

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
# 530 - BUSINESS MEETING - MINUTES - DECEMBER 21, 2006**

The Minutes of the December 21, 2006 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on *January 25, 2007* .

The notice of the December 21, 2006 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 in Trenton , New Jersey .

The Board Meeting of December 21, 2006 was called to order at 9:00 am with the following Members in attendance:

Mark McManus  
Ralph Wetzel  
Peter I. Voros  
Michael K. Maloney  
Michael L. Sestanovich  
Paul N. Bontempo  
Adam J. Sabath  
Donald Dileo

*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 4:00 pm :

Barbara. A. Cook, Executive Director  
Rosemarie Baccile, Executive Assistant  
Deputy Attorney General Joseph A. Donofrio

**PUBLIC SESSION VISITORS:**

*Thomas Walsh, ti/IP # 7854  
New Jersey State League of Master Plumbers*

**PLEDGE OF ALLEGIANCE to the FLAG**

Ralph Wetzel led the Board in the Pledge of Allegiance to the Flag and requested that the Board join in a moment of silence in recognition of U.S. troops serving our Country.

**APPROVAL OF THE MINUTES – NOVEMBER 15, 2006 MEETING**

A motion was made by Peter Voros and seconded by Ralph Wetzel to approve the minutes of the November 15, 2006 , meeting. Board Member Voros requested that the minutes reflect that he had recused himself from two of the items in Executive Closed Session, namely George Fithian and Joseph Rappa. A vote was taken and the motion unanimously passed.

***PRESENT BOARD MEMBERS - e g -' - CAPACITIES***

MARK MC MANUS – CHAIRMAN JOURNEYMAN PLUMBER  
RALPH WETZEL – VICE-CHAIRMAN MASTER PLUMBER MEMBER  
MAYOR PETER VOROS – MASTER PLUMBER MEMBER  
MICHAEL K MALONEY – MASTER PLUMBER MEMBER  
MICHAEL L. SESTANOVICH – INSPECTOR MEMBER  
DONALD B. DILEO – PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER  
ADAM J. SABATH – STA7L MEMBER  
- CHIEF OF STAFF TO SENATE PRESIDENT RICHARD J. CODEY

## 1. MEDICAL GAS PIPING PROPOSAL

### ***COMMENTS IN RESPONSE TO PROPOSAL***

NEW JERSEY BOARD OF EXAMINERS OF MASTER PLUMBERS  
*Medical Gas Piping*

- *Adopted Amendment: N.J.A.C. 13:32-5.1*
- *Adopted New Rules: N.J.A.C. 13:32-7.1 through 7.7*
- *Proposed: September 18, 2006 at 38 N.J.R. 3737 (a)*

On December 21, 2006 , Charles Manning attended this portion of Open Session to review this regulation and address the comments submitted. Mr. Manning advised the Board that while one commenter requested a public hearing, the three (3) comments submitted in response to this regulation do not justify a hearing. A motion was made by Ralph Wetzal and seconded by Michael Maloney to adopt this regulation without any amendments. A vote was taken and the motion unanimously passed. This regulation will be published on or about ***September 18, 2007*** .

## 2. CONTINUING EDUCATION REQUIREMENTS

IN ADVANCE OF THE 2007-2009 MASTER PLUMBER'S BIENNIAL RENEWAL/ CE  
REQUIREMENT -  
COURSES TAKEN DURING PERIOD 2005-2007

The State Board of Examiners of Master Plumbers will review the resumes and shared course outline of the following individuals who have expressed interest in teaching Continuing Education (CE) for the 2007-2009 biennial:

### ***Request for re-approval***

ANTHONY FR.ASCO, Instructor # 51  
RICHARD VANATTA, Instructor # 52  
LEONARD FALATO, Instructor #50

BERGEN COUNTY TECHNICAL SCHOOLS  
200 HACKENSACK AVE . , HACKENSACK , NJ 07601 , TEL # 201-641-4760

- *SPONSOR # 16*

On December 21, 2006 , a motion was made by Ralph Wetzal and seconded by Donald Dileo to approve this sponsor and course outline for teaching CE. A vote was taken and the motion unanimously passed.

**Tabled for January 25, 2007**

CONTINUING EDUCATION AUDIT — CONCLUSION OF AUDIT

2003-2005

## 3. In the \_Matter of

*SAMUEL N. STRATTON, LMP # 9437 – SUSPENDED*  
*\$1, 000 PENALTY PAID November 17, 2006 - and-*  
*"Makeup" CE Certificate dated November 15, 2006*

## 0 REQUEST FOR REINSTATEMENT

A letter dated November 20, 2006 was submitted by Samuel N. Stratton, II, requesting the reinstatement of his Master Plumber's license from suspension. The penalty payment of \$1,000 and the makeup Certificate were submitted by the licensee.

