

**# 585- BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - DECEMBER 15, 2011**

The Minutes of the December 15, 2011 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on *January 26, 2012*.

The notice of the December 15, 2011 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 December 15, 2011 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., Secretary

Michael L. Sestanovich

Paul N. Bontempo

Donald Dileo

Robert B. Reeve

Adam J. Sabath 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

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 NOVEMBER 17, 2011 MTG.

A motion was made by James McManus and seconded by Donald Dileo to approve the minutes of the November 17, 2011 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. **ROBERT REMM, LMP # 5217**
OFFER OF SETTLEMENT FOR IMPROPER ADVERTISEMENT
IDENTIFICATION OF LICENSEES N.J.A.C. 13:32-3.1 - FILE ID # 75907
\$500 PENALTY PAID OCTOBER 11, 2011
FAILURE TO LIST HIS IDENTITY AS A LICENSEE IN HIS ADVERTISEMENT
T/A ALPINE PLUMBING - "HOME IMPROVEMENT GUIDE"
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2. **EDWARD A. HENDRICKSON, LMP # 12128** - FILED AUGUST 18, 2011:
ADMINISTRATIVE ACTION - ORDER OF SUMMARY SUSPENSION

Respondent Edward A. Hendrickson, was licensed as a Master Plumber from April, 2004, until June 30, 2009 and allowed his license to lapse. A consumer complaint alleged that respondent's business, Excel Plumbing, was paid for plumbing work never completed. A plumbing permit was issued and a \$2,350 deposit was secured. Hendrickson appeared at an inquiry before the Board on May 22, 2008 and testified that he intended to perform three (3) distinct plumbing jobs for consumer "R.M." but never issued a contract, and did not complete the sewer work outlined in the contract. Respondent failed to notify the Board of his address change, and mail issued to him was returned to the Board undeliverable. He then failed to submit his biennial renewal for 2009-2011, providing grounds to automatically suspend his Master Plumber's license.

3. **ORLANDO SALAZAR, LMP # 9574**
ADMINISTRATIVE ACTION - CONSENT ORDER - FILED OCTOBER 28, 2011

This matter was opened to the Board upon receipt of a complaint from the Bayonne, NJ, plumbing subcode official that Salazar failed to list his licensed plumbing contractor's name "R & A Advanced Plumbing" on two plumbing permits for work scheduled at Bayonne public schools. Salazar listed "Salazar and Associates" with his license number as the contractor. The complaint also alleged that the permits for these jobs were not sealed with Salazar's master plumber's pressure seal. Salazar was fined by the City of Bayonne. Respondent testified and admitted his error on the improper trade name, with his failure to register that name with the Board. He admitted he lost his seal and his office manager replaced the seal with an outside vendor seal. Respondent was fined \$2,600, with quarterly payments permissible, for violation of N.J.S.A. 45:1-21(e) engaging in professional misconduct and N.J.A.C. 13:32-4.1, mis-use of his pressure seal.

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4. **JASON BELANGER, LMP # 12685**
ADMINISTRATIVE ACTION
PROVISIONAL ORDER OF DISCIPLINE FILED JULY 28, 2011

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. POD assesses a \$1,000 penalty for working as a master plumber and using the designation without the proper license.

POD becomes final on the 30th business day following entry unless Respondent requests a modification or a dismissal. 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 has 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.

5. **THOMAS GALIGER, LMP # 12200**
ADMINISTRATIVE ACTION - CONSENT ORDER \$5,000 TOTAL PENALTY
SIGNED BY LICENSEE OCTOBER 11, 2011 -(1ST) \$500 payment dtd 10-27-2011
[Presented for Chairman's signature & filing]

This matter was opened to the Board upon receipt of a complaint that licensee Galiger, trading as "Image Plumbing and Heating" on two occasions signed and sealed permits for "Passaic Bergen Water Softening Company (PBWS) unlicensed entity. The first occasion involved a water softener installation for consumer (A.K.), and while the respondent signed the permit (10) months later, the work was done by Passaic Bergen Water, with a code violation and posing a health risk. The second situation involved a water softener installed for consumer (S.S.) performed by PBWS, where a permit was not pulled prior to the work and where Respondent failed to supervise the work.

