

**# 563 MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - DECEMBER 17, 2009**

The Minutes of the December 17, 2009 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on **January 28, 2010**.

The notice of the December 17, 2009 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 17, 2009 was called to order at 9:00 am.

Messrs. Ralph Wetzel and Mark McManus received letters dated December 14, 2009, from Governor Jon S. Corzine, extending his sincere appreciation for their services as Board Members, and notifying them that their respective positions had been filled with new appointees.

On December 17, 2009, Chairman Peter Voros applauded the dedication and services of Mark McManus and Ralph Wetzel for their work while Board Members.

By letter dated December 14, 2009 from Barbara A Plumeri, Director of Appointments, and a letter from Governor Jon S. Corzine, Robert B. Reeve was appointed to the State Board of Examiners of Master Plumbers; Mr. Reeve occupies the Master Plumber position and holds license # 7388;

By letter dated December 14, 1009 from Barbara A Plumeri, Director of Appointments, and a letter from Governor Jon S. Corzine, James McManus, Jr. was appointed to serve on the State Board of Examiners of Master Plumbers as the Journeyman Member.

Members Robert B. Reeve and James McManus, Jr. were sworn by Deputy Attorney General Joseph A. Donofrio.

Michael L. Sestanovich, Michael K. Maloney, Peter Voros, Paul N. Bontempo, Donald Dileo and Adam J. Sabath were reappointed to serve as Members on the State Board of Examiners of Master Plumbers by letter(s) dated December 14, 2009 from Barbara A Plumeri, Director of Appointments, and correspondence from Governor Jon S. Corzine. Adam J. Sabath serves as a public member with this reappointment.

A motion was made by Donald Dileo and seconded by Paul Bontempo to nominate Michael Maloney as Vice-Chairman. Paul Bontempo seconded that nomination. Michael Maloney accepted.

Board Members voted in a motion made by Donald Dileo and seconded by Paul Bontempo to close all nominations and elect the nominee. A vote was taken and the motion unanimously passed.

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)
Sally Barletta, Senior Clerk Transcriber, Rosemarie Baccile, Executive Assistant

PUBLIC SESSION VISITORS:

Thomas F. Walsh, LMP # 7854, NJSLMP

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 ~ NOVEMBER 19, 2009

A motion was made by Michael Maloney and seconded by Michael Sestanovich to approve the minutes of November 19, 2009. A vote was taken and the motion unanimously passed.

BOARD BUSINESS

PRESENT BOARD MEMBERS - &- CAPACITIES

*MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN
MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY
MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER - VICE CHAIRMAN
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*



1. ***SCOPE OF PRACTICE*** ADOPTED AMENDMENTS: N.J.A.C. 13:32-1.4
PROPOSED SEPTEMBER 8, 2009 AT 41 NJR 3198 (a)
Comment period ended November 7, 2009.

On December 17, 2009, Charles Manning reviewed the comments and responses regarding the Scope of Practice amendments, and advised that he will return for the January 28, 2010 meeting to re- address some of these tabled items.

2. DIVISION OF LAW BILLING - NOVEMBER 23, 2009
FIRST QUARTER OF FY 2010

Darlene Kane, Budget Officer, submitted the billing report for Master Plumbers, and Members reviewed the report without comment.

3. ASK CONSUMER AFFAIRS INQUIRY
RAY RUPERTUS, 11-28-2009 - Question regarding permit requirements

On December 17, 2009, the Board discussed this inquiry and responded based on existing Scope of Practice regulations, that a licensed master plumber is not required to work on the sewer connection in the street.

4. REQUEST FOR REINSTATEMENT - MASTER PLUMBER'S LICENSE
MARK A. VAN WERT, LMP # 8507 - EXPIRATION JUNE 30, 1991

On December 17, 2009, the Board discussed Mr. Van Wert's request for reinstatement and referred to N.J.A.C. 13:32-2.6 (f) Renewal of license states:

“A person seeking reinstatement after more than five (5) years following the suspension of a license shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32-2.3, and shall submit:

- A completed reinstatement application;
- Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32-5.1;
- Payment of a reinstatement fee as set forth in N.J.A.C. 13:32-5-1; and
- An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.”

MARK A. VAN WERT, LMP # 8507
Continued

Correspondence will be directed to Mr. Van Wert to advise him of the procedures for reinstatement. A motion was made by Michael Maloney and seconded by Paul Bontempo. A vote was taken and the motion unanimously passed.

5. MARK TRIMBLE, LMP # 7513 ... Reporting compliance with the FINAL ORDER OF DISCIPLINE FILED 12-18-2008

Correspondence dated November 12, 2009, was received from Christine M. Gravelle, Attorney for Mark Trimble, which details recent restitution checks forwarded by Ms. Gravelle's trust account to the three (3) respective consumers named in this action. Such payments are required in the terms of this filed order, and are made a part of the licensee's file.

On December 17, 2009, the Board acknowledged Mr. Trimble's compliance.

6. ADVERTISING MATTERS

Offer(s) of Settlement with fines are being processed for unlicensed entities advertising plumbing services in violation of existing New Jersey Plumbing Statutes and Regulations. The payments of those fines will be reported in Open Session upon receipt.

7. **DISCIPLINARY ACTIONS - PENALTY PAYMENTS**
CONTINUING EDUCATION AUDIT BIENNIAL 2005-2007
Provisional Order(s) of Discipline (POD) filed October 27, 2008

On August 25, 2006 the Board conducted a CE audit involving selected licensees. Respondent(s) indicated on the 2005-2007 biennial renewal application that they will have completed the requirement by June 30, 2005; however, they failed to do so.

Respondent(s) were assessed a \$500 penalty pursuant to NJSA 45:1-22 for failing to complete the required CE for the 2005-2007 biennial by June 30, 2005, in violation of NJSA 45:1-21(h). Respondent(s) were also assessed a \$1,000 penalty for indicating on the application that they would complete the five (5) CE hours by the required date and failing to do so in violation of NJSA 45:1-21(e). The following licensee has complied with the POD, attended a make-up course, and is reported on this Agenda for his penalty payment. Payment arrangements were made for:

BARRY F. CIPPARONE LMP # 8652 - \$1,000 paid by November 4, 2009
December 17, 2009 Agenda: \$200 payment dated 11-27-2009

☐ TOTAL PENALTIES COLLECTED for 2005-2007 CE AUDIT = \$24,400.00

◆ 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 Michael Sestanovich to proceed into Executive Closed Session to review consumer complaint matters, unlicensed advertisements and unlicensed practice matters, hold one (1) investigative inquiries, 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 **January 28, 2010**, at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Lawrence DeMarzo, Deputy Director
Division of Consumer Affairs