



certified mail was returned to the Board office, unopened, apparently after two attempts at delivery. The regular mail was not returned.<sup>1</sup>

Mr. Morkis did not respond to the Provisional Order of Discipline. By letter dated March 13, 2006, the deputy attorney general cited to the Board's regulation that states service of process at the licensee's address of record is adequate notice for the commencement of disciplinary proceedings. N.J.A.C. 13:32:4.4(b). He noted Mr. Morkis had failed to respond and reiterated that the Board could find a basis for discipline and finalize the provisional order.

The Board is satisfied that mailing the Provisional Order to respondent's address of record is adequate notice of this matter. While the certified mail was not claimed, the regular mail is presumed to have been received. As such, the Board's preliminary determination that respondent has failed to cooperate with a Board inquiry and, having so failed, has engaged in professional misconduct is supported by the record here. On finalizing the order, therefore, the Board makes the following findings of fact and conclusions of law:

#### FINDINGS OF FACT

1. Robert J. Morkis, 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 November 17, 2003, the Board conducted a continuing education audit involving 460 randomly selected licensees. All of the randomly selected licensees had

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<sup>1</sup> The information that the certified mail was returned to the Board office and the regular mail was not returned to the Board office was supplied by the deputy attorney general in his letter of March 13, 2006. The Board accepts those representations as accurate based on his review of and familiarity with the file in this matter.

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 the date of delivery as January 23, 2004. 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. 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.

6. The Board subsequently received a copy of a continuing education certificate, dated June 28, 2004, indicating that respondent had completed the requisite five credits of continuing education for the 2003-2005 biennial renewal period.

#### CONCLUSIONS OF LAW

1.. The above findings of fact provide grounds for disciplinary action against respondent's license pursuant to N.J.S.A. 45:1-21(h) in that respondent has failed to comply with the provisions of an act or regulation administered by the Board, specifically, N.J.S.A. 45:14C-18.1 et seq. and N.J.A.C. 13:32-6.1 et seq. in that respondent failed to successfully complete five credits of continuing education for the 2003-2005 biennial period by June 30, 2003. Additionally, 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 June 28, 2004.

ACCORDINGLY, IT IS on this *9<sup>th</sup>* day of April, 2006,

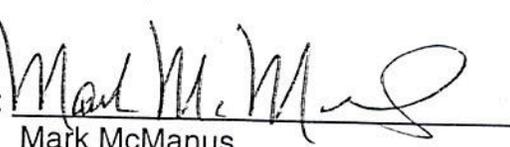
ORDERED that:

1. Respondent is assessed a civil penalty in the aggregate amount of \$1,500, consisting of a \$500 penalty for failing to complete the required continuing education requirements for the 2003-2005 biennial period by June 30, 2003; 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 have completed his continuing education by June 30, 2003, when in fact respondent failed to complete the requirement by that date. 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.

2. Respondent is assessed costs in the amount of \$98.67. Payment for the costs shall be by certified check or money order made payable to the state of New Jersey

and submitted to the Board no later than thirty days after entry of any Final Order of Discipline to the address set forth in numbered paragraph 1 above. 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  
Board Chairman