

FILED 1/24/02
**BOARD OF EXAMINERS OF
 MASTER PLUMBERS**
Barbara A. Cook
Barbara A. Cook
Executive Director

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STATE OF NEW JERSEY
 DEPARTMENT 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

 Pearce E. Hertzberg
 License No. 10346

 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 (hereinafter the "Board") upon receipt of information which the Board has reviewed, and on which the following 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. On February 9, 2001, the Board wrote to respondent by regular mail at the address on record with the Board, requesting a written response concerning a consumer complaint from Arthur Johnson. No written response was received from respondent.
3. On May 31, 2001, the Board wrote to respondent by regular mail at the address on record with the Board, requesting a written response concerning a consumer complaint from Gary Cardinale. No written response was received from respondent.
4. On July 11, 2001, the Board placed a telephone call to respondent's work number and he was verbally advised that two complaint matters remained pending and that he had failed to cooperate with the Board's letter requests for a written response to same. No written response was received from respondent.

CONCLUSIONS OF LAW

1. The above conduct constitutes failure to cooperate with the Board in violation of N.J.A.C. 13:45C-1.3(a)(1), in that he failed to timely respond to an inquiry to provide information in response to two consumer complaints received by the Board office concerning his conduct
2. 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 and conclusions, a Provisional Order of Discipline suspending respondent's license to practice as a master plumber in the State of New Jersey was entered on October 25, 2001 and a copy was forwarded to respondent at the last known address on file with the Board. 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.

Although the Provisional Order sent by means of certified mail was returned as unclaimed, the regular mail was not returned . Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Accordingly, it is determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 24th day of January, 2002,
ORDERED that:

1. Respondent's license to practice plumbing in the State of New Jersey shall be and hereby is suspended unless or until he furnishes the Board with a written response to the two pending consumer complaints.

2. Respondent is assessed a civil penalty in the aggregate amount of \$1,000 consisting of \$500 per consumer complaint, for his failure to timely cooperate with the Board's initial requests for a written response to the two (2) pending consumer complaints requiring the filing of this Final Order of Discipline.

3. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: _____

Ralph Wetzel
Board Chairman