

**# 572 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - OCTOBER 28, 2010**

The Minutes of the October 28, 2010 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on ***November 18, 2010.***

The notice of the October 28, 2010 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 28, 2010 was called to order at 9:00 am with the following Members in attendance:

Peter Voros. Chairman

Michael K. Maloney, Vice-Chairman

James McManus, Jr.

Robert B. Reeve

Michael L. Sestanovich, Secretary

Donald Dileo

Paul N. Bontempo and Adam J. Sabath were 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:

Steve Rodzinak, New Jersey State League of Master Plumbers (NJSLMP),
Joseph E. Remshard and Gerald Fahr, New Jersey Council of Master Plumbers (NJCMP),
Anthony Schiavone, NJSLMP, Ed Shinn, NJCMPI, William White, NJCMP, Orlando Oliva,
NJSLMP, Bill Stepler, CEP Associates, Thomas F. Walsh, NJSLMP/Township of East
Brunswick, Dominic Demico, Jr. and Paul Mitchell, HVACR Board.

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 ~ September 23, 2010

A motion was made by Donald Dileo and seconded by Robert Reeve to approve the minutes of the September 23, 2010 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

DISCIPLINARY ACTIONS

1. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF **VINCENT A. AUFIERO**, LMP # 66536 TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY - ADMINISTRATIVE ACTION - PROVISIONAL ORDER OF DISCIPLINE FILED 6-24-2010

According to the POD filed 6-24-2010, Respondent's license to practice plumbing in the State of New Jersey is provisionally revoked. The order is subject to finalization by the Board at 5pm on the 30th business day following entry unless Respondent requests a modification or dismissal of the stated Findings of Fact or Conclusions of Law. The POD details of the licensee's criminal convictions for theft, fraud and occupational misconduct.

2. IN THE MATTER OF THE LICENSEE OF **JOSEPH S. CONIGLIO**, LMP # 4881 TO PRACTICE MASTER PLUMBING IN THE STATE OF NEW JERSEY - ADMINISTRATIVE ACTION - ORDER OF SUMMARY SUSPENSION

Based on the POD filed 6-24-2010, the Respondent was licensed as a Master Plumber until June 30, 2007, after which time he permitted that license to lapse. He was convicted in federal district court of mail fraud and extortion, sentenced to federal prison and ordered to pay \$15,000 in fines. Respondent 's license is suspended without hearing. Any reinstatement request will require the Respondent's appearance before the Board.

3. IN THE MATTER OF THE APPLICATION OF **MICHAEL D. EBER** LIC MASTER PLUMBER # 11654, TO BE CERTIFIED AS A MEDICAL GAS PIPING INSTALLER IN THE STATE OF NJ - CONSENT ORDER - FILED JUNE 24, 2010

Respondent is licensed as a Master Plumber and submitted an application for certification as a medical gas piping installer. Eber indicated on his application for medical gas certification that he was convicted of resisting arrest in 2005 and was sentenced to five (5) year probation. A condition of probation requires Respondent to report to probation for random drug and alcohol testing. Respondent may be certified; however, he is subject to the conditions outlined in this order.

4. IN THE MATTER OF **NICHOLAS TAMBURRI**, LMP # 149 TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY - ADMINISTRATIVE ACTION
PROVISIONAL ORDER OF DISCIPLINE FILED JUNE 24, 2010

Mr. Tamburri was licensed to practice plumbing in the State of New Jersey, and when he failed to renew his license prior to expiration on June 30, 2007, his license suspended. Tamburri surrendered his master plumber's pressure seal. Respondent engaged in the unlicensed practice of plumbing by continuing to practice plumbing with an expired license based on a complaint from the Borough of Carteret plumbing officials. Tamburri was fined \$2,000 for unlicensed practice; \$2,000 for permitting an unlicensed entity (Frederick Heating) to perform an act for which licensure is required; and fined \$1,000 for professional misconduct when he failed to respond on the complaint .

