

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
# 535- BUSINESS MEETING - AGENDA - MAY 24, 2007**

MEETING SCHEDULED TIME: 9:00 AM ~ HUDSON ROOM - 6 TH FL. ROLL CALL OF BOARD MEMBERS

APPROVAL OF THE MINUTES of the APRIL 26, 2007 MEETING ~

**BOARD BUSINESS**

Documentation is provided on all matters unless otherwise noted.

PRESENT BOARD MEMBERS - &- CAPACITIES

MARK MC MANUS ~ CHAIRMAN, JOURNEYMAN PLUMBER

RALPH WETZEL ~ VICE-CHAIRMAN ~ MASTER PLUMBER MEMBER

MAYOR PETER I. 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 ~ STATE MEMBER - CHIEF OF STAFF  
TO SENATE PRESIDENT RICHARD J. CODEY

**#1. ADOPTION**

DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY BOARD OF EXAMINERS OF MASTER PLUMBERS  
ADOPTED AMENDMENT: N.J.A.C. 13:32-5.1  
ADOPTED NEW RULES: N.J.A.C. 13:32-7

Proposed: September 18, 2006 at 38 NJR 3737(a)

Adopted: December 21, 2006

Effective Date May 7, 2007

Expiration date March 28, 2008

**2. CONTINUING EDUCATION AUDIT**

**CONCLUSION OF AUDIT 2003-2005**

The State Board of Examiners of Master Plumbers will continue to report on the conclusion of its audit of 2003-2005 CE requirements. Recent developments include:

ROBERT J. MORKIS, JR., LMP # 10713

FINAL ORDER FILED 5-25-2006 ~ Make up course June 28, 2004

\$1,500 Penalty & Costs \$98.67 ~ Paid in full

Respondent was assessed a civil penalty in the aggregate amount of \$1,500 consisting of a \$500 penalty for failing to complete his CE requirements in timely manner; a \$500 penalty for failing to respond to Board

correspondence; and a \$500 penalty for indicating on his renewal that he would complete the requirements when he had failed to do so. Costs of \$98.67 for the May 4, 2004 inquiry were also assessed. Paid in full on May 15, 2007, and the matter is closed.

Total 2003- 2005 AUDIT penalties collected: ¨

Total 2003-2005 AUDIT costs collected: ¨

These figures were updated May 11, 2007 (No documents)

### 3. OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING In the Matter of:

KURT KLEIN UNLICENSED, T/A KLEIN PLUMBING AND HTG. 142 ROUTE 638, HIGHLAND LAKES, NJ 07422

RICHARD WITT, CONSUMER, FILE ID # 48243

Hot water heater installation

\$1,000 PENALTY AND \$391.00 RESTITUTION

PAID IN FULL APRIL 17, 2007

Mr. Klein signed the Board's Cease and Desist contained in the above Offer of Settlement. He also paid a penalty in the amount of \$250.00 for advertising violations and a \$750.00 penalty for unlicensed practice, totaling a penalty of \$1,000. Consumer restitution in the amount of \$391.00 was awarded and paid to the consumer, Richard Witt. This matter is fully resolved and closed.

### 4. DISCIPLINARY MATTER ~

\$1,000 PENALTY PAID IN FULL 4-13-2007

LICENSING MATTER - REINSTATEMENT

PATRICK WOLFE, LMP # 11111

PERFORMING PLUMBING WHILE EXPIRED

EDWARD HUEY, CRANFORD PLUMBING INSPECTOR

FILE ID #46483

### 5. Final payment KIRK BRANDSNESS \$500.00

PAID APRIL 6, 2007;

{RAY FAUSTINI, UNLICENSED -REPORTED @3-22-2007

\$1,500 RESTITUTION PAYMENT}

Yolanda Franco, Consumer, File #42251

TOTAL RESTITUTION PAID =

Ray Faustini and Kirk Brandsness testified regarding the business they formerly owned known as "Around the House." A complaint had been filed by consumer Yolanda Franco for plumbing services performed by Faustini and his partner, Kirk Brandsness. Mr. Faustini submitted the sum of \$1,500 in consumer restitution to Ms. Franco, in a bank check dated March 13, 2007; Mr. Brandsness recently submitted \$500 on April 6, 2007, completing this matter. (No documents)

### 6. In the matter of: STEPHEN J. DE BIASSE, LMP # 9767

TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY FINAL ORDER OF DISCIPLINE FILED APRIL 28, 2007 - DAG SWANG OO

Respondent is assessed a civil penalty in the aggregate amount of \$3,000, consisting of a \$1,000 penalty for failing to cooperate with the Board's continuing education audit by not responding to the Board's request

for information upon receipt of the November 17, 2003 and January 14, 2004 letters in violation of N.J.A.C. 13:45C-1.3; a \$1,000 penalty for failing to complete the 2003-2005 continuing education (CE) requirement prior to June 30, 2003 in violation of N.J.S.A. 45:14C-18.1 and N.J.A.C. 13:32-6.1; and finally a \$1,000 penalty for indicating on the application for the 2003-2005 biennial renewal that he would have already completed his continuing education requirement by June 30, 2003, when in fact, he failed to provide a copy of a CE certificate demonstrating his compliance by that date.

