

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS
567 - BUSINESS MEETING - AGENDA APRIL 22, 2010**

OPEN PUBLIC SESSION

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

APPROVAL OF THE MINUTES *of the* MARCH 25, 2010 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 L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER - VICE CHAIRMAN

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. **SCOPE OF PRACTICE REGULATION**

Charles Manning, Regulatory Affairs - 9 AM

ADOPTED AMENDMENTS: N.J.A.C. 13:32-1.4
PROPOSED SEPTEMBER 8, 2009 AT 41 NJR 3198 (a)
Comment period ended November 7, 2009

On December 17, 2009, Board Members and Charles Manning agreed to revisit several topics of the "Scope of Practice" proposal for the January meeting, and Chuck Manning provided a revised draft for Board review. While Members discussed this proposal on January 28, 2010, Chuck Manning advised that the Board will not be permitted to vote on this regulation until April 18, 2010 based on the Governor Christie's Executive Orders 1,2 and 3, which freeze all action on regulations for ninety (90) days.

2. **EXECUTIVE ORDER 2 and REPORT**

Charles Manning, Regulatory Affairs

A copy of Executive Order 2 and a report prepared by Charles Manning are presented for Board discussion. A brief meeting was held on April 9, 2010 among DAG Joseph Donofrio, Charles Manning and Rosemarie S. Baccile to discuss avenues for meeting the requirements for this Executive Order.

3. **CONTINUING EDUCATION TOPICS**

FIVE-HR REQUIREMENT FOR BIENNIAL PERIOD
JULY 1, 2011 - JUNE 30, 2013, N.J.A.C. 13:32-6.1
Classes taught during 2010 until July 1, 2011

Charles Manning, Regulatory Affairs

*In compliance with N.J.A.C. 13:32-6.3 **Required course topics**, the Board shall determine which topics shall be provided by program sponsors for the upcoming biennial. The Board shall determine these topics at a regularly scheduled public board meeting, and the list of topics which shall be required by the Board shall be published as a public notice in the New Jersey Register and shall be available at the Board offices.*

4. DARLENE KANE, BUDGET OFFICER - FEBRUARY 16, 2010
FY 2010 BUDGET REPORT 1ST HALF
State Board of Examiners of Master Plumbers
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REPORTING DISCIPLINARY ACTIONS

5. JOSE LICOR, LMP # 8116, t/a JOSE LICOR PLBG.
OFFER OF SETTLEMENT/ \$2,500 PENALTY - *Paid February 8, 2010*

Violations of License Lending:

N.J.S.A. 45:1-21(e) has engaged in professional or occupational misconduct;
N.J.A.C. 13:32-4.1 Requirement of pressure seal; penalties for misuse;
N.J.A.C. 13:32-3.4 Supervision - plumbing work shall be performed by the licensed master plumber {Imp} or the employees of the Imp or plumbing contractor

In conjunction with complaint matter from
The BOROUGH OF GLEN ROCK BUILDING DEPARTMENT
THOMAS ZACONIE, PLUMBING SUBCODE OFFICIAL
WORK SITE: 41 PLYMOUTH ROAD, GLEN ROCK, NJ;
CARLOS JAVIER, UNLICENSED/@ work site
FILE ID # 55307

{No documents}

Fines issued to Carlos Javier remain outstanding.

DISCIPLINARY ACTIONS

6. WILLIAM E. TRAVISANO, LMP # 10981
LICENSED TO PRACTICE AS A MASTER PLUMBER IN THE STATE OF
NEW JERSEY - PROVISIONAL ORDER FILED 1-14-2010

William Travisano is a licensed master plumber in the State of New Jersey and has been a licensee at all times relevant hereto. He received his master plumber's license in 1999. He is the sole owner and bona fide representative of Travisano Plumbing and Heating, and has never been registered to trade under any other trade name.

Continued >>>

6. Continued DISCIPLINARY ACTIONS - WILLIAM E. TRAVISANO, LMP # 10981

The Board received a complaint that the Respondent's master plumber's license number was appearing in advertisements for Fairfield Plumbing and for Rooter-man both of which are not licensed plumbing contractors. Respondent provided a letter to the Board in response to the complaint stating that he was "trying to help my friend," and stated that his business had been struggling due to the economy. He admitted he signed "a few" permits for Fairfield Plumbing, but stated that he supervised every job. He advised that he is the president of the Tri-Boro Master Plumber's Association and was well aware of the Law. Respondent asked for understanding due to the state of the economy.

On May 28, 2009, Respondent appeared for an Investigative Inquiry represented by Kenneth P. Traum. During the inquiry, he admitted that he had on "no more than four" occasions allowed Fairfield Plumbing to use his license number for certain jobs, three jobs involving boilers and one involving the conversion of a boiler from steam oil to hot air. He also admitted that he and the owner of Fairfield Plumbing performed the work, and acknowledged that this individual was not employed by Travisano Plumbing and Heating.

Respondent was questioned regarding his affiliation with Rooter-Man. He testified that the same individual who owns Fairfield Plumbing also owns Rooter-man. While he acknowledged that his license number appeared in Rooter-Man advertisements, he denied giving permission to the entity to use his license number in Rooter-Man advertisements and denied signing and sealing permits for Rooter-Man.

