

**# 581- MEETING OF THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS -MINUTES - JULY 28, 2011**

The Minutes of the July 28, 2011 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on ***September 22, 2011. The meeting scheduled for August 25, 2011 was canceled.***

The notice of the July 28, 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 July 28, 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

Robert B. Reeve

Adam J. Sabath

Paul N. Bontempo and Donald Dileo were 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

**Public Session Visitors:**

Thomas Walsh, Licensed Master Plumber, New Jersey State League of Master Plumbers

Vincent Tinervia, Licensed Master Plumber # 10945, NJSLMP

Joe Remshard, Tony Anderson, Master Plumbers, New Jersey Council of Master Plumbers (NJCMP)

Public Session Visitors:

Anthony Schiavone, Master Plumber, NJSLMP  
Michael Baier, Department of Community Affairs, DCA, Trenton, NJ  
Larry Horowitz, LP Gas Board  
Daniel O’Gorman, LMP; Thomas Pitcherello, NJ, DCA, Trenton, NJ  
William White, Master Plumber, NJCMP;  
Dominic Demico, HVACR Board  
Carmen Wolfe, Court Reporter, # 732-531-9500

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 JUNE 23, 2011 MTG

A motion was made by Michael Maloney and seconded by Robert Reeve to approve the minutes of the June 23, 2011 meeting. A vote was taken and the motion unanimously passed. Adam J. Sabath abstained from voting based on his absence from the June 23, 2011 meeting.

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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***

1. 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 July 28, 2011, the Board discussed this topic and welcomed comments from those in the Public Session. Subsequent to the discussion, a motion was made by Michael Maloney and seconded by James McManus, that (a) all Licensed Master Plumbers will be required to fulfill their Continuing Education requirements which will incorporate a new phase of training in LP Gas/propane; (b) Apprentices are gaining their LP Gas/Propane training through their formal apprenticeship training. A vote was taken and the motion unanimously passed.

2. INQUIRY FROM ROBERT W. SMITH, ATTORNEY AT LAW,  
SMITH, SMITH & CURLEY, JULY 8, 2011 LETTER  
ENTITLED: **INQUIRY RESPECTING PLUMBING CONTRACTOR**

On July 28, 2011, the Board acknowledged receipt of this inquiry and concluded in a motion made by Robert Reeve and seconded by Michael Maloney, directing Robert W. Smith, Attorney at Law, toward New Jersey Plumbing Statutes and Regulations, at:

NJ.A.C. 13:32-3.3 Bona fide representative responsibilities  
(a) A bona fide representative registered with the Board  
pursuant to N.J.A.C. 13:32-3.2 shall:  
(5). Serve as a bona fide representative for only one plumbing contractor.

A vote was taken and the motion unanimously passed.

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DISCIPLINARY MATTER

3. IN THE MATTER OF THE APPLICATION OF **JASON PENTA**  
FOR A PLUMBING LICENSE IN THE STATE OF NEW JERSEY  
ADMINISTRATIVE ACTION, CONSENT ORDER FILED 6-23-2011

This matter was opened to the State Board of Examiners of Master Plumbers upon receipt of an application for examination for a plumbing license from Jason Penta, Respondent, who had indicated on his application that he had been convicted of criminal offenses. Consent Order states in part:

## JASON PENTA

### CONSENT ORDER FILED 6-23-2011, Continued

Respondent is permitted to sit for the master plumber's examination and upon passage of same and other license requirements, shall be granted a license subject to restrictions in this order. Penta shall submit to an alcohol/substance abuse evaluation by a licensed alcohol and drug counselor at his own expense and the counselor shall receive prior approval from the Board. The counselor shall notify the Board and submit a full report to the Board.

The Board reserves the right to enter a subsequent order. Respondent consents to an automatic suspension of license should the Board establish that he has violated this order. Respondent has the right to apply for a hearing regarding the removal of such automatic suspension on five (5) days notice.

*The Board proceeded into Executive Closed Session with respect approval of alcohol/substance abuse counselors, and returned to Open Public Session to report the approval of the facilities and counselors identified by Mr. Rescinio, Esq., in his letter of June 10, 2011.*

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#### 4. DISCIPLINARY MATTER

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING  
**SCOTT DURNIN, LMP # 10347, t/a AMERISERVE PLUMBING**  
CONSTRUCTION VIOLATIONS FROM CLINTON TOWNSHIP  
CONSTRUCTION OFFICE, LEBANON, NJ  
OWNER IN FEE: PATULLO, 27 MEADOWVIEW DRIVE, AND CHRIS ANN  
JAYE, CONDO OWNERS, (2) VIOLATIONS RE AIR HANDLER/HEAT  
PUMP/ NO PERMITS; \$500 PENALTY PAID 6/23/2011

Licensed Master Plumber Scott Durnin, Plumbing License No. 10347, was fined \$500 for his failing to obtain a permit for the job he performed at the above job site.

