
STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
593 - BUSINESS MEETING - AGENDA - SEPTEMBER 27, 2012

OPEN PUBLIC SESSION

MEETING SCHEDULED TIME: 9:00 AM - HUDSON ROOM - 6th floor
ROLL CALL OF BOARD MEMBERS

APPROVAL OF THE MINUTES *of the* JULY 26, 2012 MTG.

BOARD BUSINESS

Documentation is provided on all matters unless otherwise noted.

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.) PLUMBERS EXPERIENCE PROPOSAL -
CHUCK MANNING, REGULATORY ANALYST

- 2.) IRRIGATION LEGISLATION

- 3.) MEMORANDUM
DARLENE KANE
DIVISION OF LAW BILLING - JULY 19, 2012

- 4.) FUNDAMENTALS OF LP
INTRODUCTION TO PROPANE - BILL WHITE, CE SPONSOR

- 5.) NEW JERSEY STATE LEAGUE OF MASTER PLUMBERS, INC.
2013-2015 CONTINUING EDUCATION - STEPHEN RODNINAK

- 6.) TIMOTHY J. FOX, COORDINATOR OF UA LOCAL 9 TRAINING CENTER
RECERTIFICATION OF SPONSOR FOR MASTER PLUMBER 2012-2015
BIENNIAL CONTINUING EDUCATION

- 7.) REGAN YOUNG, AIA PRESIDENT, REGAN YOUNG ENGLAND BUTERA
ARCHITECTS/PLANNERS/INTERIOR DESIGNERS
SCHOOL BOARD LICENSED PLUMBER EXEMPTION
LETTER DATED AUGUST 23, 2012

8.) **Scheduled to consider for a default on PROVISIONAL ORDER OF DISCIPLINE:**

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF JAY V. OPRE, LMP #7336

LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF NEW JERSEY - FILED 11-2-2011

Jay V. Opre is a licensed master plumber whose license expired on June 30, 2011, and remains expired. A consumer complaint from consumer BC alleged that the licensee was hired to install a water service to the house to convert from well to city water. Respondent failed to cover trenches that were dug and excessive rain caused those trenches to collapse resulting in damages to the consumer's property. The consumer filed a complaint in Superior Court and a default judgment was obtained for the sum of \$6,557.00. Respondent appeared for an inquiry and testified that he refuses to pay the judgment.

With respect to his business practices, Opre advised that he does not issue W-2s to workers, but provides 1099s instead. He also testified that he maintains contact with workers via cell phone and will often stamp, sign and fill out blank permits before he leaves for Florida so workers can complete them when a job arises. He also admitted that he does not keep records of contacts, and is not present for all final inspections.

Respondent is provisionally reprimanded and provisionally suspended with a \$1,500 penalty for violations of N.J.S.A. 45:1-21(e) in that he engaged in professional misconduct by not paying the valid \$6,557.00 judgment obtained by consumer BC.; violation of N.J.A.C. 13:32-3.5 which provides that any plumbing work that a LMP agrees to perform shall be performed only by the LMP or the employees of the LMP; violations of N.J.A.C. 13:32-3.3(a)2, which requires only the bona fide representative, an authorized employee, or an independent contractor licensed as a master plumber, can secure all permits for plumbing work.

Respondent must appear to demonstrate fitness to resume practice and satisfy all requirements for reinstatement.

9.) JASON BELANGER, LMP # 12685
ADMINISTRATIVE ACTION(S)

PROVISIONAL ORDER OF DISCIPLINE FILED JULY 28, 2011
FINAL ORDER OF DISCIPLINE FILED JANUARY 26, 2012

\$1,000 PENALTY DUE

Respondent is reprimanded for conduct outlined in violation of N.J.S.A. 45:1.21 (h) when found by the Manchester Township plumbing officials digging a water service without the proper permit and without the proper license. Other actions include filing false and misleading statements to the township. A \$1,000 penalty is assessed for working as a master plumber and using the designation without the proper license in violation of NJSA 45:14c-12.3 and NJAC 13:32-1.4(b).

