



ap#: 748751 - STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER PLUMBERS
: 49959

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
PHILLIP KORAL "SUSPENDED" :
License No. 36BI00435500 :
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 which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed master plumber licensed in the State of New Jersey and has been a licensee at all times relevant hereto.
2. The Board sent a letter to respondent, dated November 17, 2003. The letter was sent to respondent as part of a continuing education audit being conducted by the Board. Pursuant to N.J.A.C. 13:32-6.1(d), the Board may review the records of any licensee, at any time, in order to ensure that the licensee has complied with the continuing education requirements. Respondent was one of 460 randomly selected licensed master plumbers chosen to receive the audit letter.
3. The letter required respondent to submit a copy of his continuing education certificate for the current 2003-2005 biennial renewal cycle. Respondent had previously indicated on his 2003-2005 biennial renewal form that he had successfully

completed the required continuing education. Pursuant to N.J.A.C. 13:32-6.1(c), every licensee shall maintain, for a period of four years, a record of all verification of attendance forms for all continuing education courses the licensee has completed.

4. The letter was sent to respondent by regular mail at the address of record with the Board. The letter required respondent to submit the requested information within 20 days of the date of the letter. The Board received no response from respondent within that time frame.

5. On January 14, 2004, the Board again sent the identical letter to respondent, requesting a copy of the continuing education certificate. However, this letter was stamped "Second Notice." The letter was sent via certified mail to the respondent's address on record with the Board. Again, the letter required respondent to submit the requested information within 20 days. The letter was returned to the Board office marked "refused" by the U.S. Postal Service. To date, the Board has not received the requested continuing education certificate from respondent.

6. The Board sent a third letter to respondent, dated April 2, 2004, requesting his appearance before the Board for an investigative inquiry on May 4, 2004, as a result of his failure to furnish any response to the Board's letters dated November 17, 2003 and January 14, 2004. The respondent did send a written response to the Board in a letter dated April 22, 2004, in which he acknowledged his failure to provide proof of his continuing education certificate. However, respondent also claimed that he is retired, that he has not lived in or practiced plumbing in the state of New Jersey for over ten years, that he suffers from various physical ailments which prevent him from attending any continuing education requirements, that he is currently on a fixed income through Social Security, receiving \$429.00 per month, and that he had mistakenly renewed his plumbing license for the 2003-2005 biennial period.

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(h) in that respondent has failed to cooperate with the Board investigations in contravention of N.J.A.C. 13:45C-1.3(a)(5), as

well as failing to satisfy the continuing education requirements for the 2003-2005 biennial license renewal cycle pursuant to N.J.S.A. 45:14C-18.1 and N.J.A.C. 13:32-6.1.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline provisionally suspending respondent's license to practice plumbing in the State of New Jersey, and assessing a civil penalty in the aggregate amount of \$4,000 penalty, was entered on May 27, 2004 and a copy was forwarded to respondent at the last known address on file with the Board by certified and regular mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent submitted a response to the Board explaining the circumstances which prevented him from completing the continuing education requirement and from actively practicing plumbing for the last ten years and, including his poor eyesight, as well as his difficulty in traveling beyond his local community. Respondent also indicated that he had mistakenly renewed his license for the 2003-2005 biennial period, and he also addressed his current financial status, ultimately requesting that the Board reconsider the \$4,000 in total civil penalties being assessed against him. Respondent also requested that as a result of his retired status, that his plumbing license be considered inactive.

In assessing respondent's contentions, it should be noted that although respondent claimed that he had not practiced plumbing in ten years, he indicated on his 2003-2005 renewal application that he was the primary owner of a plumbing contractor, and that he will have completed his continuing education requirement by 2003. These facts are in direct conflict with respondent's assertion of his retired status, as well as his offered reasoning for not completing his continuing education requirements. Furthermore,

respondent himself acknowledged that he did not have legitimate justification for his failure to respond to the Board's first two letters requesting proof his continuing education requirement.

Therefore, the Board maintains the penalties against respondent in the aggregate amount of \$3,000, for failing to provide proof of the continuing education certificate, failing to respond to the Board's first two requests for said information, and for indicating on the 2003-2005 renewal application that he will complete his continuing education requirement by June 30, 2003. As a result of respondent's letter response to the Board dated April 22, 2004, the \$1,000 penalty imposed against him for failing to appear for the investigative inquiry on May 4, 2004, should be dismissed.

Furthermore, the Board finds that respondent's license may be placed on inactive status pursuant to N.J.S.A. 45:1-7.3, which precludes him from engaging in master plumbing. The Board will first issue a final order of discipline, which will result in a suspension of his license for failure to complete his continuing education requirement. Should respondent later elect to have his license placed on active status, he is then obligated to provide the requisite continuing education requirement.

Accordingly, it is determined that the Provisional Order should be made final with regard to the imposition of certain penalties as described above.

ACCORDINGLY, IT IS on this 12th day of December, 2006,

ORDERED that:

1. Respondent's license to practice plumbing in the State of New Jersey is hereby suspended unless or until he furnishes the Board with a copy of his continuing education certificate, issued by the instructor, documenting that he satisfied the five hours of continuing education requirements for the 2003-2005 biennial cycle pursuant to N.J.A.C. 13.32-6.1.

2. Respondent shall be assessed a penalty in the aggregate amount of \$3,000 for the failure to timely cooperate with the Board's requests for a copy of his continuing education certificate requiring the filing of a Provisional Order of Discipline and consideration thereof.

3. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board

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reserves the right to place restrictions on respondent's practice should his license be reinstated.

NEW JERSEY STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS

By: 

Mark McManus
Board President