

Draft prepared on 1/15/2014 by

Steven Mattia, Government Service Representative;  
Rosemarie S. Baccile, Acting Executive Director

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS**  
**# 607 - BUSINESS MEETING - MINUTES - DECEMBER 19, 2013**

The minutes of the December 19, 2013 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its next meeting on ***January 23, 2014***.

The notice of the December 19, 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 December 19, 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 (ABSENT)

Paul N. Bontempo

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 NOVEMBER 21, 2013 MTG

A motion was made by Michael Maloney and seconded by Don Dileo to approve the minutes of the November 21, 2013 Meeting. A vote was taken and the motion unanimously passed.

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BOARD BUSINESS

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*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*

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- 1.) JOSEPH C. GINELLI, LMP #11856  
CONSENT ORDER - FILED APRIL 25, 2013 - MONITORING

CORRESPONDENCE DATED - OCTOBER 31, 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 December 19, 2013, the Board acknowledged Mr. Ginelli's submission, and a motion was made by Michael Sestanovich and seconded by Michael Maloney for Mr. Ginelli to continue his monitoring program. A vote was taken and the motion unanimously passed.

- 2.) ANIBAL RIVERA, LMP #12992  
DRUG TEST MONITORING - CORRESPONDENCE DATED NOVEMBER 1, 2013  
CONSENT ORDER FILED MARCH 22, 2012  
*Order states in part:*

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.

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***Continued***

- 2.) ANIBAL RIVERA, LMP #12992  
DRUG TEST MONITORING - CORRESPONDENCE DATED NOVEMBER 1, 2013  
CONSENT ORDER FILED MARCH 22, 2012

On December 19, 2013 the Board acknowledged Mr. Rivera's submission, and made a motion for Mr. Rivera to continue his monitoring program. A motion was made by Michael Sestanovich and seconded by Michael Maloney. A vote was taken and the motion unanimously passed.

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DISCIPLINARY ACTIONS

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3. PAID \$500 PENALTY OCTOBER 9, 2013

OFFER OF SETTLEMENT - FAILURE TO ISSUE A CONTRACT  
WAYNE M. GRANIT, LMP #8773, T/A WAYNE GRANIT PLBG. & HTG.

LAWRENCE & ELIZABETH COHEN, CONSUMERS, FILE ID: #90511

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4.) PAID \$2,500 PENALTY OCTOBER 15, 2013

OFFER OF SETTLEMENT - UNLICENSED ADVERTISING FOR PLUMBING  
DENISE K. SLEDZICK, UNLICENSED  
FILE ID: #74217

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5.) PAID \$500 PENALTY NOVEMBER 19, 2013

MODIFIED OFFER OF SETTLEMENT - FAILURE TO OBTAIN PERMIT(S)  
SALVATORE J. D' ADDARIO, LMP #11778  
T/A D' ADDARIO MECHANICAL, INC.

KEVIN SCHMALZ, SUB-CODE OFFICIAL; TOWNSHIP OF JACKSON, COMPLAINANT,  
FILE ID: #77745

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DISCIPLINARY ACTIONS

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6.) PAID \$500 PENALTY OCTOBER 3, 2013

UNIFORM PENALTY LETTER - UNLICENSED ADVERTISING FOR PLUMBING  
PETER TO THE RESCUE, UNLICENSED  
FILE ID: #86815

On December 19, 2013 the Board made a motion to accept all fines paid in items 3, 4, 5 and 6.  
A motion was made by Michael Sestanovich and seconded by Michael Maloney. A vote was taken and

the motion unanimously passed.

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7.) EMAIL FROM TERRI GOLDBERG - DATED OCTOBER 29, 2013

“OPERATION PREDATOR ALERT”  
POSSESSION OF CHILD PORNOGRAPHY - ARRESTED OCTOBER 10, 2013

IN THE MATTER OF THE  
SURRENDER OF THE LICENSE OF

Administrative Action

**JAMES W. HOOKER**  
**License # 36BI00615400**

**INTERIM CONSENT ORDER OF  
VOLUNTARY SURRENDER OF LICENSE  
FILED NOVEMBER 7, 2013**

TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY  
**Master Plumber’s pressure seal and License identification cards surrendered to the Board**

The New Jersey State Board of Examiners of Master Plumbers (“the Board”) received information that James W. Hooker ("respondent"), was arrested on October 10, 2013 and charged with Endangering the Welfare of a Child by knowingly storing or maintaining items depicting the sexual exploitation or abuse of a child using a file-sharing program which is designated as available for searching by or copying to one or more computers (N.J.S.A. 2C:24-4b(5)(a)(iii)), a 2nd degree offense, and Endangering the Welfare of a Child by knowingly possessing a photograph, film, videotape, computer program or file depicting a child engaging in a prohibited sexual act (N.J.S.A. 2C:24-4b(5)(b)), a 3rd degree offense.

The parties have agreed to an interim order of voluntary surrender of respondent’s master plumber’s license to engage in the practice of plumbing in the State of New Jersey pending resolution of the criminal charges and further order of the Board. This order is entered without prejudice to respondent’s ability to defend himself.

