

Draft prepared on 11/04/2013 by
Steven Mattia, Government Service
Representative;

**Rosemarie S. Baccile. Acting
Ex Director**

STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
606 - BUSINESS MEETING - MINUTES - NOVEMBER 21, 2013

The minutes of the November 21, 2013 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its next meeting on ***December 19, 2013***.

The notice of the November 21, 2013 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 November 21, 2013 was called to order at 9am with the following Members in attendance:

Peter Voros. Chairman

Michael K. Maloney, Vice-Chairman

Michael L. Sestanovich, Secretary

James McManus, Jr.

Robert B. Reeve

Paul N. Bontempo, absent

Donald Dileo

Adam J. Sabath, 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, Acting Executive Director
Steven Mattia, Government Service Representative

PUBLIC SESSION VISITORS:

None

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 OCTOBER 24, 2013 MTG

A motion was made by Donald Dileo and seconded by Michael Sestanovich to approve the minutes of the October 24, 2013 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.) JOSEPH C. GINELLI, LMP #11856
CONSENT ORDER - FILED APRIL 25, 2013 - MONITORING

CORRESPONDENCE DATED - SEPTEMBER 13, 2013

Respondent's license to practice plumbing expired on June 30, 2007 and was automatically suspended by application of N.J.S.A.45:1-7.1(b). Respondent indicated on his application for reinstatement that he was convicted of several criminal offenses: respondent was sentenced to three years probation for Possession of Controlled Dangerous Substance (N.J.S.A. 2C:35-10a(1)) and Hindering Apprehension (N.J.S.A. 2C:29-3a(4)), in Ocean County, New Jersey on May 9, 2008. Respondent was also convicted of Conspiracy (N.J.S.A. 2C:5-2) and Possession of Schedule I,II,III, and IV Controlled Dangerous Substances (N.J.S.A. 2C:35-10a(1)), in Monmouth County, on January 14, 2011. Respondent was ordered to serve 364 days in prison. Respondent was convicted of Conspiracy (N.J.S.A. 2C:5-2) and Possession of Schedule I,II,III, and IV Controlled Dangerous Substances (N.J.S.A. 2C:35-10a(1)), in Middlesex County, on March 18, 2011. Respondent was ordered to serve one year in prison concurrent with the sentence he was then serving Respondent's license to practice plumbing in the State of NJ shall be reinstated subject to the restrictions and conditions in this Order; he shall provide proof of completion of the ISP program / Intensive Supervision Program; shall continue in treatment with Narcotics with proof; and submit to random urine screens a minimum of once per month.

On November 21, 2013 the Board discussed Mr. Ginelli's compliance with the Consent Order on file. The Board determined that the licensee is meeting the guidelines of this order.

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- 2.) ANIBAL RIVERA, LMP #12992
DRUG TEST MONITORING - CORRESPONDENCE DATED AUGUST 2, 2013
CONSENT ORDER FILED MARCH 22, 2012

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 November 21, 2013 The Board discussed Mr. Rivera's compliance with the Consent Order and determined that he was meeting the criteria of the action.

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- 3.) STEVEN B. ZANNE, LMP # 10731
DRUG TEST MONITORING
CONSENT ORDER FILED MARCH 22, 2012

Respondent applied for the reinstatement of his plumbing license which had expired on June 30, 2007 when he had failed to renew within 30 days of expiration. Respondent indicated that he was convicted of a criminal offense. Having reviewed the entire record, including the records provided as to respondent's medical condition, his probation and rehabilitation, the Board determined that Mr Zanne's plumbing license may be reinstated subject to the conditions outlined in this order. Any

deviation from the terms of the order will result in immediate suspension of licensure.

Respondent is reprimanded for being convicted of a crime involving moral turpitude and relating adversely to the practice of plumbing in violation of N.J.S.A. 35:1-21(f). His license is reinstated however, subject to the restrictions in this order. Full details are contained in the Filed Order.

On November 21 2013, the Board acknowledged receipt of Mr. Zanne's request to modify the terms of his filed order. The Board proceeded in a motion made by Robert Reeve and seconded by Michael Sestanovich, to move into Executive Closed Session to seek counsel of DAG Donofrio and deliberate on Mr. Zanne's request. The Board returned to Open session this date to report that there are no modifications to this Consent Order at this time. A vote was taken and the motion unanimously passed.

