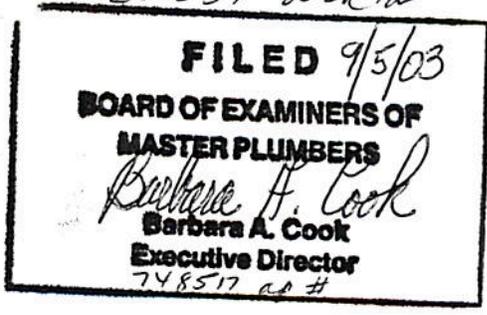


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PETER C. HARVEY
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Plumbing

By: Joseph Donofrio
Deputy Attorney General
Tel. (973) 648-7266

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 :
:
:
JOHN DURNIN, L.M.P. :
License No. 3973 :
:
TO PRACTICE AS A PLUMBER :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of information that on two separate occasions John Durnin ("respondent"), signed and sealed two plumbing permits for use by a person other than the State licensed master plumber to whom it was issued. On May 22, 2003, respondent appeared with counsel, Richard Russo, Esq., at an investigative inquiry into the matter held by the Board.

The facts of this matter appear to be as follows. Sometime in the year 2002, the consumer G.R. hired American Home Enterprises Inc. as the general contractor to build his home. American Home Enterprises was paid \$44,875 by G.R. to construct the home. American Home Enterprises was responsible for hiring and paying the subcontractors. American Home

Enterprises hired Donald Jones to do the plumbing work for G.R.'s home. Donald Jones is not a licensed master plumber in the State of New Jersey. Respondent signed and sealed a permit which subsequently would be dated June 6, 2002. The permit would later indicate that respondent is the contractor responsible for the plumbing work. An updated permit was also signed and sealed by respondent which subsequently would be dated September 7, 2002. This permit would later indicate that respondent is the contractor responsible for the plumbing work.

Subsequently, a dispute arose between G.R. and American Home Enterprises. As a result, G.R. fired American Home Enterprises on October 2, 2002. In response, American Home Enterprises pulled all of the subcontractors, including Donald Jones, off of the job. Donald Jones thereafter informed G.R. that he would take back the hot water heater and all of the plumbing lines that he ran, unless he was paid by G.R. Additionally, G.R. complains that Mr. Jones claimed he was owed \$4,500 for the plumbing work although the original agreement with American Home Enterprises was for \$4,000. Since the plumbing work was nearly completed prior to the subcontractors being pulled off of the job, G.R. and Donald Jones entered into a private agreement to have Mr. Jones finish the plumbing work. Thereafter, Donald Jones completed the plumbing work and G.R. paid Mr. Jones \$4,500.

G.R. later discovered that there were some leaks that needed repair. When G.R. called respondent, G.R. was informed that Donald Jones was not employed by respondent. Additionally, respondent informed G.R. that Donald Jones was not a licensed plumber. As a result, G.R. filed a complaint with the Board.

According to respondent's testimony at the investigative inquiry, he admitted to signing and sealing two permits and giving them to the owner of American Home Enterprises. American Home Enterprises thereafter dated the permits as needed and filled in the necessary information. Additionally, respondent admitted during the inquiry that he never visited the job site

Durwin

and never provided any supervision. ✓

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21 (b) and N.J.A.C. 13:32-4.1c in that respondent, on two separate occasions, signed and sealed two plumbing permits for use by a person other than the State licensed master plumber to whom it was issued. It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings, and for good cause shown:

IT IS ON THIS 28 DAY OF August, 2003

HEREBY ORDERED AND AGREED THAT:

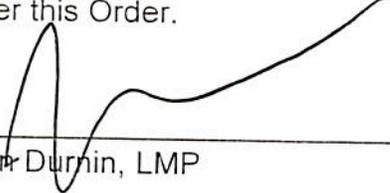
1. Respondent shall pay a civil penalty in the aggregate amount of \$1,000, consisting of \$500 for each instance of signing and sealing a plumbing permit for use by a person other than the State licensed master plumber to whom it was issued in violation of N.J.S.A. 45:1-21(b). Payment shall be submitted no later than 30 days from the entry of this Consent Order, by certified check or money order made payable to the State of New Jersey and shall be sent to Barbara Cook, Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.
2. Respondent shall be assessed \$200 to cover the cost of the stenographer for the investigative inquiry. Such payment shall be made in the same manner as payment of the penalty and under the same terms as indicated in numbered paragraph 1 above.
3. Respondent shall cease and desist from the violations described herein. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.
4. Failure to timely remit any and all payments required by this order will result in the filing of a certificate of debt with interest accruing at the rate provided by the Rules of Court, and

may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board, which could include the suspension or revocation of license.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By: 
Alexander Tucciarone
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.



John Durnin, LMP

7/15/03

Date

I consent to the form and entry of this order.



Richard Russo, Esq.
Attorney for John Durnin, LMP

7/15/03

Date