

**#539 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS – OCTOBER 25, 2007 MINUTES**

The Minutes of the October 25, 2007 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on November 15, 2007.

The notice of the October 25, 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 October 25, 2007 was called to order at 9:00 am with the following Members in attendance:

Ralph Wetzal, Vice-Chairman
Served as "Chairman" at this meeting in the absence of Mark McManus

Peter I. Voros

Michael K. Maloney

Michael L. Sestanovich

Paul N. Bontempo

Mark McManus, Donald Dileo, and Adam J. Sabath were absent

Note: The Board functioned as a Committee as of 11:15 am when Member Paul Bontempo excused himself. At 12:00 pm, Board Member Michael Maloney also excused himself. The recommendations of the Committee are presented for review by the full Board on November 15, 2007.

BOARD MEMBER - VACANCY - (1)

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 4:00 pm:

Barbara A. Cook, Executive Director

Rosemarie Baccile, Executive Assistant

Joseph A. Donofrio, Deputy Attorney General, Counseling Deputy

PUBLIC SESSION VISITORS:

Thomas Walsh, LMP # 7854, Plumbing Subcode Official, Township of East Brunswick, and Member New Jersey State League of Master Plumbers {NJSLMP}

Elizabeth Moritz, Administrator, NJSLMP

Brien McLaughlin, NJSLMP

Jim Valentine and Bill Stepler of CEP Associates, Instructors of Continuing Education

PLEDGE OF ALLEGIANCE to the FLAG

Ralph Wetzel 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 ~ SEPTEMBER 27, 2007 MEETING

A motion was made by Paul Bontempo and seconded by Michael Sestanovich to approve the minutes of the September 27, 2007 meeting. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

Documentation is provided on all matters unless otherwise noted.

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. REQUEST FOR REINSTATEMENT - Correspondence from JANET L. PORRO, PEQUANNOCK, NJ, on behalf of:

**THOMAS MC GROGAN, Expired LMP # 10103,
Letter of September 14, 2007 -Expired Master Plumber's License as of June 30,
1999 - FAILED TO RENEW (4) BIENNIALS**

On October 25, 2007, the Board considered this request for reinstatement, and in a motion made by Michael Maloney and seconded by Michael Sestanovich voted to permit re-testing for Mr. McGrogan toward re-gaining his Master Plumber's license. This motion was made in accordance with existing New Jersey Plumbing Statutes and Regulations 13:32-2.6(f), a person seeking reinstatement after more than five (5) years must successfully complete the examination; et als.

2. DISCIPLINARY ACTION

**WILLIAM J. SHERMAN, LMP # 11142
\$250.00 PENALTY PAID AND OFFER SIGNED**

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

Violations of ~

**N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct;
N.J.A.C. 13:32-3.1 (a) - (e) Identification of Licensed Master Plumber; vehicles;
stationery; advertising; In conjunction with consumer complaint matter:**

**ELECTRICAL INSPECTOR, TOWNSHIP OF CLINTON - CLOSED;
CONSUMER CATHERINE EDELSBERG, ANNANDALE, NJ, FILE ID # 40002
Failure to indicate his Master plumber's license number on his correspondence**

3. DISCIPLINARY ACTION

JAMES R. MURRAY, LMP # 8706

\$250.00 PENALTY PAID 9./01/07 AND OFFER SIGNED

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

Violations of ~

N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct;

**N.J.A.C. 13:32-3.1 (a) - (e) Identification of Licensed Master Plumber; vehicles;
stationery; advertising;**

Failure to indicate his Master plumber's license number on company letterhead in responding to the Board.

