

**FILED**  
*August 28, 1997*  
**BOARD OF EXAMINERS OF  
 MASTER PLUMBERS**  
*Christine T. DeGregorio*  
**Christine T. DeGregorio  
 Executive Director**

STATE OF NEW JERSEY  
 DIVISION OF LAW & PUBLIC SAFETY  
 DIVISION OF CONSUMER AFFAIRS  
 BOARD OF EXAMINERS OF MASTER PLUMBERS

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 IN THE MATTER OF THE SUSPENSION :  
 OR REVOCATION OF THE LICENSE OF : Administrative Action  
 :  
 JOSEPH FICHNER, JR. : ORDER SUSPENDING LICENSE  
 License No. 6213 : AND DECLARING ALL PAYMENT  
 : OBLIGATIONS IMMEDIATELY  
 TO ENGAGE IN THE PRACTICE OF : DUE AND PAYABLE  
 MASTER PLUMBING IN THE :  
 STATE OF NEW JERSEY :  
 :  
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This matter having been opened on the Board's receipt of information from its Executive Director that Joseph Fichner ("respondent" hereafter) has made no payments as required by the Board's Final Decision and Order on Remand entered on December 19, 1996 and its Order Mitigating Penalties entered on February 27, 1997, and having been further advised that no application for stay has been filed with the Appellate Division and no bond having been posted, and the Board having reviewed said Orders at its meeting of August 28, 1997, the following findings are made:

1. Pursuant to paragraph 4 of the Board's Order of February 27, 1997 respondent was ordered to pay a civil penalty in the amount of \$2500 within 30 days following entry of the Order.
2. Respondent has failed to make such civil penalty payment.
3. Pursuant to paragraph 5 of the Board's Order of December 19, 1996, respondent was ordered to pay

restitution in varying amounts (totaling \$1,828.57) to seven consumers.

4. Respondent has failed to make such restitution payments.
5. Pursuant to paragraph 6 of the Board's Order of February 27, 1997, respondent was ordered to pay costs in the amount of \$11,011.83 within 60 days following entry of the Order.
6. Respondent has failed to make such costs payment.
7. At no time has respondent sought relief from the Board's Order based upon inability to satisfy the ordered payments.
8. At no time has respondent made an application to the Appellate Division to stay the obligations to make payments imposed by the Board's Order nor has a bond to secure said obligations been posted.

Pursuant to paragraph 4 of the Board's Order Mitigating Penalties a civil penalty in the total amount of \$32,500 was ordered paid with respondent being entitled to make such payment in periodic installments with abatements for timely payment. Said Order further provided in paragraphs 6 and 7 that upon respondent's violation of any provision thereof, the Board is authorized to declare all previously suspended payments due immediately due and owing and to activate a five year period of suspension.

The Board further finding that respondent has wilfully failed to comply with the Board's prior Orders and for good cause shown,

IT IS on this 28 day of August, 1997, ORDERED:

1. The license to act as a master plumber issued to Joseph Fichner be and hereby is suspended until February 26, 2002.

2. The following amounts are declared immediately due and payable.

a. To the State of New Jersey - \$32,500 (civil penalties)

b. To the State of New Jersey - \$11,011.83

c. As restitution, payable through the State Board of Examiners of Master Plumbers

(i) Mr. Larry Fishman - \$ 161.04

(ii) Ms. Claudette Taylor - \$ 391.82

(iii) Ms. Dorothy Hartman - \$ 177.00

(iv) Mr. Robert E. Pearl - \$ 349.94

(v) Ms. Elyse Blasi - \$ 412.93

(vi) Ms. Viola Albanese - \$ 111.62

(vii) Ms. Sadie Zawartkay - \$ 224.22

Total \$1,828.57

3. Unless otherwise ordered by the Board, the within Order shall become effective on September 25, 1997.

4. Respondent shall have leave to file written objections or exceptions to the within Order with the Board, not later than 5:00 p.m., September 15, 1997. A copy of any such objections or exceptions shall be served upon the Attorney General, by Douglas J. Harper, Deputy Attorney General, not later than September 15. Any reply shall be filed not later than September 20. Any such

objections or exceptions and reply shall be considered by the Board on the papers filed at its meeting of September 25, 1997.

NEW JERSEY BOARD OF EXAMINERS  
OF MASTER PLUMBERS

By:   
James A. Moore, Chairman

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BOARD BUSINESS

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1. IN THE MATTER OF JOSEPH R. FICHNER, JR.  
Former Licensed Master Plumber # 6213

\$54, 649.51 ~ Payment of penalties, costs, fees and interest

On June 28, 2002, one check in the amount of \$54,649.51, plus eight (8) consumer restitution checks (totaling \$2,288.27) were sent to the Board Office from Kathleen Fichner, in satisfaction of the Board's judgment entered on its Certificates of Debt, for Joseph R. Fichner, Jr., former LMP # 6213.

This matter was extensively litigated through administrative, appellate, and enforcement litigation during a ten (10) year period, and resulted in the entry of an order revoking Mr. Fichner's license, directing and ordering restitution to be paid by him to seven (7) consumers, plus assessing civil penalties and costs.

In discharging its role to protect the consumers of this State, the Board returned the restitution checks to each respective consumer on September 16, 2002.

On September 26, 2002, Members of the Board acknowledged receipt of the penalty and restitution monies outlined above.

2. RESIGNATION LETTER FROM  
BOARD MEMBER PETER J. MC DONOUGH, JR.

A letter dated September 5, 2002, addressed to Executive Director, Barbara A. Cook, from Peter J. Mc Donough, Jr., expressed that while he is grateful for the nomination to the State Board, he cannot currently serve as a Board Member.

Board Members acknowledged Mr. McDonough's resignation without any formal comment.