

**#552 MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS -MINUTES - DECEMBER 18, 2008**

The Minutes of the December 18, 2008 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on January 22, 2009.

The notice of the December 18, 2008 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 18, 2008 was called to order at 9:00 am with the following Members in attendance:

Peter I. Voros, Chairman

Ralph Wetzel, Vice-Chairman

Michael L. Sestanovich, Secretary

Michael K. Maloney

Paul N. Bontempo

Mark McManus

Adam J. Sabath

Board Member Donald Dileo was absent from this meeting.

**BOARD MEMBER - VACANCY - (1)**

As of this Board meeting date, there is one (1) Board member vacancy for a Public Member. That position was formerly held by Board Member Margaret Sieb who resigned on December 15, 2005.

Others in attendance:

The following individuals were in attendance from 9:00 a.m. until the close of the meeting at 3:00 pm:

Rosemarie Baccile, Executive Assistant

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)

Chairman Peter Voros announced that Executive Director Barbara A. Cook passed away on December 2, 2008. A plaque will be ordered and dedicated to Ms. Cook in recognition of her efforts in serving the State Board.

**PUBLIC SESSION VISITORS:**

Liz Moritz, New Jersey State League of Master Plumbers {NSLMP}

Thomas F. Walsh, NJSLMP / East Brunswick Plumbing Subcode Official

**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 20, 2008 MEETING

A motion was made by Ralph Wetzel and seconded by Paul Bontempo to approve the minutes of the November 20, 2008 meeting.

A vote was taken and the motion unanimously passed.

### BOARD BUSINESS

#### PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

RALPH WETZEL ~MASTER PLUMBER MEMBER ~ VICE-CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

MARK MC MANUS ~ JOURNEYMAN PLUMBER

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER

ADAM J. SABATH ~ STATE MEMBER - CHIEF OF STAFF TO SENATE PRESIDENT RICHARD J. CODEY

### BOARD BUSINESS

1. Re- approving CE Sponsors for the 2009-2011 Master Plumbers Biennial Renewal Cycle... Resume and course outline are provided for:

ALBERTO M. VENTURA SPONSOR # 29 - & - RUSSELL L. HALL, SPONSOR # 10

On December 18, 2008, the Board considered the resumes and course outlines submitted by Alberto M. Ventura and Russell Hall. A motion was made by Ralph Wetzel and seconded by Paul Bontempo to re-approve these instructors as Sponsors for continuing education. A vote was taken and the motion unanimously passed.

2. DIVISION OF LAW BILLING - FIRST QUARTER OF FY 2009

On December 18, 2008, the Board reviewed Ms. Darlene Kane's billing report dated November 25, 2008 and made no formal comment.

3. REQUEST FOR REINSTATEMENT

JOSEPH M. PAPPACENO, EXPIRED LMP #6675

EXPIRED SINCE JUNE 30, 1987 ... (Total of 11 biennial cycles) Did not renew 1987-1989; 1989-1991; 1991-1993; 1993-1995; 1995-1997; 1997-1999; 1999-2001; 2001-2003; 2003-2005; 2005-2007; 2007-2009

Mr. Pappaceno submitted a letter dated November 12, 2008, requesting the reinstatement of his Master Plumber's license.

On December 18, 2008, the Board considered Mr. Pappaceno's request for the reinstatement of his Master Plumber's license and concluded according to N.J.A.C. 13:32-2.6 (f) Renewal of license, that:

"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."

On September 25, 2008, a motion was made by Ralph Wetzell and seconded by Michael Maloney to allow Mr. Pappaceno to re-test. A vote was taken and the motion unanimously passed.

4. BRIAN S. GILBERT, LMP # 9207 - CONSENT ORDER FILED 9-25-2008 {No penalty imposed} - CLOSED

The Board received a complaint from the Jackson Township Construction Office that licensee Gilbert, who is the bona fide representative of BSG Plumbing, Inc, contracted with homeowners to install a pool heater and gas line at their home. Respondent started and completed the work without first obtaining the required permit from the township, and upon completion, he submitted a false permit to the homeowners. He also sent a letter to the homeowners that the work was completed, tested, inspected, and then requested payment.

Officials at Jackson Township assessed a penalty of \$2,000 against the licensee for his false statement and \$2,000 for working without the required permit. Gilbert paid the total \$4,000 in penalties. Based on NJSA 45:1-21(b), he engaged in dishonesty, fraud, deception et als; by falsely indicating to consumers that their work was tested and inspected; violation of NJSA 45:10-21(h) failed to comply with provisions of a regulation; and NJAC 13:32-3.3a2 for failing to obtain necessary permits. Respondent was reprimanded without any additional fines by the Board, and signed this order 8-29-2008.