Respondent was assessed a total \$5,000 penalty: \$2,500 in violation of N.J.S.A. 45:1-22, for failing to comply with the provisions of any act or regulation, in violation of N.J.S.A. 45:1-21(h); and \$2,500 for violation of N.J.S.A. 45:1-21(n), aiding and abetting the unlicensed practice of plumbing and allowing the use of his seal for a plumbing permit by an unlicensed person, in violation of N.J.A.C. 13:32-4.1c, and violation of N.J.S.A. 45:1-21(b) employment of dishonesty, fraud, misrepresentation and false pretense. Bi-monthly payments of \$500 are permitted in the Consent Order.

6. **JOSEPH TODARO, LMP # 6518**

ADMINISTRATIVE ACTION - PROVISIONAL ORDER OF DISCIPLINE
FILED JULY 28, 2011

Joseph Todaro is a licensed master plumber and was the bona fide representative for USA Plumbing. This matter was opened to the Board upon receipt of a complaint from consumer TB that he entered into an agreement with respondent for a furnace and water heater installation. The complaint indicates that the consumer wrote two (2) checks for the work order; however, the third check was written to the name of "Techno Plumbing." The consumer alleged the work was not complete and he obtained a judgement against the respondent.

Respondent was provisionally reprimanded for violation of N.J.S.A. 45:1-21(h) serving as the bona fide representative for more than one plumbing contractor and violating N.J.A.C. 17:27-3.3(a)5, while accepting payment from the consumer without completing the work. Respondent's license is provisionally suspended until he can demonstrate his satisfaction of the outstanding judgment, and is fined a total of \$1,500 for violations stated herein.

On December 15, 2011, the Board confirmed that there had been no response to the POD from the respondent. Subsequent to a discussion, a motion was made by James Mc Manus and seconded by Paul Bontempo to finalize the POD. A vote was taken and the motion unanimously passed.

7. **PIOTR KAMECKI, LMP # 12211**
ADMINISTRATIVE ACTION - CONSENT ORDER FILED 9-22-2011

Respondent was reprimanded and fined \$1,250 for allowing the use of his seal by a person other than the master plumber to whom it was issued in violation of N.J.S.A. 45:11-21(b) and N.J.A.C. 17:27-4.1c, and was fined an addition \$1,250 for serving as a bona fide representative for more than one entity. A complaint received alleged that Kamecki, who was the bona fide representative for Kamecki Plumbing LLC, was allowing his master plumber's license #12211, to be used by Easton Plumbing and Heating, an unlicensed entity owned by Marco Otero. Otero, a master plumber, had not been licensed to engage in plumbing at the time of the complaint. Advertisements and printed invoices accompanied the complaint.

Additionally, Mario Martucci, a licensed master plumber, filed a criminal complaint against Marco Otero, stating Otero had been an employee of Action Plumbing and used materials to moonlight and engage in unauthorized plumbing work. Licensee Kamecki admitted that Otero has worked for him and stated that he gave Otero permission to use Kamecki's plumbing license number for plumbing work in New Jersey.

DISCUSSION WITH HVACR BOARD, PLUMBING BOARD, AND
DEPARTMENT OF COMMUNITY AFFAIRS, TRENTON
N.J.S.A 52:27D-509 “PROPANE GAS CUSTOMER PROTECTION ACT”

On December 15, 2011, the Board discussed amendments to its regulations to effectuate changes to N.J.S.A. 52:27D-509. The amended regulations would require that the apprenticeship program or bachelor's degree that an applicant completes in order to qualify for licensure include education in propane services that covers the same information as the Propane Education and Resource Council's Certified Employee Training Program.

The amended regulations would also require that every continuing education sponsor include one hour of education in propane services during the biennial renewal period beginning on July 1, 2013. Continuing education sponsors would be required to administer a competency evaluation examination that tests a licensee's understanding of the information provided on propane services.

A motion was made by Michael Maloney and seconded by Robert Reeve to promulgate for proposal the amendments to the regulations.

A vote was taken and the motion unanimously passed.

The Board also discussed the need for the testing service (Prometric) to include questions on the provision of propane services.

9. FY 2011 BUDGET REPORT (FINAL)
DARLENE KANE, BUDGET OFFICER
MEMO DATED NOVEMBER 2, 2011

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***◆ 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 Paul Bontempo 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 **January 26, 2012**, at 9:00 am in the Hudson Room.

Respectfully submitted,

Rosemarie S. Baccile, Executive Assistant