



ap# 750796
CH 50260

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

CHARLES WINTHER, JR.
License No. 36BI00671000

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 time 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. The Board received no response from respondent within that time frame.

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. Although the Board received confirmation of respondent's receipt of the third letter, respondent failed to appear for the May 4, 2004 investigative inquiry.

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 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 \$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's attorney sent a letter to the Board dated July 13, 2004, in which a copy of respondent's registration for an upcoming continuing education course, to be held on November 13, 2004, was included. Since that time, the board has confirmed, via respondent's submission of a 2003-2005 continuing education certificate, that he registered for and completed the November 13, 2004 course. As a result, there shall be no suspension of respondent's license. Additionally, the Board has agreed to reduce the \$1,000 penalty against respondent to \$500.00, for failing to complete the continuing education requirement by June 30, 2003, based on respondent's

completion of his 2003-2005 continuing education requirement shortly after the issuance of the provisional order.

ACCORDINGLY, IT IS on this 19th day of December, 2006,
ORDERED that:

1. Respondent shall be assessed a penalty in the aggregate amount of \$3,500, consisting of a \$500.00 penalty for originally failing to provide a copy of a continuing education certificate for the 2003-2005 biennial period (reduced from the original amount of \$1,000) which is deemed a failure to timely satisfy the required continuing education requirements for the 2003-2005 biennial period; a \$1,000 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, a \$1,000 penalty for failing to appear for the investigative inquiry which was scheduled for May 4, 2004 and a \$1,000 penalty for indicating on the application for the 2003-2005 biennial renewal that he will complete his continuing education requirement by June 30, 2003, when in fact, respondent failed to provide a copy of a continuing education certificate demonstrating his compliance with the continuing education requirement by this date. 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 President