*The Board proceeded into Executive Closed Session to seek advice of counsel; however, no additional findings were reported.*

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#### DISCIPLINARY ACTIONS

#### 5. **WALTER D. WINNER, JR., LMP # 9349** IN THE MATTER OF THE SUSPENSION OR REVOCATION OF LICENSE TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY PROVISIONAL ORDER OF DISCIPLINE FILED 6-23-2011

#### **WALTER D. WINNER, JR., LMP # 9349**

*Order states in part:*

Respondent's license to practice as a Master Plumber in the State of New Jersey is hereby provisionally suspended pursuant to NJSA 45:1-21(e) for failing to cooperate with an investigation of the Board by failing to provide information in response to the complaint received from consumer JG in violation of NJAC 13:45c-1.3. His license shall remain suspended until such time as respondent appears before the Board to answer questions concerning the complaint from consumer J.G.

Respondent is hereby provisionally assessed a civil penalty in the amount of \$2,500 for failing to cooperate with the Board's investigation and not providing requested information. His license is suspended until he pays the penalty. The within Order shall be subject to finalization on the 30<sup>th</sup> business day following entry unless the respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusion of Law.

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6. CHRIS WODASH, APPLICANT, MASTER PLUMBERS EXAMINATION  
INQUIRY DATED JUNE 24, 2011 - RE ACCREDITATION OF COLLEGE

On July 28, 2011, the Board held a discussion concerning this matter, and concluded in a motion made by Robert Reeve and seconded by Michael Maloney, that Thomas Edison College is an accredited college; however, Mr. Wodash must fulfill the qualifications for the Master Plumber's examination, according to existing New Jersey Plumbing Statutes and Regulations, including one year of practical experience in the trade.

A vote was taken and the motion unanimously passed.

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7. ROBERT HAHAN, APPRENTICESHIP COORDINATOR FOR  
SOMERSET COUNTY - RARITAN VALLEY COMMUNITY COLLEGE  
CORRESPONDENCE DATED JUNE 16, 2011  
RE: ON LINE PHCC APPRENTICESHIP PROGRAM

On July 28, 2011, Members discussed this inquiry and agreed, in a motion made by James McManus and seconded by Michael Sestanovich, to send a clarification letter to Mr. Hahan stating that the State Board of Examiners of Master Plumbers does not approve apprenticeship programs. Such programs are approved by the United States Department of Labor, and upon their approval, are recognized by the Board toward qualifying applicants for the Master Plumber's examination.

A vote was taken and the motion unanimously passed

PROMETRIC, TESTING SERVICE, Master Plumber's examination

On July 28, 2011, Members discussed scheduling a review of test content for the Master Plumber's examination. The Board also considered inviting representatives from Prometric to attend a future meeting to consider changes to the examination and incorporating new material.

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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.**

**Application review also includes, and is not limited to, Child support obligations and the reporting of crimes including DUIs or DWIs.**

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NOT ON THE PUBLISHED AGENDA

**OPRA MATTER -**

Deputy Attorney General Steve Flanzman, Division of Law  
In the matter of providing "Applicants for examination"  
Mercer County, NJ

On July 28, 2011, subsequent to a discussion in Executive Closed Session, the Board returned to Open Public Session, and in a motion made by Michael Maloney and seconded by James McManus, the Board approved a payment of \$2,230 to be divided between the State Board of Examiners of Master Plumbers and Board of Examiners of Electrical Contractors in order to settle the litigation pending at the Division of Consumer Affairs/ Division of Law.

Mercer County challenged an Opra request that requires applicants approved by the Board for the Master Plumber's examination be made available, and on July 28, 2011, Members approved the settlement.

A vote was taken and the motion unanimously passed.

**EXECUTIVE CLOSED SESSION MOTION:**

A motion was made by Michael Maloney and seconded by Robert Reeve to proceed into Executive Closed Session to review consumer complaint matters, conduct one (1) investigative inquiry, 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 **September 22, 2011** at 9:00 am in the Hudson Room.

Respectfully submitted,

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Lawrence DeMarzo, Deputy Director  
Division of Consumer Affairs