FILED 4/21/06
BOARD OF EXAMINERS OF
MASTER PLUMBERS
Barbara A. Cook
Barbara A. Cook
Executive Director

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 LOUIS HARDY JR. License No.36BI01058000 TO PRACTICE MASTER PLUMBING 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 ("Board") upon receipt of information that the Board reviewed and on which it entered a Provisional Order of Discipline on December 15, 2005, preliminarily concluding that Louis Hardy, Jr., ("respondent"), had failed to comply with a regulation administered by the Board and had engaged in professional misconduct by failing to respond to two inquiries from the Board concerning his positive response to the question concerning arrests or convictions on his application for renewal of his license for the 2003-2005 biennial period. That application was signed on May 7, 2003.

In response to the Provisional Order of Discipline, respondent submitted a letter dated February 2, 2006, enclosing information from the State of Pennsylvania indicating that he had been arrested on February 9, 2002, for driving under the influence in that State and had completed the accelerated rehabilitative disposition program and that, as of May 29, 2003, the charge had been expunged from respondent's criminal record.

On March 10, 2006, the deputy attorney general submitted a letter in reply to Mr. Hardy's submission. While noting that Mr. Hardy had now provided the Board with the

information it originally sought regarding the affirmative response on the renewal application, the deputy noted that Mr. Hardy had failed to submit in writing any explanation for his failure to respond to the initial inquiries or any proof that he had done so. Because respondent had now provided information regarding the conviction, the deputy suggested that the Board remove the suspension but sustain the penalty for failing to respond to the Board 's initial letters.

The Board considered this matter at its meeting on Mach 22, 2006. It accepts the recommendation of the deputy attorney general and will not impose the suspension, which was to be imposed pending receipt of information. Because Mr. Hardy has failed to provide evidence or information that would support mitigation of the civil penalty for his failure to cooperate with a Board inquiry, a penalty is appropriate. On finalizing the order, therefore, the Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Louis Hardy Jr. ("respondent") is a licensed master plumber licensed in the State of New Jersey and has been a licensee at all times relevant to this matter.

2. On his 2003-2005 license renewal application, respondent indicated that he had been convicted of a crime but failed to provide further detail. On August 22, 2003, respondent was sent a letter by the Board, via regular mail, inquiring as to the nature of the conviction. The letter was sent to respondent's address of record with the Board. In particular, the Board wanted to know the date, nature of conviction, offenses charged, the county/municipality/state where offense occurred, the name of the agency/court where this matter was decided and what was the final outcome of the matter. The mailing was not returned to the Board office indicating receipt by respondent. Respondent failed to submit the requested information.

3. The Board sent another letter to respondent by certified mail, dated January 13, 2004, to his address of record with the Board. This letter was signed for by respondent on January 21, 2004. As of the date of the Provisional Order of Discipline, the requested information had not been provided to the Board.

CONCLUSIONS OF LAW

The above findings of fact provide grounds for disciplinary action against respondent pursuant to N.J.S.A. 45:1-21(h) (failing to comply with the provisions of an act or regulation administered by the Board, specifically N.J.A.C. 13:45C-1.3 (licensee duty to cooperate)) and N.J.S.A. 45:1-21(e) (professional misconduct), by failing to respond to Board inquiries, in particular the Board 's letters of August 22, 2003 and January 13, 2004.

ACCORDINGLY, IT IS on this 27th day of April, 2006,

ORDERED that respondent shall be assessed a penalty in the amount of $500, for failing to cooperate with the Board's requests for further information regarding his criminal conviction. The penalty shall be paid by money order or certified check made out to the State of New Jersey and delivered to the Board of Examiners of Master Plumbers, P.O. Box 45008, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, no later than thirty (30) days after entry of any Final Order of Discipline in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: Mark McManus
Mark McManus
Board President