

**# 594- BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - OCTOBER 25, 2012**

The minutes of the October 25, 2012 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, 2012.***

The notice of the October 25, 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 October 25, 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.

Robert B. Reeve

Adam J. Sabath

Paul N. Bontempo

Donald Dileo was 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:

Vincent Tinervia, LMP # 10945, NJSLMP
Joe Remshard, NJCMP, President
Dan O’Gorman, LMP # 7656
Thomas Walsh, LMP #7854, East Brunswick Plumbing Subcode
Anthony V. Schiavone, LMP # 12119

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 SEPTEMBER 27, 2012 MTG

A motion was made by Michael Maloney and seconded by Robert Reeve to approve the minutes of the September 27, 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.) DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
OFFICE OF THE DIRECTOR
LEGISLATIVE AFFAIRS

REPORT ON LEGISLATION - BURT LIEBMAN - OCTOBER 4, 2012

The Board reserved comment until a copy of the bill was provided.

- 2.) MEMORANDUM
DARLENE KANE, BUDGET OFFICER
OCTOBER 1, 2012
FY2012 BUDGET REPORT (FINAL)

Members accepted this report without comment.

- 3.) IN THE MATTER OF THE LICENSE OF
JAMES P. FLANAGAN, LMP #1478
T/A AQUA AIR CONTRACTING, LLC

LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NJ
ADMINISTRATIVE ACTION - PROVISIONAL ORDER OF DISCIPLINE
FILED - AUGUST 27, 2012

Respondent is hereby provisionally reprimanded, pursuant to N.J.S.A. 45:1-22, for violation N.J.S.A. 45:1-21 (b), (e) and (h). Respondent shall provisionally reimburse M.S. & T.S in the amount of eight thousand eight hundred and thirty dollars (\$8,500.00), which represents the amount owed in accordance with the stipulation of settlement.

Respondent is hereby provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of two thousand five hundred dollars (\$2,500.00) for violating N.J.S.A. 45:1-21 (b), (e) and (h).

Respondent's license to practice as a master plumber in the State of New Jersey, which is currently administratively suspended by operation of N.J.S.A. 45: 1-7.1, shall now be provisionally suspended as a disciplinary action. Prior to the Board entertaining any petition by respondent for reinstatement of his license, respondent shall be required to appear before the Board to demonstrate his fitness to resume practice.

IN THE MATTER OF THE LICENSE OF
JAMES P. FLANAGAN, LMP #1478 - T/A AQUA AIR CONTRACTING, LLC

LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NJ
ADMINISTRATIVE ACTION - PROVISIONAL ORDER OF DISCIPLINE
FILED - AUGUST 27, 2012

Continued

On October 25, 2012 the Board granted Mr. Flanagan **an additional thirty (30) days** in which to respond to this disciplinary action. Mr. Flanagan had contacted the Board Office requesting an extension. A motion was made by Michael Maloney and seconded by Paul Bontempo. DAG Donofrio noted this accommodation accordingly. A vote was taken and the motion unanimously passed.

4.) IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF:

VINCENT A. AUFIERO, LMP #6536

CONSIDERATION FOR DEFAULT ON POD FILED JUNE 24, 2010

PROVISIONAL ORDER OF DISCIPLINE FILED JUNE 24, 2010

Respondent's license to practice plumbing is provisionally revoked based on the June 24, 2010 Order. On July 24, 2009, Respondent was convicted in Somerset County of four counts of Official Misconduct in the 2nd degree, one county of identity theft in the 3rd degree, one count of insurance fraud in the 3rd degree and one count of engaging in a pattern of official misconduct in the 2nd degree, and sentenced to eight years in New Jersey State Prison.

He was ordered to pay \$45,995.63 in restitution to the Somerville Board of Education. While employed for the Somerville Board of Education (SBE) during 2000 and 2007,

Respondent used SBE funds to make purchases for his personal use. The POD was issued via UPS to the Respondent's last known address and delivered on October 20, 2010.

On October 25, 2012, a motion was made by Robert Reeve and seconded by James McManus to **finalize the POD**.

A vote was taken and the motion unanimously passed.

