

ANNE MILGRAM  
ACTING 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 Examiners of Master Plumbers

**FILED** 9/21/06  
**BOARD OF EXAMINERS OF  
MASTER PLUMBERS**  
*Barbara A. Cook*  
Barbara A. Cook  
Executive Director

CH 35680 - Entered JOK

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

GRADY SUMNER  
License No.36BI01125100

TO PRACTICE PLUMBING  
IN THE STATE OF NEW JERSEY

Administrative Action

PROVISIONAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Grady Sumner ("respondent") is a licensed master plumber licensed in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Respondent is the bona fide representative for Fastrac Plumbing, LLC and has been the bona fide representative for Fastrac Plumbing, LLC at all times relevant hereto.
3. The Board received a complaint alleging respondent signed and sealed a plumbing permit for a hotel project located at 743 Passaic Avenue, Clifton, NJ. According to the complaint, Fastrac Plumbing, LLC was designated on the permit as the plumbing contractor responsible for performing the plumbing work for the project. However, the complaint alleged the plumbing work was being performed by Midlantic Plumbing, Inc. Midlantic Plumbing, Inc. is a Pennsylvania based company and is not licensed to engage in plumbing contracting in New Jersey. The complaint

further alleged respondent had loaned or sold the use of his license to Midlantic Plumbing, Inc., a non-licensed entity.

4. The Board sent respondent a letter, to his address of record with the Board, requesting he provide a detailed explanation in writing and to specify his company's involvement with the hotel project located at 743 Passaic Avenue, Clifton, NJ. In response, the Board received a letter from Richard A. Shapiro, Esq. The letter stated that Mr. Shapiro represented respondent and Fastrac Plumbing, LLC regarding the matter. Mr. Shapiro indicated respondent is the bona fide representative of Fastrac Plumbing, LLC. Mr. Shapiro stated Fastrac is a "sub-sub contractor to Midlantic Mechanical, Inc." and that Fastrac was hired to do the plumbing work on site. (Exhibit A, copy of letter sent to respondent, dated January 28, 2005, attached and made a part of hereto). (Exhibit B, response from Richard A. Shapiro, Esq., dated May 17, 2005, attached and made a part of hereto).

5. On June 23, 2005, the Board reviewed both the complaint and the response received from Richard A. Shapiro, Esq., as well as a copy of the plumbing permit signed and sealed by respondent in his capacity as the bona fide representative for Fastrac Plumbing, LLC. After consideration, the Board voted to have respondent provide a copy of the contract between Midlantic Mechanical, Inc. and Fastrac Plumbing, LLC. Additionally, the Board decided to have respondent provide any other documentation related to the matter. As a result, a letter dated October 26, 2005, was sent to Richard A Shapiro, Esq. requesting respondent to provide the documentation. The letter required respondent to provide the requested documentation within two weeks of the date of the letter. However, respondent failed to provide the requested documentation, nor has he provided any response to the Board's request. (Exhibit C, letter sent to Richard A. Shapiro, Esq., dated October 26, 2005, attached and made a part of hereto).

#### CONCLUSIONS OF LAW

1. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, to pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional or occupational misconduct by failing to respond to the Board's request for information upon receipt of the October 26, 2005 letter in violation of N.J.A.C. 13:45C-1.3.

ACCORDINGLY, IT IS on this 21<sup>st</sup> day of Sept., 2006,  
ORDERED that:

1. Respondent's license to practice plumbing in the State of New Jersey is hereby provisionally suspended, pursuant to N.J.S.A. 45:1-21(e), unless or until he furnishes the Board with the documentation requested in the letter sent on October 26, 2005.

2. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Barbara Cook, Executive Director, State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, P.O. Box 45008, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

3. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

4. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Additionally, if further proceedings are ordered, the Board may seek to recoup the costs of such proceedings from respondent, in addition to the sanctions and penalties stated above.

NEW JERSEY STATE BOARD OF  
EXAMINERS OF MASTER PLUMBERS

By:   
Mark McManus  
Board Chairman



RICHARD J. CODEY  
Acting Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Examiners of Master Plumbers  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



PETER C. HARVEY  
Attorney General

JEFFREY BURSTEIN  
Acting Director

Mailing Address:  
P.O. Box 45008  
Newark, NJ 07101  
(973) 504-6420

January 28, 2005

Mr. Grady Sumner, LMP # 11251  
T/A Fastrac Plbg.  
318 Weatherby Avenue  
Swedesboro, NJ 08085

RE: DON CAPASSO, PLUMBER'S LOCAL 14, 150 MAIN STREET, LODI, NJ 07644

Dear Mr. Sumner:

The State Board of Examiners of Master Plumbers is in receipt of a complaint filed by Don Capasso, Business Agent of Plumber's Local 14. Mr. Capasso questioned your affiliation with Midlantic Plumbing. Mr. Capasso also advised the Board that you had obtained the permits on an Extended Stay Hotel in Clifton, NJ.

