

**STATE BOARD OF EXAMINERS OF MASTER PLUMBERS  
# 526 - BUSINESS MEETING - AGENDA - JULY 27, 2006**

MEETING SCHEDULED TIME: 9:00 AM ~ HUDSON ROOM - 6 TH FL.

ROLL CALL OF BOARD MEMBERS ~

APPROVAL OF THE MINUTES ~ JUNE 22, 2006 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. IN ADVANCE OF THE 2007-2009 MASTER PLUMBER'S BIENNIAL RENEWAL/ CE  
REQUIREMENT - COURSES TAKEN DURING PERIOD 2005-2007

On July 27, 2006, the State Board of Examiners of Master Plumbers will review applications for teaching  
Continuing Education (CE) for the 2007-2009 biennial.

REQUEST(S) FOR RE-APPROVAL...

MARK HILER CODE ENLIGHTENMENT - SPONSOR #13  
64 LYONSVILE ROAD, BOONTON, NJ

CONTACT # 973-263-0294  
EMAIL The HILERS@OPTIONLINE.NET

WILLIAM STEPLER, CEP ASSOCIATES - SPONSOR #1  
APPROVED INSTRUCTORS : ERNIE HISTING #1,  
MENGSTE THOMAS EL, #3, STEPHEN TIBERIO, # 5  
JAMES VALENTINE # 6

CONTACT # 800-596-8886  
EMAIL WSTEPLER1@VERIZON.NET  
CEP.ASSOCIATES1@VERIZON.NET

2. REQUIREMENT OF PRESSURE SEAL; PENALTIES FOR MISUSE; RETURN OF PRESSURE  
SEAL - N.J.A.C. 13:32-4.1

Charles Manning of Regulatory Affairs, Division of Consumer Affairs, will discuss the revised copy of the seal press rule with changes.

### 3. DISCIPLINARY ACTION

FINAL ORDER OF DISCIPLINE FILED 6-22-2006

In the matter of the SUSPENSION OR REVOCATION of the PLUMBING LICENSE OF JAMES R. BALLARD, SR. LMP # 10737, PROVISIONAL ORDER OF DISCIPLINE FILED ON 5/27/04 \$2,500 PENALTY PAID 7-14-04 & Pressure seal returned

Prosecuting Deputy DAG Donofrio -&- Counseling Deputy DAG Susan Carboni

The Board received a consumer complaint that licensee Ballard signed between 760 and 775 permits pertaining to water sub-meters installed in an apartment complex located in Plainsboro, NJ. The complaint alleged that neither Ballard nor his employees performed the work, but reportedly the work was done by Richard Klein, a State of Maryland master plumber, who was not an employee of Ballard's, and who is not licensed in New Jersey as a Master Plumber.

The Board established grounds for discipline action based on professional or occupational misconduct pursuant to N.J.S.A. 45:1-21(e) in that Ballard failed to cooperate with the Board's investigation in providing specific information requested in a Demand for Statement Under Oath (DSO).

The Board proceeded to finalize the Provisional Order of Discipline with regard to the suspension of Mr. Ballard's license. Mr. Ballard had surrendered his license {requested that the Board "cancel" his license}, paid the \$2,500 fine and returned his Master Plumber's pressure seal. However, Mr. Ballard failed to comply with the terms of the Provisional Order in that he did not respond to the questions raised within the POD on permit issues, nor did he remedy the situation to avoid the suspension of his Master Plumber's license.

On June 22, 2006, a Final Order of Discipline was entered stating that Ballard's license is suspended until he furnishes the Board with the information requested in the DSO and the request for Production of Records.

### 4. DISCIPLINARY ACTION

Offer of Settlement in lieu of disciplinary proceeding

Rocco Turtur, Licensed Master Plumber # 1809 \$750.00 PENALTY PAID ON 6-14-2006

RE: CARNELL MARABLE, CONSUMER, FILE ID # 40692

The Board established the licensee's failure to fully comply with N.J.S.A. 45:1-21(e) in that he engaged in professional or occupational misconduct by failing to obtain the permit for this job in a timely fashion and prior to starting the job.

It is noted that licensee Turtur encloses his Money Order for the payment of his penalty with a letter providing his explanation of this permit matter.