5.) CONTINUING EDUCATION SPONSORS: BIENNIAL 2013-2015
REAPPROVALS:

A - ALBERTO M. VENTURA, LMP 9123 & PAUL V. LOBOZZO, LMP 5524

B - RUSSELL L. HALL, LMP #8831

C - DAN O’GORMAN, LMP #7656

On October 25, 2012, a motion was made by James McManus and seconded by Robert Reeve to re-approve the above Sponsors of Continuing Education and approve their respective course outlines.

A vote was taken and the motion unanimously passed.

6.) **FAILURE TO COMPLY WITH TERMS OF FINAL ORDER OF DISCIPLINE
FILED JANUARY 20, 2012**

IN THE MATTER OF **WALTER D. WINNER, JR., LMP #9349**, TO PRACTICE
PLUMBING IN THE STATE OF NEW JERSEY, ADMINISTRATIVE ACTION -
FINAL ORDER OF DISCIPLINE 1-20-2012

Respondent is ordered to pay restitution to the consumer JG in the amount of \$2,200 within 60 days and shall provide proof of payment to the Board within ten days of that restitution. Respondent is assessed a civil penalty in the amount of \$2,500, the entire portion to be stayed as long as he provides the ordered restitution. The civil penalty is assessed pursuant to N.J.S.A. 45:1-21(e) for failing to cooperate with the Board’s investigation and failing to provide information concerning the consumer complaint from JG.

The Board received a complaint from consumer JG that he entered into a contract with respondent to remodel two bathrooms. JG provided that he issued the check for \$2,200 to the respondent, Winner, and advised that respondent cashed the check, but never began the work.

On October 25, 2012, a motion was made by Michael Maloney and seconded by Robert Reeve to proceed into Executive Closed Session for advice of counsel on this matter.

A vote was taken and the motion unanimously passed.

*Reporting on his meeting with DIRECTOR ERIC KANEFSKY 9-27-2012
Revisiting from the JULY 26, 2012 MEETING*

On October 25, 2012, Chairman Peter Voros advised in Open Session that he had attended a meeting with Acting Director Eric Kanefsky on September 27, 2012. Mr. Voros advised that the Director is interested in Consumer Fraud issues and is concerned regarding some of the issues raised in the correspondence submitted by both associations, the NJ Council and the NJSLMP.

Chairman Voros then commenting on some of the items listed in the original "wish lists," recommended that each association *create a new list of concerns focusing on the issues within the jurisdiction of the Board and Division*. This new list should be mailed directly to the Board Office for re-scheduling on an agenda date.

The items discussed on October 25, 2012 are as follows:

- ◆ ***WILLIAM WHITE, SECRETARY OF NJ COUNCIL OF MASTER PLUMBERS (NJCMP) LETTER DATED - JUNE 20, 2012 - SUBMITTED TO THE BOARD REQUEST FOR MEETING WITH - DAG AND CONSUMER PROTECTION ENTITLED "WISH LIST"***

On July 26, 2012, during the public comment period, Chairman Peter Voros reviewed the "Wish List" with (11) eleven issues detailed by the NJCMP. On that date, Chairman Voros advised that he will correspond with the Director, Eric Kanefsky, concerning this meeting request.

- ◆ ***NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS (NJSLMP) CORRESPONDENCE - MEETING REQUEST WITH MR. KANEFSKY THOMAS F. WALSH, STEVEN RODZINAK, STEVEN RICKERSHAUSER, ANTHONY SCHIAVONE, ORLANDO OLIVA, RICHARD MARTINELLI LICENSE ENFORCEMENT ISSUES LETTER - DATED JULY 7, 2012 ADDRESSED TO ERIC T. KANEFSKY, ACTING DIRECTOR***

On July 26, 2012, also during the public comment period, Chairman Peter Voros reviewed the above correspondence submitted from the NJSLMP. After a brief discussion, Mr. Voros expressed the Board's concern for the protection of licensees and consumers, and requested that all future correspondence be directed to the Board for appropriate handling. Chairman Voros advised on that date that he will correspond with Mr. Kanefsky concerning this meeting request.

◆ 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 James McManus 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 **November 15, 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