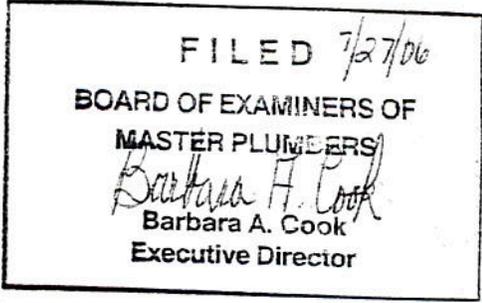


ZULIMA V. FARBER
ATTORNEY GENERAL OF NEW JERSEY
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Plumbing



By: Joseph Donofrio
Deputy Attorney General
Tel. (973) 648-2436

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 :
:
:
NICHOLAS ARGENZIANO L.M.P. :
License No. 8686 :
:
TO PRACTICE AS A PLUMBER :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Master Plumbers ("the Board") upon receipt of information alleging that Nicholas Argenziano ("respondent") failed to: 1) properly select and install a new high efficiency, direct vent hot water heating system he agreed to install for R.T. and C.T., 2) enter into a written contract with R.T. and C.T. for the plumbing work to be performed, 3) properly complete the installation of the heating system and as a result, several rooms were without heat. On November 17, 2005 respondent and C.T. appeared at an investigative inquiry into the matter held by the Board.

The Board's conclusion of facts in this matter are as follows. Respondent agreed to install a complete new heating and plumbing system for R.T. and C.T. The work was extensive and involved, among other things, installation of new plumbing, a new high efficiency direct vent hot water boiler selected by respondent that could operate with low gas pressure and radiators. The family moved out of the house during the renovations and when the family moved back into their home, several rooms were without heat. The boiler selected by respondent would occasionally shut-off due to low gas pressure during peak demand periods. Respondent's failure to evaluate the gas utility's minimum gas delivery during peak demand periods resulted in respondent selecting and installing a boiler not in accordance with the manufacturer's specifications.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21 (e) in that respondent's conduct, in failing to select and install the boiler in accordance with the manufacturer's specifications, resulted in the occasional failure of the heating system and constituted professional misconduct. Additionally, these facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21 (e) in that respondent's conduct, in failing to obtain a written contract prior to the commencement of the plumbing work constituted professional misconduct. Respondent additionally failed to include his license number on his professional letterhead in violation of N.J.A.C. 13:32-3.1(b). Finally, respondent failed to provide a physical address upon renewing his license for the 2005-2007 biennial period in violation of N.J.A.C. 13:32-4.4(a). It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings, the Board finding that the within order is adequately protective of the public safety and welfare, and for good cause shown:

IT IS ON THIS 27th DAY OF July, 2006
HEREBY ORDERED AND AGREED THAT:

1. Respondent shall pay a civil penalty in the amount of \$500.00 for failing to obtain a written contract prior to the commencement of the work which constituted professional misconduct in violation of N.J.S.A. 45:1-21(e). Additionally, respondent shall pay a \$100.00 penalty for failing to include his license number on his professional letterhead in violation of N.J.A.C. 13:32-3.1(b), as well as a \$100.00 penalty for failing to provide a physical address upon renewing his license for the 2005-2007 biennial period in violation of N.J.A.C. 13:32-4.4(a). Payment of the civil penalties totaling \$700.00 shall be made simultaneous with the signing of this order. Payment for the civil penalties shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Barbara A. Cook, Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

2. Respondent shall pay restitution to R.T. and C.T. in the amount of \$2,675.00. Payment shall be made simultaneously with the signing of this order. Payment shall be submitted by certified check or money order made payable to R.T. & C.T. and shall be sent to Barbara A. Cook at the address described in paragraph #1.

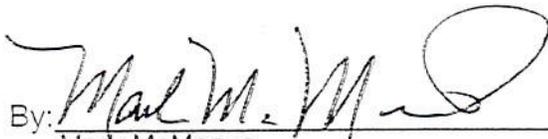
3. Respondent is assessed the costs of the investigation to the State in this matter in

the amount of \$974.25. Payment shall be made simultaneously with the signing of this order. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Barbara A. Cook at the address described in paragraph #1.

4. Respondent shall cease and desist from the violations described herein. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

5. Failure to comply with any of the terms of this Order may constitute the basis for further disciplinary action by the Board, including but not limited to, suspension or revocation of respondent's master plumbing license and imposition of monetary penalties. Failure to remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By: 
Mark McManus
Board President

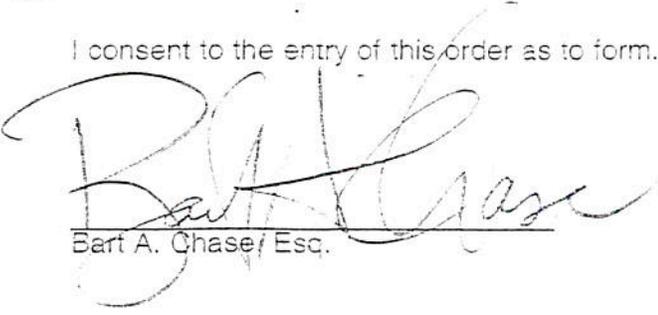
I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

7/24/06


Nicholas Argenziano, L.M.P.

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

7/24/06


Bart A. Chase, Esc.

LAW OFFICES OF BART A. CHASE, P.C.
ATTORNEY TRUST ACCOUNT
450 SPRINGFIELD AVENUE
SUMMIT, NJ 07901
ESCROW MASTER #70081



55-136/312

DESCRIPTION																			

9027

7/25/2006

BY TO THE ORDER OF State of New Jersey

\$ **700.00

Seven Hundred and 00/100

DOLLARS

State of New Jersey

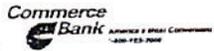
ESCROW SUB-ACCOUNT NUMBER
7760107053

EMO ARGENZIANO, N - TOTMAN

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ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

LAW OFFICES OF BART A. CHASE, P.C.
ATTORNEY TRUST ACCOUNT
450 SPRINGFIELD AVENUE
SUMMIT, NJ 07901
ESCROW MASTER #70081



55-136/312

DESCRIPTION																			

9028

7/25/2006

BY TO THE ORDER OF State of New Jersey

\$ **974.25

Nine Hundred Seventy-Four and 25/100

DOLLARS

State of New Jersey

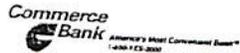
ESCROW SUB-ACCOUNT NUMBER
7760107053

EMO ARGENZIANO, N - TOTMAN

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ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

LAW OFFICES OF BART A. CHASE, P.C.
ATTORNEY TRUST ACCOUNT
450 SPRINGFIELD AVENUE
SUMMIT, NJ 07901
ESCROW MASTER #70081



55-136/312

DESCRIPTION																			

9029

7/25/2006

BY TO THE ORDER OF Two Thousand Six Hundred Seventy-Five and 00/100

\$ **2,675.00

DOLLARS

ROBERT & CATIE TOTMAN

ESCROW SUB-ACCOUNT NUMBER
7760107053

ARGENZIANO, N - TOTMAN

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