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*c # 35680
 ap - 755319*

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

FINAL ORDER

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.

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 within that time period.

CONCLUSIONS OF LAW

1. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, 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.

DISCUSSION

Based on the foregoing findings and conclusion, a Provisional Order of Discipline was entered on September 21, 2006, provisionally imposing a suspension of license, pursuant to N.J.S.A. 45:1-21(e), until such time as respondent furnishes the Board with the documentation requested in the letter sent on October 26, 2005. A copy of the Order was forwarded to respondent's attorney, Richard A. Shapiro, Esq., 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 not be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, via his attorney, requesting consideration in a letter dated October 16, 2006. In the letter, respondent's attorney asserts he never received the Board's letter dated October 26, 2005. As a result, respondent was not aware of the Board's request for the documentation. Respondent's attorney also asserted there was no written contract between Fastrac Plumbing, LLC and Midlantic Mechanical, Inc. The contract between Fastrac and Midlantic was oral. As a result, there is nothing for respondent to produce.

Respondent's submission was reviewed by the Board. The Board determined that respondent had raised a legitimate material discrepancy regarding his receipt of the Board's October 26, 2005 letter and his alleged failure to cooperate. Respondent has now cooperated with the Board's request by indicating that the information requested does not exist. As a result, the Board has determined that the Provisional Order should not be made final and that no suspension should issue. However, this action is not dispositive of the allegations asserted in the original complaint. The Board does reserve the right to continue the investigation and take appropriate action regarding the allegations contained in the original complaint.

ACCORDINGLY, IT IS on this 10th day of April, 2007,
ORDERED that:

1. The proposed suspension set forth in the Provisional Order of Discipline is hereby rescinded.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: 
Mark McManus
Board Chairman