- 4.) BOARD OF EXAMINERS OF MASTER PLUMBERS 2014 EXAMINATION DATES
The Board acknowledged the scheduling of examination dates for 2014.

DISCIPLINARY ACTIONS

- 5.) PAID \$229.97 RESTITUTION OCTOBER 2, 2013

MODIFIED OFFER OF SETTLEMENT
MICHAEL J. MESSICK, LMP #8963, T/A MICHAEL J. MESSICK PLUMBING
VICTORIA & JOHN SAPONARA, CONSUMERS, FILE ID: #80160

The \$2,500 penalty assessed for failure to obtain permits has been waived since the licensee provided evidence that proper permits were pulled however late;
Pay restitution money due to the consumer in the amount of \$229.97 which sum represents the fees charged on Invoice #62042, dated May 27, 2011.

The Board acknowledged payment of the restitution and closed this file.

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- 6.) PAID \$500 PENALTY OCTOBER 8, 2013

OFFER OF SETTLEMENT
FREDRICK L. THESSSEN, LMP #12680, T/A THESSSEN SERVICES
RICHARD GOODMAN, CONSUMER, FILE ID: #89224

Assessed a civil penalty in the amount of \$500 for failure to issue a contract in compliance with Home Improvement Regulation requirements;

In the absence of a signed contract - a violation of the Consumer Fraud Act, Home Improvement Practices, N.J.A.C. 13:45A-16.2-(12) Unlawful practices/writing requirement: All home improvement contracts for a purchase price in excess of \$500 and all changes in the terms and conditions thereof, shall be in writing.

On November 21, 2013, the Board acknowledged receipt of the \$500.00 penalty payment from Mr. Thessen.

- 7.) EMAIL FROM TERRI GOLDBERG - DATED OCTOBER 29, 2013
"OPERATION PREDATOR ALERT"
POSSESSION OF CHILD PORNOGRAPHY - ARRESTED OCTOBER 10, 2013
JAMES W. HOOKER, LMP #6154

On November 21, 2013 the Board discussed the filing of an order based on the licensee's arrest, detailed above, and acknowledged the voluntary surrender of James W. Hooker's Master Plumber's license with pressure seal. A motion was made by Robert Reeve and seconded by Michael Sestanovich, to officially accept Mr. Hooker's voluntary surrender of his Master Plumber's license.

A vote was taken and the motion unanimously passed.

CONTINUING EDUCATION REQUIREMENTS FOR 2013-2015 BIENNIAL

- 8.) DANIEL CHATBURN, LMP #8406 - CORRESPONDENCE DATED - OCT. 18, 2013
- 9.) STEVEN REED, LMP #10089 - CORRESPONDENCE DATED - OCT. 12, 2013
- 10.) THOMAS D. FERGUSON, LMP #2142 -CORRESPONDENCE DATED -OCT. 7, 2013

On November 21, 2013, the Board considered the appeals submitted by Messrs. Chatburn Reed and Ferguson and agreed in a motion made by Michael Maloney and seconded by James McManus to grant an extension to allow these licensees to comply with their five (5) hour CE requirement. A vote was taken and the motion unanimously passed. Licensees must submit their CE certificate to the Board upon completion.

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ADDITIONAL ACTION:

In the case of Mr. Reed and Mr. Ferguson, both letters of appeal for CE reflected an out of state address. The Board further requested that these licensees submit evidence of compliance with the regulation set forth below:

13:32-3.3 BONA FIDE REPRESENTATIVE RESPONSIBILITIES

- a) A bona fide representative registered with the Board pursuant to N.J.A.C. 13:32-3.2 shall:
"6) Maintain a place of business in the State of New Jersey.."

A letter should be directed to Mr. Reed and Mr. Ferguson requesting that they also submit their New Jersey business address when they forward proof of compliance with their CE requirement.

◆ *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 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 meeting is scheduled for ***December 19, 2013***, at 9:00 am.

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A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director