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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

Administrative Action

JAMES J ABBOOD  
License No.36BI01121900

FINAL ORDER  
OF DISCIPLINE

TO PRACTICE MASTER PLUMBING  
IN THE STATE OF NEW JERSEY

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 James J. Abbood ("respondent") had engaged in professional misconduct by failing to respond to two letters 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.

In response to the Provisional Order, respondent submitted a letter dated January 9, 2006, in which he stated that he had not received the Board's letters as he had moved from his residence during the period in question and the mail was not forwarded to him. He provided proof of the addresses at which he lived. Mr. Abbood further stated that he believed he had adequately answered the question on the renewal application because he had circled the words "driving" and "intoxicated" on the renewal form. He returned to his

original residence - his address of record - in July 2004 and, therefore, received the Board's Provisional Order when it was sent to that address. Mr. Abbood provided information indicating the disposition of the underlying offense, that is, the conviction for driving under the influence. Respondent asked the Board to accept his explanation and to dismiss the Provisional Order.

In response, the deputy attorney general, by letter dated March 10, 2006, noted that while Mr. Abbood claims he did not intentionally fail to respond to the Board's inquiry, he had failed to notify the Board of his change of address. Nonetheless, the deputy noted the Board could reduce or withdraw the penalty or impose a reprimand in lieu of the civil penalty.

The Board considered this matter at its meeting on March 22, 2006, and determined that respondent has now provided the information sought by its initial inquiry and offered mitigation sufficient to modify the Board's provisional determination. Because he has adequately responded to the question regarding his conviction, and because the Board is persuaded that he was sincere in his belief that marking his renewal application (by circling the words "driving" and "intoxicated") was sufficient, the Board will eliminate the proposed suspension. Additionally, while the Board is troubled by respondent's failure to have notified the Board of his change of address, it finds that respondent did not intentionally fail to respond to the Board's letters and, as such, the Board will reduce the civil penalty from \$500 to \$250. On finalizing the order, therefore, the Board makes the following findings of fact and conclusions of law:

#### FINDINGS OF FACT

1. James J. Abbood ("respondent") is a licensed master plumber licensed in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On his 2003-2005 license renewal application, respondent indicated that he had been convicted of a crime. On August 22, 2003, respondent was sent a letter by the Board inquiring 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. Mr. Abbood 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 delivered and signed for on January 21, 2004. As of the date of the Provisional Order, Mr. Abbood had not submitted the information 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.

ACCORDINGLY, IT IS on this 27<sup>th</sup> day of April, 2006,

ORDERED that:

1. Respondent shall be assessed a penalty of \$250 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 the 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  
Board Chairman