4. DISCIPLINARY ACTION

JAMES R. MURRAY, LMP # 8706

T/A All Week Plumbing and Heating

\$3,250.00 PENALTY PAID 9/07/07 AND OFFER SIGNED

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

Violation of ~

N.J.S.A. 45:1-21(d) has engaged in repeated acts of negligence

In conjunction with:

CONSUMER COMPLAINT MATTERS - JULY 26, 2007 AGENDA

File identification numbers:

**42274, 45043, 45225, 46475, 48404, 48500, 50290, 50302, 50364, 52034,
52511, 52513 and 52520**

The State Board of Examiners of Master Plumbers conducted an investigation concerning several consumer complaints (thirteen) (13)— noted above — and considered the licensee's involvement in these matters.

Upon review of all available information, the Board has preliminarily established the licensee's failure to fully comply with N.J.S.A. 45:1-21(d) for engaging in repeated acts of negligence, that is, based on the number of consumer complaints generated against his Master Plumber's license/the company known as All Week Plumbing and Heating, and the nature of those matters.

**5. NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS (NJSLMP) - Elizabeth Moritz,
Administrator**

**RE: Enforcement Issues ~ Doing plumbing work without a license ~
Advertising plumbing work without a license**

The State Board of Examiners of Master Plumbers (SBEMP) conducted an extensive investigation into the advertisement matters presented by the NJSLMP in their correspondence of June 27, 2007. The Board determined that all of these entities, listed below, are "Unlicensed" as plumbing contractors— that is, with the exception of Leacy's Plumbing and Heating, William P. Leacy, LMP # 10221.

NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS

The Board issued its "Advertising Letter" to each of the unlicensed entities presented in the League's June 27, 2007 correspondence listed below. This letter explains the Rules and Regulations of the SBEMP pertaining to advertising, and cautions that civil penalties will be imposed for those who fail to cooperate. These entities are:

Do All Handyman Service LLC Man Around the House

CP Henry Mechanical Troy Radgman Construction LLC

Aqua Solutions, LLC Triple - M General Construction, LLC

Ray Brown Jr. Services Monmouth Ocean Remodeling Experts LLC

Case Handyman and Remodeling Joseph Bocra

Bella Home Improvement, LLC Jim Ratigan

James Garoh A Home Improvement Company

Community Concepts Boca Home Services

Liberty Interiors Handyman Specializing in All Trades

A Handy Service Mac's Home Improvements

6. 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:

STEPHEN J. DE BIASSE, LMP # 9767

FINAL ORDER OF DISCIPLINE FILED APRIL 28, 2007 - DAG SWANG OO

\$3,000 civil penalty

\$500 Payment September 4, 2007 = \$2,000 PAID TO DATE

STEPHEN J. DE BIASSE, LMP # 9767, Continued >>

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 October 16, 2007

7. Ms. Barbara A. Cook, Ex Director reserves this time; however, made no formal comment.

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.

NOT ON THE PUBLISHED AGENDA

On October 25, 2007, Charles Manning, Regulatory Analyst, attended this meeting concerning the following regulations:

N.J.A.C. 13:32-2.6 Renewal of license and N.J.A.C. 13:32-1.4 Scope of Practice. Charles Manning provided the Board with changes to these two (2) regulations, and following a brief discussion with Members, a motion was made by Michael Maloney and seconded by Paul Bontempo to update the first rule as drafted. A subsequent motion was made by Peter Voros and seconded by Paul Bontempo to update the second rule as drafted. A vote was taken on both motions and both unanimously passed.

NOT ON THE PUBLISHED AGENDA

REVISITING FROM SEPTEMBER 27, 2007 Agenda Item #3

On October 25, 2007, the Board agreed that a copy of this correspondence (below) be forwarded to the Department of Community Affairs, Trenton, NJ, to the attention of Thomas Pitcherello, in the matter of:

"(#3) September 27 2007 Agenda Inquiry from - 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."

It is noted that this request was made of the Board at the October 25, 2007 meeting by the New Jersey State League of Master Plumbers.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Michael Maloney and seconded by Paul Bontempo to proceed into Executive Closed Session to review approximately (40) complaint matters, issues surrounding the CE audit, the DAG quarterly report, conduct two (2) Investigative Inquiries, consider six (6) 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 November 15, 2007 at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook
Executive Director