5. JAMES F. SMITH, LMP # 10787 - CONSENT ORDER FILED 10-23-2008 {No penalty imposed} - CLOSED

James Smith's license had been suspended for his failure to renew for the 2007-2009 biennial, and during the reinstatement process, the Board learned that he was convicted of a crime. Information concerning his conviction revealed that he had been employed by the Department of Licenses and Inspections for the City of Philadelphia from 1995-2001 enforcing code regulations and handling permits and inspections.

Respondent (with other defendants) was indicted on January 16,2003, and charged with one count of racketeering, for cash received in exchange for providing incomplete inspections, arranging times for inspections and permitting some to work without a permit or interference from inspections. Nine (9) counts of Hobbs Act extortion were also charged for respondent's receiving \$13,760 from various plumbers. However, after appeal, his sentence was lessened to 24 months imprisonment, three (3) years supervised release and a \$1,00 fine / \$900 assessment. He served 18 months in the New York City Metropolitan Correction Center.

By said order, Respondent Smith is suspended for seven years and 8 months: the first five years and eight months shall serve as an active period with credit granted retroactive to May 1, 2003, the sentencing date. The remaining two years of suspension are stayed and served as a probationary period with the Board, and will continue until Respondent demonstrates that he has been successfully terminated from the supervised

release program. The stayed suspension will become active in the event respondent violates any terms of his release. He was reprimanded for his described actions.

6. PETER E. PEDERSEN - UNLICENSED, t/a PEDERSEN CONSTRUCTION UNLICENSED ; FILE ID # 55640 - CONSUMER NANCY LIH - \$2,500 TOTAL PENALTY

PAYMENT OF \$1,250 PAID ON 9-10-2008; (2nd ) part of payment arrangement paid 11-22-2008

In the matter of the installation of a hot water heater in a consumer's mobile home without required permits and without licensure

Penalty paid in full - CLOSED

7. DISCIPLINARY ACTIONS - PENALTY PAYMENTS CONTINUING EDUCATION AUDIT BIENNIAL 2005-2007

Provisional Order(s) of Discipline (POD) filed October 27, 2008 "Group A" - Attended late 'make-up' course

On August 25, 2006 the Board conducted a Continuing Education audit to establish licensee compliance with the five (5) hour biennial requirement. Respondent(s) in this category had indicated on their 2005-2007 biennial renewal application that they will have completed the requirement by June 30, 2005; however, they failed to do so.

Respondent(s) in "Group A" 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 licensees have complied with the POD, submitted their penalty payments and attended a make-up course:

Frank D. Olsen, LMP # 5850 \$1,500 Penalty paid 11/13/2008

Raymond J. Papa, LMP # 10323 \$1,500 Penalty paid 11/13/2008

Robert J. O'Connor, Jr. LMP # 6296 \$1,500 Penalty paid 11/21/2008

TOTAL AUDIT PENALTIES COLLECTED for the 2005-2007 BIENNIAL: \$4,500

7A. TOWN OF DOVER, CONSTRUCTION DEPT. GREG CHONTOW  
SUBCODE OFFICIAL, REQUEST FOR CLARIFICATION ON  
NJSA 45:14C-12.4 Single family homeowner; inapplicability of act

Correspondence dated December 3, 2008, was submitted from the Town of Dover, NJ. Greg Chontow, Electrical Subcode Official requested a clarification of the below statute:

N.J.S.A. 45:14C-12.4, Single family homeowner; inapplicability of act: the provisions of this amendatory and supplementary act shall not apply to a single family homeowner who performs plumbing work on his own dwelling.

On December 18, 2008, the Board considered that Mr. Chontow was attempting to determine whether or not a home owner may work in an attached condominium, townhouse or row house – or if a detached dwelling is the only permissible dwelling. Additionally, the inspector questioned if the owner must reside in the home– or if a family member living within or outside the home– is permitted to perform the plumbing work.

The Board responded in a motion made by Mark McManus and seconded by Adam J. Sabath, that the inspector be notified that the homeowner of a "condominium or townhouse" is not permitted to perform the plumbing work on his/her respective unit. A homeowner of a "detached dwelling" may perform his own plumbing work. With respect to a "row home," the owner is permitted to perform plumbing work provided that there are no shared plumbing services. A vote was taken and the motion unanimously passed.

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.

#### NOT ON THE PUBLISHED AGENDA

State Board of Examiners of Heating, Ventilating, Air Conditioning, {HVACR} and Refrigeration Contractors - Assembly Bill # 1016

Establishes the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors;

On December 18, 2008, Members questioned the status of the HVACR Board and requested that a memo be sent to the Deputy Director, Lawrence DeMarzo, to inquire as to whether the Division is aware of any recent developments toward appointing Members to this new Board.

#### EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Mark McManus and seconded by Ralph Wetzel to proceed into Executive Closed Session to conduct one Investigative Inquiry matter, review approximately four (4) complaint matters, 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 22, 2009, at 9:00 a.m. in the Sussex Room.

Respectfully submitted,

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Lawrence DeMarzo, Deputy Director  
Division of Consumer Affairs