5. IN THE MATTER OF **MICHAEL J. SITEK** AND APPLICATION FOR THE MASTER PLUMBER'S EXAMINATION - ADMINISTRATIVE ACTION -
PROVISIONAL ORDER OF DENIAL OF LICENSURE FILED AUGUST 18, 2010

Michael J. Sitek submitted an application dated March 20, 2009, to the Board for a master plumber's license. The application contains the question "Have you ever been convicted of any criminal offense," and the respondent checked "No." However, the Board received information regarding Sitek's criminal history, and he appeared for an investigative inquiry to testify regarding his indictment, arrests, and drug abuse. Respondent's application for a master plumber's license is denied. The POD is subject to finalization on the 30th business day following entry unless he submits a written request.

6. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF **PAUL RIVERS**, LMP # 11913 TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY - PROVISIONAL ORDER OF DISCIPLINE, FILED
AUGUST 18, 2010

Paul Rivers is provisionally reprimanded for permitting an unlicensed person to perform an act for which a license is required by the Board, in violation of N.J.S.A. 45:1-21(n), and allowed the use of his pressure seal by a person other than the licensee to whom it was issued. The licensee was fined a total of \$2,500 for these violations while he signed and sealed plumbing permit for the job performed by Jeff Rivers, unlicensed at the time.

Paul Rivers' response was reviewed in Executive Closed Session

7. IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF **JEFFERY RIVERS, LMP # 12405** TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY - PROVISIONAL ORDER OF DISCIPLINE FILED AUGUST 18, 2010

Jeffery Rivers is licensed as a Master Plumber since June 22, 2007, and has been the bona fide representative for Jeff Rivers Plumbing and Heating. Subsequent to a complaint filed, Respondent is provisionally reprimanded for professional or occupational misconduct by engaging in the unlicensed practice of plumbing and for false pretense in that he represented himself as licensed before he acquired his license. The complaint includes his failure to complete the job plus performing plumbing work which caused damages to the consumer's home. A \$2,500 civil penalty is assessed against him plus \$1,500 in consumer restitution to C.B. file # 55303.

As of the Board meeting agenda, no reply has been submitted by Jeffery Rivers.

8. DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
SCOPE OF PRACTICE ADOPTED AMENDMENT: N.J.A.C. 13:32-1.4
SEPTEMBER 20, 2010 - NEW JERSEY REGISTER
The Board acknowledged this adoption without comment.

9. "BFR OWNERSHIP RULE"
N.J.A.C. 13:32-3.2 BONA FIDE REPRESENTATIVE - REPORTING RESPONSIBILITIES
CHARLES MANNING, REGULATORY ANALYST

On October 28, 2010, the Board reviewed a draft with Charles Manning and voted in a motion made by Michael Maloney and seconded by Robert Reeve, to approve this proposal as amended. A vote was taken and the motion unanimously passed.

10. PETER LEVINE, LMP # 3548, t/a TRIANGLE PLBG.
Bona fide representative inquiry dated September 29, 2010

James McManus, Jr. recused himself from this matter and did not participate in any discussion.

On October 28, 2010, the Board discussed this matter and concluded that Deputy Attorney General Joseph Donofrio would correspond with Peter Levine to establish the ten percent (10%) ownership shares required under the Bonafide Representative regulations.

Page 6 10-28-2010

11. DANIEL ACEVEDO, APPLICANT, MASTER PLUMBER'S EXAMINATION

Mr. Acevedo submitted an inquiry regarding the Master Plumber's examination. The Board recently denied Mr. Acevedo when his credentials did not meet the Statutory requirements.

On October 28, 2010, the Board discussed Mr. Acevedo's application and inquiry, and concluded in a motion made by Michael Maloney and seconded by Robert Reeve, that the applicant must gain one full journeyman year in the trade in order to qualify for the Master Plumber's examination. A vote was taken and the motion unanimously passed.

DISCIPLINARY ACTION

12. THOMAS M. SEGREST, LMP # 8125, t/a AMERICAN EAST COAST PLBG
MAXINE CARTER, CONSUMER, FILE ID # 70066 - JUNE 24, 2010 AGENDA
RESTITUTION AWARD: \$1,700
PAYMENT \$1,000.00 DATED SEPTEMBER 7, 2010
Final payment of \$700 to follow...

