FILED 5/25/06
BOARD OF EXAMINERS OF
MASTER PLUMBERS
Barbara A. Cook
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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 CHARLES SEEBERGER License No.36BI00408500 TO PRACTICE 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 October 27, 2005, preliminarily concluding that Charles Seeberger ("respondent") had violated Board regulations and engaged in professional misconduct by failing to respond to inquiries from the Board concerning a continuing education audit and misrepresenting on his biennial renewal application that he would have completed the continuing education credits by June 30, 2003, and then failing to do so. Respondent appeared at an investigative inquiry on May 4, 2004, related to the conduct underlying the Provisional Order of Discipline.

In response to the Provisional Order of Discipline, Mr. Seeberger submitted a check in the amount of $1,098.67, which amount represents the penalties and costs provisionally imposed by the Board 's October 27, 2005 order. The deputy attorney general submitted a letter dated March 13, 2005, advising the Board of the payment and noting that

respondent had not otherwise responded to or sought modification of the Provisional Order.

The Board considered this matter at its meeting on March 22, 2006, and has concluded that respondent's submission of his check to pay the penalty and costs preliminarily imposed by the Board is tantamount to an acceptance of the terms of the provisional order. As such, the Board will finalize this matter by making the following findings and conclusions:

FINDINGS OF FACT

1. Charles Seeberger ("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 November 17, 2003, the Board conducted a continuing education audit involving 460 randomly selected licensees. All of the randomly selected licensees had indicated on their biennial renewals that they will have completed their continuing education requirement for the 2003-2005 biennial renewal period by June 30, 2003. Respondent was randomly selected and was instructed to provide the Board with a copy of his continuing education certificate required for the 2003-2005 biennial renewal period.

3. The Board sent a letter to respondent by regular mail, dated November 17, 2003, to his address of record with the Board. In the letter, the Board required respondent to furnish a copy of his continuing education certificate to the Board office. A response was to be submitted to the Board office within twenty (20) days. Respondent failed to provide a copy of his continuing education certificate, nor did he provide any response within that time period.

4. The Board sent a second copy of the November 17, 2003 letter to respondent by regular and certified mail. The letter was stamped "Second Notice" and was hand dated January 14, 2004 and sent to his address of record with the Board. Once again, the letter requested that respondent furnish a copy of his continuing education certificate to the Board office. A response was to be submitted within twenty (20) days. The green certified postcard was returned to the Board office bearing respondent's signature and indicating delivery at respondent's address of record with the Board. The regular mailing was not returned. However, respondent failed to provide a copy of his continuing education certificate, nor did he provide any response within the required time period.

5. The Board sent a third letter to respondent by regular and certified mail, dated April 2, 2004, to his address of record with the Board. The letter requested that respondent appear before the Board for an investigative inquiry on May, 4, 2004, as a result of his failure to furnish any response whatsoever to the Board's letters dated November 17, 2003 and January 14, 2004. On May 4, 2004, respondent appeared at an investigative inquiry into the matter. During the inquiry respondent admitted that he had not taken the required five hours of continuing education for the 2003-2005 biennial period during the required time period. Additionally, respondent admitted that he failed to submit a response to the Board to either the November 17, 2003 or the January 14, 2004 letters, both of which he received. Finally, respondent admitted that he had answered affirmatively when asked on his biennial renewal whether he would complete the continuing education requirement for the 2003-2005 biennial period by June 30, 2003, however respondent admitted that he failed to complete the requirement by that date. Respondent did present

a valid continuing education certificate indicating that he completed the continuing education requirement for the 2003-2005 biennial period on April 22, 2004.

CONCLUSIONS OF LAW

The above findings of fact provide grounds for disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(e) in that respondent has engaged in professional or occupational misconduct by failing to cooperate with the Board's continuing education audit by not responding to the Board's request for information upon receipt of the November 17, 2003 and January 14, 2004 letters in violation of N.J.A.C. 13:45C-1.3. The above findings of fact also provide grounds for disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(e) in that respondent has engaged in professional or occupational misconduct by indicating on his application for the 2003-2005 biennial renewal that he would have completed his continuing education requirement by June 30, 2003 when in fact respondent did not complete the requirement until April 22, 2004.

ACCORDINGLY, IT IS on this 17th day of April, 2006,

ORDERED that:

1. Respondent is assessed a civil penalty in the aggregate amount of $1,000, consisting of a $500 penalty for failing to cooperate with the Board's continuing education audit by not responding to the Board's request for information upon receipt of the November 17, 2003 and January 14, 2004 letters from the Board as well as a $500 penalty for indicating on the application for the 2003-2005 biennial renewal that he would complete his continuing education by June 30, 2003, when in fact respondent failed to complete the requirement by that date. The penalty has been paid.

2. Respondent is assessed costs in the amount of $98.67. Payment for the costs has been made.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: _____
Mark McManus
Board Chairman