dismissal.

On September 27, 2012, the Board acknowledged that licensee Pasqualini accepted the terms of the POD detailed above, and submitted his full payment of the penalty. A motion was made by Paul Bontempo and seconded by Robert Reeve to request that DAG Donofrio proceed to finalize the FOD, to conclude the matter. A vote was taken and the motion unanimously passed.

14. OFFER OF SETTLEMENT PAID \$10,000 - 8/16/12
FRANK ZURICA, UNLICENSED, T/A LIBERTY MECHANICAL
PAID \$10,000 PENALTY FOR UNLICENSED PRACTICE - FILE ID: #70906

15. OFFER OF SETTLEMENT PAID \$1,000 - 2/22/12
CLEAN FREE SEWER & DRAIN, UNLICENSED
PAID \$1,000 PENALTY FOR ADVERTISING PLUMBING SERVICES

16. OFFER OF SETTLEMENT PAID \$2,500 - 2/6/12
BROWN'S HEATING, COOLING, AND PLUMBING, UNLICENSED
PAID \$2,500 PENALTY FOR ADVERTISING PLUMBING SERVICES

17. CONTINUING EDUCATION SPONSORS:
INITIAL APPROVALS APPEARANCES SCHEDULED:
A - JEFFREY GIESBERG (NOT A LMP)
B - NICK AZMO, LMP #9919
C - ERNEST TEDESCO, LMP #9987
D - ANTHONY CITARELLA, LMP #9875

On September 27, 2012, the Board reviewed the resumes and course outlines of those initial Sponsors of Continuing Education. A motion was made by Donald Dileo and seconded by Robert Reeve to approve these Sponsors for CE with their submitted course outlines.

A vote was taken and the motion unanimously passed.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Robert Reeve 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 25, 2012*, at 9:00 am in the Hudson Room.

A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director