The Board awarded the sum of \$1,700 in restitution to the consumer when the plumbing contractor failed to obtain the necessary building and plumbing permits for the services performed for Ms. Carter on the sump pump and french drain work. Additionally, no inspections were conducted as a result of the licensee's failure to obtain the necessary building and plumbing permits.

13. **ADVERTISING VIOLATIONS -UNLICENSED ENTITIES**

Offer(s) of Settlement assessing \$2,500 fines for

UNLICENSED ENTITIES: ADVERTISING PLUMBING SERVICES

NEWS ARTICLES, INTERNET ADS: CRAIGS LIST, NEWSPAPERS

COMPLAINANTS: PHCC; NEW JERSEY STATE LEAGUE OF MASTER

PLUMBERS; OTHER LICENSEES; ANONYMOUS

Complaints against unlicensed entities advertising plumbing services were submitted to the Board. All complaints were assigned file numbers and reviewed by the Board. Members voted on June 25, 2009, to issue an Offer of Settlement with a \$2,500 fine to each unlicensed entity where a review of an advertisement established a violation(s) of New Jersey Plumbing Statutes and Regulations. Violations included references to plumbing, minor or light plumbing, water heaters, or ordinary repairs.

Page 7 10-28-2010

ADVERTISING VIOLATIONS -UNLICENSED ENTITIES

This "Offer" replaces the advertising letter, includes a cease and desist, and assesses a penalty. Offers of Settlement were issued on January 14, 2010 to the subscribers provided by the NJSLMP; however, the responses to these settlement letters are forthcoming and the investigations of these complaints are continuing.

PAYMENT OF ADVERTISING VIOLATIONS:

- 13. JOSE L. CRUZ, UNLICENSED T/A
BRS CONSTRUCTION, LLC - File# 65786**

PAYMENT OF \$2,500 PENALTY
COMPLAINANT: NJSLMP

- 14. YISROEL ZIRKIN, UNLICENSED, T/A CONTRACTOR AND HANDYMAN
COMPLAINANT GARY ITALIANO, NJSLMP
FILE ID # 65887**

OFFER OF SETTLEMENT JANUARY 14, 2010
MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010
\$1,000 PENALTY PAYMENT SUBMITTED ON 10/12/2010

- 15. ROBERT J. HARRISON, UNLICENSED, t/a AUSSIE BOBS ODD JOBS
OFFER OF SETTLEMENT JANUARY 14, 2010 - \$2,500 FINE
MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010 - \$500 FINE
FILE ID # 65659**

PENALTY \$500 PAID IN FULL OCTOBER 13, 2010
COMPLAINANT: NJSLMP

- 16. ADAM GREGORY/MITCH MONAGHAN, UNLICENSED, t/a
AM GENERAL CONTRACTING - FILE ID # 65897
OFFER OF SETTLEMENT JANUARY 14, 2010 - \$2,500 FINE
MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010 - \$500 FINE**
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17. **BLUE RIDGE HEATING AND COOLING, UNLICENSED**
FILE ID # 65820

OFFER OF SETTLEMENT JANUARY 14, 2010 - \$2,500 FINE
\$1,000 MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010

PENALTY PAID IN FULL OCTOBER 12, 2010
COMPLAINANT: SALEM CUMBERLAND PLUMBERS ASSOC.

18. **JOHN QUINTO, UNLICENSED, t/a HERITAGE PAINT/PAPER PLUS**
FILE ID # 65611

OFFER OF SETTLEMENT JANUARY 14, 2010 - \$2,500 FINE
\$500 MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010