A Final Order of Discipline was filed on July 22, 2004 , against the licensee concerning a Continuing Education (CE) matter. According to this order of July 22, 2004 , Respondent's license to practice plumbing in the State of New Jersey had been suspended unless or until he furnished the Board with a copy of his CE certificate issued by the instructor documenting that he satisfied the live (5) hours of CE requirements for the 2003-2005 biennial cycle pursuant to N.J.A.C. 13:32-6.1.

Respondent was assessed a penalty in the amount of \$1 ,000 for his failure to timely cooperate with the Board's requests for a copy of his CE certificate requiring the filing of a POD. The penalty was due no later than (15) days after entry of any FOD, and in the event he failed to make a payment, a certificate of debt was due. No payment was made as of February 24, 2005 ; therefore, the license was officially suspended.

Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds ,fOr a charge of -unlicensed practice. The Board reserves the right to place restrictions on Respondent's practice should his license be reinstated. While this action is reported in Open Session, the Board may deliberate in Executive Closed Session.

Total 2003- 2005 AUDIT penalties collected: **\$65,000.00**

## 5. DISCIPLINARY MATTERS

**FINAL ORDERS OF DISCIPLINE were recently filed on December 12, 2006 Copies are available upon request. Penalty payments are expected from:**

### **Vito Vacirca, LMP # 7334**

Respondent had attended a CE course on December 7, 2002 , and submitted his CE certificate in response to a Provisional Order filed against him. However, Vacirca had not provided adequate justification for his failure to respond to the Board's audit and several requests for information regarding his 2003-2005 CE requirements. He failed to appear at the Board's Investigation Inquiry held for that purpose on May 4, 2004 . The proposed suspension is rescinded, and the \$4,000 penalty was reduced to \$3,500 penalty since he fulfilled his CE **course**.

### **Karl A. Holt, LMP # 5695**

Respondent had not provided adequate justification for his failure to respond to the Board's audit and several requests for information regarding his 2003-2005 CE requirements. He failed to appear at the Board's Investigation Inquiry held for that purpose on May 4, 2004 . The proposed suspension is rescinded, however, a \$2,000 penalty is assessed for his actions. The fine was reduced since his medical problems prevented him from fulfilling his CE **requirement on a timely basis**.

### **Phillip Koral, LMP # 4355**

Respondent's license to practice plumbing is suspended by this Final Order until or unless he furnished the Board with a copy of is CE certificate for the 2003-2005 biennial. While he responded to the Board with one letter stating he was retired, he failed to comply with the audit and did not appear for the Investigative Inquiry proceeding. A \$3,000 penalty is assessed for his actions, which was reduced from \$4,000.

## **5B. REQUEST FOR REINSTATEMENT STEVEN BRODY, LMP # 8935 - EXPIRED**

## **EXPIRATION DATE: JUNE 30, 1995**

Failed to renew for (6) biennials: 1995-1997; 1997-1999; 1999-2001; 2001-2003; 2003-2005; 2005-2007

On December 21, 2006 , the Board reviewed the Mr. Brody's licensing file and considered the length of the expiration of his license. Subsequent to their review, the following motion was made by Ralph Wetzel and seconded by Paul Bontempo:

- A Cease and Desist should be issued to Brody for his continuing to perform plumbing work while his license is expired;
- A \$2,500 penalty for unlicensed practice should be incorporated into a formal disciplinary matter;
- A Summary Order of Suspension should be drafted by DAG Donofrio;
- Mr. Brody must return his Master Plumber's pressure seal;

Based on existing New Jersey Plumbing Statutes and Regulations, Mr. Brody must re-test and pass the Master Plumber's examination in order to re-gain his Master Plumber's license, namely N.J.A.C. 13:322.6 Renewal of license (0, which 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.

A vote was taken and the motion unanimously passed.

## **5C. EXECUTIVE DIRECTOR'S REPORT**

Barbara A. Cook, Executive Director, reserved a portion of Open Public Session to review some pending issues with the Board; however, Ms. Cook made no formal comment.

It is noted that applications for the Master Plumber's examination and Master Plumber's business registration forms are reviewed by Board Members during the course of each business meeting.

## **EXECUTIVE CLOSED SESSION MOTION:**

A motion was made by Adam J. Sabbath and seconded Ralph Wetzel to proceed into Executive Closed Session to review approximately thirteen (13) consumer complaint matters, issues surrounding the CE audit, the DAG quarterly report, one (1) investigative inquiry, three (3) administrative closings , and for consideration of investigation of possible violations of applicable law, pending or anticipated litigation, matters under investigation, 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 Thursday, January 25, 2007 at 9:00 a.m. in the Hudson Room.

Respectfully submitted,

Barbara A. Cook, Ex Director

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