Respondent is provisionally reprimanded pursuant to N.J.S.A. 45:1-22 for serving as a bona fide representative for more than one plumbing contractor in violation of N.J.A.C. 13:32-3.3(a)(5); for permitting an unlicensed person and entity to perform an act for which a license is required by the Board; aided and abetted an unlicensed person and entity in performing such an act in violation of N.J.S.A. 45:1-21(n).

Respondent is provisionally ordered to pay a civil penalty pursuant to N.J.S.A. 45:1-22 in the amount of \$1,500 for serving as a bona fide representative for more than one plumbing contractor in violation of N.J.A.C. 13:32-3.3(a)(5). Respondent is provisionally ordered to pay a civil penalty pursuant to N.J.S.A. 45:1-22 in the amount of 2,500 for permitting an unlicensed person and entity to perform an act for which a license is required by the Board, and aided and abetted an unlicensed person and entity in performing such an act in violation of N.J.S.A. 45:1-21(n). Payment of the civil penalty totaling \$5,000 shall be submitted th the State Board of Examiners of Master Plumbers no later than (30) thirty days after entry of any Final Order.

Note: The licensee's response to this POD is scheduled for the Executive Closed Session portion of this meeting.

DISCIPLINARY ACTIONS

7. **BRIAN J. TAYLOR, SUSPENDED - LMP # 9187**
IN THE MATTER OF THE APPLICATION FOR A PLUMBING LICENSE IN THE
STATE OF NEW JERSEY - CONSENT ORDER FILED 4-5-2010

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers (the Board) upon receipt of a request for reinstatement of a plumbing license from Brian J. Taylor (respondent). On May 25, 2006, the Board entered a Final Order of Discipline suspending Respondent's plumbing license based on his failure to respond to inquiries from the Board concerning his positive response to the question relating to criminal arrests or conviction.

Respondent provided a letter to the Board dated February 20, 2009, as part of his request for reinstatement and in the letter stated that he had a medical condition which he could not control. He cited this as the reason why he did not respond to Board inquiries. He also indicated that he had participated in an intensive treatment program, and is now recovered for over two and a half years and able to practice plumbing. He appeared before the Board on March 26 2009 and produced a letter demonstrating that he completed an outpatient treatment program. He further testified that he had moved closer to family and now has a stronger support system. He acknowledged that he is not currently involved in any treatment or monitoring programs.

Having considered all of the available information including his testimony during the investigative inquiry, the Board determined that the respondent's license to practice plumbing may be reinstated and is subject to the conditions outlined in this order. Those terms include abstaining from any and all mood altering or intoxicating substances, engaging in treatment with Narcotics Anonymous; random urine screens and quarterly submissions to the Board. The full terms are outlined in the filed Consent Order.

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8. **CARTER'S HEATING AND COOLING, UNLICENSED**
1889 ROUTE 9, BUILDING 23; ANDREW NUCCIO, PROPRIETOR
UNIT 86, TOMS RIVER, NJ 08755
WATER HEATER REPLACEMENT AT 5 ARCHER SQUARE,
JACKSON, NJ 08527, CONSUMERS ANTHONY AND RUTH MAINENTE,

KEVIN F. SCHMALZ, TOWNSHIP OF JACKSON, PLUMBING SUBCODE
FAILURE TO OBTAIN PERMIT; COMPLAINANT - FILE ID # 68151
UNLICENSED PRACTICE OF PLUMBING
\$2,500 PENALTY - Paid February 11, 2010
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9. **THOMAS V. PESLAK, UNLICENSED. T/A
TOM'S QUALIFY HEATING AND AIR LLC**

JOHN KELLY, LITTLE EGG HARBOR, PLUMBING SUBCODE OFFICIAL
COMPLAINANT - FILE ID # 66989
REPLACEMENT OF WATER HEATER AT 262 GREAT BAY BLVD
LITTLE EGG HARBOR NJ

**UNLICENSED PRACTICE OF PLUMBING
\$2,500 PENALTY - *Payment arrangements:***

*Paid \$500 on February 22, 2010
Paid \$100 on April 2, 2010*

10. TOWNSHIP OF BELLEVILLE, FRANK DE LORENZO, JR.
CONSTRUCTION OFFICIAL
INQUIRY DATED APRIL 1, 2010 re Bona fide representative requirements

11. PERIODIC REPORT ON LEGISLATION, BURT LEIBMAN,
CONSUMER AFFAIRS

Mr.Liebman provides the history of bills on which the Board(s) were asked to comment, concerning legislative action taken during the quarter that ended January 19, 2009. A second report shows bills that have been reintroduced in the 2010-2011 session.

12. MARK TRIMBLE, LMP # 7513 ... *Reporting compliance with the
FINAL ORDER OF DISCIPLINE FILED 12-18-2008*

Correspondence dated April 2, 2010 was received from Christine M. Gravelle, Attorney for Mark Trimble, which details recent restitution checks forwarded by Ms. Gravelle's trust account to the three (3) respective consumers named in this action. Such payments are required in the terms of this filed order, and are made a part of the licensee's file. This month's payments include: the sum of \$372.81 to consumer Ken Outlaw; a payment of \$290.61 to consumer John Wiacek; and a payment of \$86.58 David Stevens

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13. LAWRENCE P. MISITA, EXPIRED LMP # 10045
REQUEST FOR REINSTATEMENT -
DATE OF EXPIRATION: June 30, 1999

Correspondence dated March 7, 2010

***◆ 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.***