Belanger failed to renew his license on June 30, 2011; therefore his license continued in an expired status at the time of the POD. Service of the POD was accomplished August 8, 2011.

On November 29, 2011, Belanger corresponded in writing to change his license status from expired to inactive. However, no response had been submitted in reply to the POD.

On December 15, 2011, a motion was made to proceed into Executive Session for a discussion, and the Board returned to report their decision to finalize the POD.

The FINAL ORDER was entered January 26, 2012.

- 10.) *Reports are submitted by applicant Anibal Rivera
In the matter of his application for licensure:*

ADMINISTRATIVE ACTION
CONSENT ORDER FILED MARCH 22, 2012
ACTION REPORTED ON MAY 24, 2012 AGENDA
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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- 11.) **ADMINISTRATIVE ACTION
ORDER OF SUMMARY SUSPENSION FILED 6-28-2012**

**JEFF S. GELBEIN, LMP # 9835
LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE
STATE OF NEW JERSEY**

Respondent's license is suspended without a hearing and upon any request for reinstatement, he is required to appear before the Board to demonstrate his fitness

to resume practice and provide information concerning the complaints from the Township of Bernards Construction Officials. Those complaints state that respondent attempted to submit a falsified chimney certification, and he was later issued a violation by that town. Both Bernards Township and the Board have been unsuccessful in locating Gelbein. He shall also provide a response regarding his activities from the date of his lapsed license (June 30, 2011) until the date of his appearance. He shall surrender his pressure seal to a Board representative. A penalty is not associated with this suspension.

AGENDA - SEPTEMBER 27, 2012 - OPEN PUBLIC SESSION - PG. 6

- 12.) Report dated June 6, 2012 submitted

**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:

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.

- 13.) **DISCIPLINARY ACTIONS LOUIS L. PASQUALINI, LMP #9742 - \$1,000 - 7/16/12**

PROVISIONAL ORDER OF DISCIPLINE FILED MAY 24, 2012

Based on a complaint from the Township of Jackson for a water heater and gas piping, the following is outlined in a Provisional Order of Discipline. Respondent is provisionally reprimanded and fined \$1,000: \$500 for failing to comply with the provisions of a regulation administered by the Board pursuant to NJSA 45:1.21(h) in that he failed to supervise the plumbing work performed for consumer "JM" under his permit in accordance with NJAC 13:32.3; and fined \$500 for engaging in the use and employment of dishonesty, fraud, deception, misrepresentation and false pretense, pursuant to NJSA 45:1.21(b) in that he allowed his plumbing seal to be used to secure a plumbing permit for an unlicensed person in violation of NJAC 13:3 2-4.1. The order is final within 30 days unless respondent requests a modification or dismissal.

AGENDA - SEPTEMBER 27, 2012 - OPEN PUBLIC SESSION - PG. 7

14.) OFFER OF SETTLEMENT PAID \$10,000 - 8/16/12

FRANK ZURICA, UNLICENSED, T/A LIBERTY MECHANICAL
PAID \$10,000 PENALTY FOR UNLICENSED PRACTICE - FILE ID: #70906

15.) OFFER OF SETTLEMENT PAID \$1,000 - 2/22/12

CLEAN FREE SEWER & DRAIN, UNLICENSED
PAID \$1,000 PENALTY FOR ADVERTISING PLUMBING SERVICES

16.) OFFER OF SETTLEMENT PAID \$2,500 - 2/6/12

BROWN'S HEATING, COOLING, AND PLUMBING, UNLICENSED
PAID \$2,500 PENALTY FOR ADVERTISING PLUMBING SERVICES

17.) CONTINUING EDUCATION SPONSORS:
INITIAL APPROVALS APPEARANCES SCHEDULED:

- A - JEFFREY GIESBERG (NOT A LMP)
 - B - NICK AZMO, LMP #9919
 - C - ERNEST TEDESCO, LMP #9987
 - D - ANTHONY CITARELLA, LMP #9875
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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.