7. IN THE MATTER OF THE SUSPENSION  
OF THE LICENSE OF  
MARCIN P. TOMASZEWSKI, LMP # 12235  
CONSENT ORDER FILED 4-13-2007

Respondent was sentenced on June 27, 2006 by Morris County Superior Court to ninety (90) days in county jail and three years probation after pleading guilty to a charge of theft. As part of the plea, respondent was required to pay restitution to his former employer in the amount of \$26,084.00. Specifically, the information revealed respondent stole plumbing supplies from his former employer. The information also revealed respondent had a previous arrest and conviction history consisting of a 1996 conviction for burglary and a 2003 conviction for possession and use of a controlled dangerous substance.

On October 26, 2006 respondent appeared with Richard J. Baldi, Esq. at an investigative inquiry into the matter held by the Board. Respondent acknowledged he stole the equipment and supplies from his employer at various job sites and claimed he took the material as compensation for wages owed by the employer. Respondent testified he submits monthly restitution payments through probation, and participates in the Sheriff's Labor Assessment Program ("SLAP") which allows him to work under an intensive supervision arrangement for a salary. Respondent also testified he attends Alcoholics Anonymous and admitted himself into a rehabilitation center two years ago. He submits to drug screens every two weeks and testified he has been sober for two years.

These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent's theft of equipment and supplies from his former plumbing employer and from various job sites constitutes professional or occupational misconduct. Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(f) in that respondent's conviction for theft constitutes a crime which relates adversely to the activity regulated by the Board.

1. Respondent is hereby reprimanded, pursuant to N.J.S.A. 45:1-22, as a result of his conviction for theft.
2. Respondent's license to practice plumbing is hereby suspended for a period of three years entirely stayed and served as a period of probation conditioned on respondent's successful completion and fulfillment of all of the terms of his criminal probation, including ordered reimbursement. The probation period is to run concurrent with respondent's three year court imposed probationary period and shall be retroactive to June 27, 2006, the date the probation was imposed by the Morris County Superior Court. Upon successful completion of all of the terms of respondent's criminal probation, the stayed suspension shall terminate. In the event that respondent fails to fulfill his probationary requirements, or commits a probation violation, the entire three year suspension shall automatically become active. Additionally, such stayed suspension shall be activated should respondent engage in any future improprieties or any future violations of the Board's statutes or regulations during the probationary period or for any violation of this order.
3. Respondent shall submit probation reports to the Board on a quarterly basis. It is acknowledged that respondent previously provided a probation report, dated January 8, 2007, stating respondent has been reporting to probation as directed; paying his fines each month; and has completed both his SLAP sentence and community service hours. For purposes of this order, the January 8, 2007 probation report is accepted by the Board as covering the period of June 27, 2006 to January 1, 2007. The next quarterly probation report shall be due on March 31, 2007 for the months of January, February and March of 2007 and then quarterly thereafter.
4. Respondent shall submit all prior and future NA/AA attendance reports, as well as all prior and future

urine screen reports, to the Board on a quarterly basis. For purposes of this order, the first submitted quarterly proofs of NA/AA attendance, as well as urine screen results, shall be due simultaneous with the signing of this order for the period covering June 27, 2006 to January 1, 2007. The next quarterly NA/AA attendance reports, as well as the urine screen reports, shall be due on March 31, 2007 for the months of January, February and March of 2007 and then quarterly thereafter.

5. Failure to comply with any of the terms of this Order may constitute the basis for further disciplinary action by the Board, including but not limited to, suspension or revocation of respondent's master plumbing license and imposition of enhanced monetary penalties pursuant to N.J.S.A. 45:1-25.

8. OFFICE OF ATTORNEY GENERAL  
CITIZENS' SERVICES REFERRAL

OFFICE OF THE DIRECTOR - DIVISION OF CONSUMER AFFAIRS REFERRAL

Request for formal review and response y BRUCE JONES, INQUIRY RE

"...Questioning if Master Plumber licenses are credited toward a college degree..."

9. Ms. Barbara A. Cook, Ex Director

{No documents}

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.