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*Continued*

**JAMES W. HOOKER, License # 36BI00615400**

Respondent making no admissions, and the Board specifically reserving its right to take action against respondent based on the conduct underlying his arrest and other information available to it; and the Board finding the terms of this consent order to be adequately protective of the public health, safety and welfare;

ORDERED THAT:

1. Respondent, James W. Hooker, shall immediately surrender his license to engage in the practice of plumbing in the State of New Jersey until resolution of the criminal charges, and further order of the Board.
2. Respondent, James W. Hooker, shall immediately surrender his Board issued pressure seal until resolution of the criminal charges, and further order of the Board.
3. Respondent shall immediately cease and desist from engaging in the practice of plumbing in any capacity including, but not limited to, performing such services as an employee of a plumbing contractor or as an employee of a public entity, until resolution of the criminal charges, and further order of the Board.
4. Prior to any consideration of an application for a restoration of his license, respondent shall:

a. Appear before the Board to discuss his readiness to reenter the practice of plumbing. At that time respondent shall be prepared to propose his plans for future practice in New Jersey.

b. Demonstrate to the satisfaction of the Board that he is physically and psychologically fit and that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare.

c. Provide the Board with reports from each and every mental health professional (including but not limited to: psychologists, counselors, therapists, psychiatrists) who have participated in respondent's care and/or treatment or provided an evaluation of respondent concerning this matter.

d. Affirmatively establish his fitness, competence and capacity to re-enter the active practice of plumbing within New Jersey, including an accounting of all continuing education courses completed while his licenses were surrendered and during the biennial licensing period prior to the surrender of license.

e. Provide the Board with a full account of his employment during the intervening period of time from the entry of this Order to the time of his appearance before the Board pursuant to this Order.

4. The Board may require respondent to submit to an independent psychiatric evaluation as a condition prior to an application to return to practice. Following review of all relevant documents submitted, the Board, in its sole discretion, will determine whether and under what conditions respondent may return to practice.

5. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other agencies or law enforcement entities regarding respondent's conduct or the outcome of any criminal proceeding.

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- 8.) CORRESPONDENCE DATED OCTOBER 2, 2013  
ALLISON BERNECK -  
Correspondence concerning her husband's intention of starting a plumbing business  
in New Jersey; Appealing the qualifications for licensure

On December 19, 2013, the State Board of Examiners of Master Plumbers acknowledged receipt of Ms. Berneck's correspondence dated October 2, 2013, directed to the Office of Constituent Relations, Office of the Governor, and forwarded to the Board Office for consideration.

Also on that date, the Board reviewed Ms. Berneck's letter of December 2, 2013, addressed to Rosemarie Baccile, and the consumer's correspondence entitled "To whom it may Concern," dated December 2, 2013.

On December 19, 2013, while Members recognized Mr. Berneck's experience in the plumbing trade, the requirements outlined in N.J.S.A. 45:14C-15. Qualifications, have not been met. Since the Board does not have the authority to waive these statutory requirements, the request to qualify for the Master Plumber's examination or license is denied. A motion was made by Mike Maloney and seconded by Jim McManus.

A vote was taken and the motion unanimously passed.

CONTINUING EDUCATION REQUIREMENT FOR 2013-2015 BIENNIAL

- 9.) GLEN JESSEN, LMP #9281 - CORRESPONDENCE DATED - NOVEMBER 17, 2013

APPEAL RE: CONTINUING EDUCATION FOR 2013-2015 BIENNIAL

On December 19, 2013 the Board made a motion for the licensee to demonstrate his compliance with the five (5) hour CE requirement within ninety (90) days or otherwise be subjected to a \$500 penalty. A motion was made by Mike Maloney and seconded by Michael Sestanovich.

A vote was taken and the motion unanimously passed.

NOT ON THE PUBLISHED AGENDA:

IN THE MATTER OF WALTER D. WINNER, JR., LMP # 9349, TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY, ADMINISTRATIVE ACTION - FINAL ORDER OF DISCIPLINE .  
JANUARY 20, 2012 FILED

Respondent is ordered to pay restitution to the consumer JG in the amount of \$2,200 within 60 days and shall provide proof of payment to the Board within ten days of that restitution. Respondent was assessed a civil penalty in the amount of \$2,500, **the entire portion to be stayed as long as he provides the ordered restitution.**

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*Continued*

IN THE MATTER OF WALTER D. WINNER, JR., LMP # 9349

The civil penalty is assessed pursuant to N.J.S.A. 45:1.21(e) for failing to cooperate with the Board's investigation and failing to provide information concerning the consumer complaint from JG.

The Board received a complaint from consumer JG that he entered into a contract with respondent to remodel two bathrooms. JG provided that he issued the check for \$2,200 to the respondent, Winner, and advised that respondent cashed the check, but never began the work.

On December 19, 2013, the Board revisited this file indicating that they have **permitted payment arrangements for Mr. Winner provided he maintain his restitution schedule.** In the event he does not comply, a motion was made by Michael Maloney and seconded by James McManus that further disciplinary action would be considered based on the terms of the order.

A vote was taken and the motion unanimously passed.

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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.*

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EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Michael Maloney 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.

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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 **January 23, 2014** at 9:00 am.

A vote was taken and the motion unanimously passed.

Submitted by,

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Rosemarie S. Baccile, Acting Executive Director