You are hereby requested to provide the Board with a detailed explanation in writing, and specify your company's involvement with this, & include the following items, where applicable, in your response: (1) the cost of parts/your markup on parts; (2) the time and effort involved with this consumer; (3) any travel time charge; (4) novelty/skill required to perform this job. (5) If permits were required, you are also requested to forward copies of the Final Inspection Report and Permits pertaining to this job.

Your prompt attention to this matter is required.

Please submit your written reply with accompanying documentation to the Board by February 18, 2005.

Very truly yours,

THE STATE BOARD OF EXAMINERS  
OF MASTER PLUMBERS

Barbara A. Cook  
Executive Director

FILE ID # 35680  
BAC: cs

# *Shapiro, Shapiro & Jacob*

*A Professional Corporation  
Counselors at Law*

*Richard A. Shapiro\**  
*Harvey J. Jacob\**  
*\*Member of NJ and PA Bar*

*A. Morton Shapiro\*\**  
*Frederick A. Levy\*\**  
*CPA and Member of NJ, PA and NY Bar*  
*\*\* Of Counsel*

*Cherry Hill Plaza, Suite 508  
1415 Marlton Pike East, Cherry Hill, NJ 08034  
Telephone: (856) 795-3600  
Telefax: (856) 354-1442*

May 17, 2005

Barbara A. Cook, Executive Director  
Division of Consumer Affairs  
State Board of Examiners of Master Plumbers  
Office of the Attorney General  
124 Halsey Street, 6<sup>th</sup> Flr  
Newark, NJ 07102

Re: Don Capasso, Plumber's Local 14, 150 Main Street, Lodi, NJ 07644  
Our client: Grady Sumner, LMP # 11251

Dear Ms. Cook:

As you know from prior correspondence, I represent Grady Sumner and Fastrac Plumbing LLC ("Fastrac") regarding the above captioned matter. This is in reply to your letter of January 28, 2005.

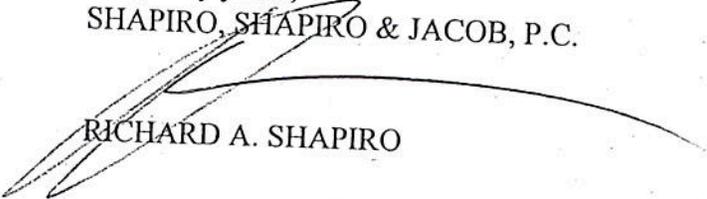
Fastrac, of which Mr. Sumner is the bona fide representative, is a sub-sub contractor to Midlantic Mechanical, Inc. on the particular project in question. Fastrac was hired to do the plumbing work on site. The plumbing permit was issued to Fastrac on August 9, 2004, by the City of Clifton, Permit No. 042940, a copy of which is enclosed. Copies of inspection reports have been requested from the City Plumbing Sub Code Official, Sy Goldstein, and will be forwarded to you upon receipt. Please let me know what else, if anything, you require.

Exhibit B5

Barbara A. Cook, Executive Director  
Division of Consumer Affairs  
State Board of Examiners of Master Plumbers  
Office of the Attorney General  
May 17, 2005  
Page 2

Thank you.

Very truly yours,  
SHAPIRO, SHAPIRO & JACOB, P.C.



RICHARD A. SHAPIRO

enc.

cc: Grady Sumner

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Exhibit B 6



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RICHARD J. CODEY  
*Acting Governor*

*State of New Jersey*  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF LAW  
PO Box 45029  
NEWARK, NJ 07101

PETER C. HARVEY  
*Attorney General*

October 26, 2005

Richard A. Shapiro  
Shapiro, Shapiro & Jacob, P.C.  
Cherry Hill Plaza, Suite 508  
1415 Marlton Pike East  
Cherry Hill, N.J. 08034

Re: Grady Summer, LMP# 11251 (t/a "Fastrac Plumbing LLC")

Dear Mr. Shapiro:

I am a Deputy Attorney General assigned to represent the New Jersey State Board of Examiners of Master Plumbers (the "Board"). As you are aware, the Board is currently investigating the allegations raised by Don Capasso, business agent of Plumber's Local 14. Those allegations concern the plumbing work performed for the Extended Stay Hotel project located at 743 Passaic Avenue, Clifton, NJ.

On May 17, 2005, you submitted a correspondence to the Board which indicated that Fastrac Plumbing, LLC was hired by Midlantic Mechanical, Inc. as a sub-contractor to perform plumbing work for the project. Additionally, you were kind enough to provide the Board with copies of the permits and the inspection reports. However, in order to continue to investigate this matter, the Board would request that Mr. Summer provide a copy of the contract between Fastrac and Midlantic Mechanical concerning the project. Any other documentation related to the matter should also be provided. Please have Mr. Summer provide the requested documentation within two weeks from the date of this letter. If you have any questions, please call me.

Sincerely yours,

PETER C. HARVEY  
ATTORNEY GENERAL OF NEW JERSEY

By: Joseph Donofrio  
Joseph Donofrio  
Deputy Attorney General

cc: Barbara Cook, Executive Director



Exhibit C 3