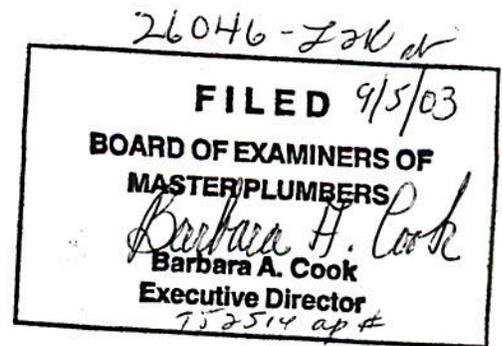


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Administrative Action

ANDREW AUGUST L.M.P.
License No. 8446

CONSENT ORDER

TO PRACTICE PLUMBING
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers (the "Board") upon receipt of information that employees were not properly supervised and inaccurate bills were issued for plumbing services performed in or about August 2001 by employees of Mr. Rooter, a company owned by respondent Andrew August, L.M.P. On June 27, 2002, the Board held an investigative inquiry of all parties involved in this matter: J.N., the consumer; G.M., the manager of the Westgate Square Condominium Association; and respondent.

The facts of this matter appear to be as follows. On or about August 10, 2001, the fiancée of J.N. reported to G.M. that there was water which was running into the condominium unit owned by J.N. G.M. placed a call to Mr. Rooter for emergency plumbing services as respondent's company had performed plumbing services for the management company of the condominium association on prior occasions. Upon examination by Mr. Rooter's employees, the main water shut off valve for J.N.'s unit could not be located and it appeared to have been paved over by the builder. A jackhammer was required in order to obtain access to ultimately shut off the water valve. Respondent's employees removed water from J.N.'s condominium unit that evening and returned the following morning to repair the pipe.

The Condominium Association paid respondent \$2,895 for the plumbing services and sought to recover full payment from J.N. but he objected to the amount and requested an itemized bill from Mr. Rooter. He questioned the statement in the bill that excavation was performed and that 100 feet of copper piping was used. He claimed that no excavation was performed by Mr. Rooter and that 100 feet of piping was unnecessary. He believed that the charges were excessive and that he should have received the bill directly from Mr. Rooter. J.N. settled the matter by paying half of the total to the Condominium Association. Respondent has returned a check in the amount of \$1,447.50 to the Condominium Association in order to resolve the matter amicably.

The condominium association requested an itemization of the bill that was initially provided to the association for payment. Respondent indicated that errors were made on the subsequent itemized bill which indicated that excavations were performed as well as the laying of 100 ft. of copper pipe. Respondent admitted this particular bill was incorrect and this work was never done. Additionally, respondent was unclear regarding the number of hours that his two employees were on the work site and regarding the details of the man-hours billed.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(d) in that respondent's conduct constitutes repeated acts of negligence in that he engaged in multiple inaccurate billing practices.

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 is hereby reprimanded for engaging in repeated acts of negligence concerning this matter and shall cease and desist from engaging in future billing improprieties. Any future violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25 and may result in the suspension of the respondent's license.

2. Respondent shall be assessed a civil penalty in the aggregate amount of \$5,000 for a violation of N.J.S.A. 45:1-21(d) for repeated acts of negligence. The penalty shall be paid by money order or certified check made payable to the State of New Jersey and delivered to the Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, no later than

August

15 days after receipt of a filed copy of this Consent Order. In the event respondent fails to make timely payment, a certificate of debt shall be filed and interest shall accrue at the rate provided by the Rules of Court.

3. Respondent shall be assessed \$400.00 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 2 above.

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.


Andrew August, L.M.P.

8-14-03
Date

I consent to the entry of this order as to form.


Steven M. Hambro, Esq.
Attorney for Andrew August, L.M.P.

8/18/03
Date