PENALTY PAYMENT/PAYMENT ARRANGEMENTS
FIRST PAYMENT OCTOBER 16, 2010 - \$100

COMPLAINANT: NJSLMP

19. **BOB CIPOLLA, UNLICENSED, t/a PROFESSIONAL HANDYMAN SERV**
FILE ID # 65889

OFFER OF SETTLEMENT JANUARY 14, 2010 - \$2,500 FINE
\$500 MODIFIED OFFER OF SETTLEMENT OCTOBER 5, 2010

PENALTY PAYMENT/PAYMENT ARRANGEMENTS
FIRST PAYMENT OCTOBER 15, 2010 - \$100

COMPLAINANT: NJSLMP

20. **DISCIPLINARY ACTION**
LOUIS MORRELL, LMP # 7970; WILL MORRELL, LMP # 7347

t/a MORRELL BROTHERS PLBG LLC
PAYMENT OF \$500 PENALTY
CONSUMER COMPLAINT MATTER - FILE ID # 70180

The licensees were fined \$500 for professional misconduct for the manner in which their company handled this boiler installation, without a permit or an inspection. They also failed to properly investigate the unit prior to its installation.

Applicant refers to N.J.S.A. 45:14C-19. Reciprocity with other States

21. SKY BASKI, PRESIDENT EMPIRE MECHANICAL, INC.
Correspondence dated September 3, 2010
Requesting consideration for reciprocity in gaining a Master Plumber's license

On October 28, 2010, the Board discussed this matter and concluded in a motion made by Robert Reeve and seconded by Michael Maloney that Mr. Baski should identify the State(s) which permit reciprocity with New Jersey, and the file will be revisited upon receipt of his reply.

A vote was taken and the motion unanimously passed.

22. CONTINUING EDUCATION REQUIREMENTS
IN ADVANCE OF THE 2011-2013 MASTER PLUMBERS BIENNIAL RENEWAL -
COURSES TAUGHT 2010 AND 2011

Request for re-approval: Alexander Tucciarone, LMP # 7171
Thomas C. Pitcherello, SPONSOR # 7

Initial approval: Edison R. Shinn, LMP # 10904 - and -
Gerald Fahr, LMP # 2940
Teaching with New Jersey Council of Master Plumbers Inc.

Anthony Schiavone and Orlando J. Oliva
Teaching with the New Jersey Stage League of Master
Plumbers, Inc.
Richard J. Perfetti, Chairman and Steve Rodzinak

CONTINUING EDUCATION REQUIREMENTS

On October 28, 2010, a motion was made by Michael Maloney to re- approve Messrs.

Tucciarone and Pitcherello as CE Instructors, and approve their course outline.

A motion was made by Donald Dileo and seconded by Robert Reeve to approve Messrs. Shinn and Fahr as CE Instructors and approve their course outline.

A motion was made by James McManus and seconded by Robert Reeve to approve Messrs. Schiavone and Oliva to instruct Continuing Education and approve their course outline.

A vote was taken and unanimously passed.

23. **STATE BOARD OF EXAMINERS OF HEATING, VENTILATING, AIR CONDITIONING AND REFRIGERATION CONTRACTORS (HVACR)**

Attending HVACR Members:

DOMINIC D. DEMICO, JR. - Mechanical Inspector 1

PAUL J. MITCHELL - Master HVACR Contractor 3

CHARLES MANNING, REGULATORY ANALYST

Discussion regarding the development of HVACR Regulations

24. *Correspondence to Alexander Tucciarone, Chair, Plumbing Subcode Committee from Lawrence DeMarzo Deputy Director, Division of Consumer Affairs Re input on backflow devices - HVACR Board Regulations*

On October 28, 2010, the Board held a discussion with Dominic Demico and Paul Mitchell of the HVACR Board concerning backflow preventers.

Members noted that a November 5, 2010 meeting is scheduled at the Subcode Committee in Trenton, NJ, to address this issue.

Therefore, this matter will be re-scheduled for the State Board of Examiners of Master Plumbers at the November 18, 2010 meeting.

◆ 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 Paul Bontempo to proceed into Executive Closed Session to review 49 consumer complaint matters, unlicensed advertisements and unlicensed practice matters, conduct one (1) investigative inquiry, discuss disciplinary matters arising from the CE audit, 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 18, 2010** at 9:00 am in the Hudson Room.

Respectfully submitted,

Lawrence DeMarzo, Deputy Director
Division of Consumer Affairs