### 5. DISCIPLINARY ACTION

Offer of Settlement in lieu of disciplinary proceeding

Joseph Valente, Jr., Licensed Master Plumber # 9100 \$250 PENALTY PAID ON 6-06-2006

RE: BARBARA BROWN, CONSUMER, FILE ID # 36296

The Board established the licensee's failure to fully comply with N.J.A.C. 13:32-3.1 (a) - (e) Identification of Licensed Master Plumber; vehicles; stationery; advertising. The invoice and work order presented to consumer Barbara Brown do not reflect his identity as the Licensed Master Plumber or bear his Master Plumber's license number.

6. ~ UNLICENSED PRACTICE ~

\*Reporting (3rd) penalty payment ~ @ \$500- dtd 6/13/2006 on a \$2,500 PENALTY - payment arguments y

OFFER OF SETTLEMENT IN LIEU OF DISCIPLINARY PROCEEDING

In the Matter of:

ROBERT LEVIN, TA/ LL HEATING, UNLICENSED  
UNLICENSED PRACTICE - OIL FIRED HOT WATER HEATER  
NEGLIGENT HAZARDOUS CONDITIONS ~  
plumbing services without proper permits and inspections

WORK SITE LOCATION @ CEDAR GARDEN APARTMENTS,  
571 PLAZA TERCE EAST, aka 1030 CEDAR BRIDGE RD, BRICK, NJ;  
IMPROPER INSTALLATION CAUSING FIRE - BRICK FIRE DEPARTMENT

DANIEL NEWMAN, CONSTRUCTION OFFICIAL, 2964-UP- COMPLAINANT

On January 6, 2006, Robert Levin signed the acknowledgment portion of the "Offer of Settlement" letter issued to him dated September 13, 2005. The Board is permitting Levin to submit five (5) monthly payments of \$500.00.

A closing fax was transmitted to the complainant, Construction Official, Daniel Newman, advising that his complaint resulted in a formal disciplinary action.

The third payment has been received and is reflected herein; the balance is now \$1,000.

7. INQUIRY from JOHN GLYNN, PRESIDENT  
MASTER PLUMBERS EDUCATION SERVICE OF NEW JERSEY  
RE: Continuing Education Class size

John Glynn submits his request for increase in class size; details provided.

8. FAIRFIELD TOWERS PROJECT  
INSTALLATION OF VANITY TOPS, ATLANTIC CITY, NJ

NEW JERSEY REGIONAL CARPENTER'S COUNCIL;  
PLUMBERS LOCAL 322

A letter dated July 11, 2006, signed by Executive Director Barbara A. Cook was issued by the Board to Albert G. Kroll, Esq. of Kroll, Heineman & Giblin (Carpenters Union) and Joseph T. Cleary, Esq., of Cleary & Josem, LLP, (Local 322).

This letter concludes the Board's investigation into an inquiry of James B. Kehoe, Business Manager for Local Union 322, United Association of Journeyman and Apprentices of the Plumbing and Pipe Fitting Industry. The Union had advised that sinks were being installed at the Fairfield Towers Project in Atlantic City, NJ, by members of the New Jersey Regional Carpenter's Council who are not licensed master plumbers or employed by a licensed plumbing contractor.

This correspondence details the Board's findings and its conclusion of this matter.

9. "ASK CONSUMER AFFAIRS" INQUIRY" from  
Wendy Calva ... Re: Pipe fitters and Master Plumbers

Ms. Calva submits an e-mail via "Ask Consumer Affairs" dated June 28, 2006 questioning the requirements for pipe fitters and master plumbers. The Board Office responded to Ms Calva, after which she submits a second e-mail dated June 30, 2006.

10. ASSEMBLY BILL NO. 3397  
STATE OF NEW JERSEY, 212TH LEGISLATURE  
INTRODUCED JULY 4, 2006  
Sponsored by: Assemblyman Vincent Prieto

Synopsis: Creates Construction Trades Licensing Board for licensing and regulation of several construction professions; creates new division for homeowner protection in Department of Law and Public Safety.

11. Barbara A. Cook, Executive Director, reserves a portion of Open Public Session to review some pending issues with the Board. {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.