

FILE COPY

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

IN THE MATTER OF THE SUSPENSION  
OF THE LICENSE OF  
  
Thomas E. Davidson  
License No. 5973  
  
TO PRACTICE AS A MASTER PLUMBER  
IN THE STATE OF NEW JERSEY

Administrative Action  
  
FINAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a Master Plumber in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Respondent renewed his biennial license renewal for the 7/1/99 - 6/30/01 period. On his renewal application, he checked off "No" to question No. 8 which asked whether he had completed the required continuing education during the past two years.
3. On October 19, 2000, the Board wrote by certified and regular mail to respondent at the address on record with the Board reminding him of his duty to cooperate with the Board's request for information, and asking him to furnish a copy of his continuing education certificate as proof of his completing the continuing education requirement within five (5) days of receipt of the Board's letter. Certified mail was signed for on or about October 21, 2000. No written response was received from respondent.

## CONCLUSIONS OF LAW

1. The above conduct constitutes failure to cooperate with a request from the Board for records relating to respondent's conduct in violation of N.J.A.C. 13:45C-1.3(a)(2).
2. Respondent failed to successfully fulfill the five (5) hour continuing education requirement in accordance with N.J.S.A. 45:14C-18.1 et seq.
3. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), in that he failed to comply with an act or regulation administered by the Board.

Based on the foregoing Findings of Fact and Conclusions of Law, a Provisional Order of Discipline suspending respondent's license to practice as a master plumber in the State of New Jersey was entered on June 29, 2001 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

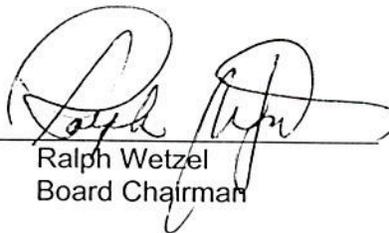
The respondent submitted a copy of two certifications by fax on August 1, 2001 indicating that he attended a continuing education course on July 23, 2001 and July 28, 2001. Respondent's submission was reviewed by the Board, and the Board determined that he had successfully completed the continuing education requirements for the 1999-2001 renewal period, but only after receiving a copy of the POD. Since no written submission was presented to the Board other than the two certifications, further proceedings were not necessary in that no material discrepancies had been raised. However, the Board was not persuaded that the submitted materials merited further consideration with respect to why respondent failed to provide such proof when initially requested by the Board, as respondent did not dispute the Findings of Fact or Conclusions of Law.

ACCORDINGLY, IT IS on this 25<sup>th</sup> day of October, 2001,

ORDERED that:

1. Respondent's license to practice plumbing in the State of New Jersey be and hereby is not suspended since he did provide the Board with proof that he completed the continuing education courses.
2. Respondent is assessed a civil penalty in the amount of \$100 for the failure to timely complete the requisite continuing education courses.
3. Respondent is assessed a civil penalty in the amount of \$100 for the failure to cooperate with the Board's initial request for information concerning the completion of continuing education requirements.

NEW JERSEY STATE BOARD OF  
EXAMINERS OF MASTER PLUMBERS

By:   
Ralph Wetzel  
Board Chairman