



RON S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
Home Inspection Advisory Committee
124 Halsey Street, 3rd Floor, Newark, NJ 07102
www.njconsumeraffairs.gov



STUART RABNER
Attorney General

STEPHEN B. NOLAN
Acting Director

By Certified and Regular Mail

May 15, 2007

Frank J. Tiedeken
Enginspect, Incorporated
2661 18th Avenue
Wall, New Jersey 07719

Re: **I/M/O FRANK J. TIEDEKEN**
ENGINSPECT, Incorporated
Complaint Number: 38231

Mailing Address:
P.O. Box 45043
Newark, NJ 07101
(973) 504-6233
FAX: (973) 273-8020

Offer of Settlement In Lieu of Disciplinary Proceeding

Dear Mr. Tiedeken:

This letter is to advise you that the New Jersey State Home Inspection Advisory Committee (hereinafter referred to as the "Committee") has had an opportunity to review a complaint it received concerning the professional services you and your company, Enginspect, Incorporated ("Enginspect,"), provided Kurt and Adrienne Burmeister on property located at 17 Algonquin Road, Holmdel, New Jersey, on or about July 24, 2004.

Specifically, the information reviewed by the Committee included, but is not limited to, the following documents:

1. A complaint filed by Kurt and Adrienne Burmeister with the Committee on or about May 13, 2005, as well as any and all attachments and exhibits; and
2. Correspondences, dated June 6, 2005 and June 10, 2005, from Frank J. Tiedeken, Enginspect, Incorporated, to the Committee, as well as any and all attachments and exhibits.

Upon review of all available information, the Committee has found that probable cause exists to support a finding that you violated as well as failed to comply with the Home Inspection Professional Licensing Act, and the accompanying regulations administered by the Board, in violation of N.J.S.A. 45:1-21(h), in that: 1) your pre-inspection agreement failed to contain information required by N.J.A.C. 13:40-15.15(a) and ©; 2) you failed to identify and describe the presence of aluminum wiring in the residence, contrary to N.J.A.C. 13:40-15.16(i)(2)(vi); 3) you performed a septic system inspection without having the requisite credentials, in violation of N.J.A.C. 13:40-15.22(a)(2); and 4) you held yourself out as capable of providing, and advertised to perform, structural engineering services, contrary to N.J.A.C. 13:40-15.19(a)(14, 15) and (16).

Specifically, the Committee's investigation into this matter revealed that you were licensed as a home inspector in this State on or about March 13, 2003. Further, the Committee found that you performed the home inspection for Mr. and Mrs. Burmeister in July 2004. Subsequent to that inspection, you issued a written home inspection report detailing your findings. The Burmeisters complained to the Committee that you failed to detect and advise them of the presence of aluminum wiring in the residential home.

The Committee determined; following its review of the entire record in this matter, including, but not limited to your inspection report and pre-inspection agreement contract; that your pre-inspection contract failed to incorporate all the information required. Specifically, the copy of the agreement reviewed by the Committee does not contain; the price of the home inspection; the full name and address of the client; a statement advising clients of the Committee's regulations and a licensee's obligation to comply with said regulations and a statement concerning whether the inspector will return to the premises for an additional inspection and the costs associated with an additional inspection. These provisions are required by N.J.A.C. 13:40-15.15(a)(1), (4), (7) and ©. The Committee concludes that the conduct detailed above constitutes a violation of N.J.S.A. 45:1-21(h) and specifically N.J.A.C.

13:44-4.9(a), and therefore establishes a basis for disciplinary action.

Moreover, the Committee's review of the inspection report you prepared revealed that you failed to describe the presence of solid conductor aluminum branch circuit wiring in the residential home, as required by N.J.A.C. 13:40-15.16(i)(2)(vi). The Committee concluded that the aluminum wiring was present at the time of your inspection and therefore should have been noted in your report. It finds that your failure to describe this type of wiring in the inspection report constitutes a violation of N.J.S.A. 45:1-21(h) and, therefore, establishes a basis for disciplinary action.

Additionally, the Committee observed that your inspection report identifies you as a

State Licensed Home Inspector and
Structural Engineer serving New Jersey
since 1984. [emphasis added].

A review of the records of the State Board of Professional Engineers and Land Surveyors indicated that you are **not** licensed as a professional engineer in the State of New Jersey. The Committee concludes that the conduct detailed above constitutes a violation of N.J.S.A. 45:1-21(h), and specifically N.J.A.C. 13:40-15.19(a)(14), (15) and (16), in that you engaged in the use of advertising which contains a statement that is false and misleading and for engaging in advertising that promotes a professional service which is beyond your authority to perform. The Committee finds that this conduct constitutes a violation of N.J.S.A. 45:1-21(h) and, therefore, establishes a basis for disciplinary action.

Finally, the Committee's review of your inspection report reveals that you performed a septic system inspection on the residential home and issued a written report relative to your conclusions as to the condition of the disposal system. N.J.A.C. 13:40-15.22 prohibits a licensed home inspector from performing a septic system inspection unless you are either a licensed professional engineer or a registered environmental health specialist. The Committee finds that you are neither licensed as a professional engineer nor a registered environmental health specialist in

the State of New Jersey. Therefore, the Committee concludes that your conduct as detailed above constitutes a violation of N.J.S.A. 45:1-21(h) and, therefore, establishes a basis for disciplinary action.

At this juncture, the Committee has determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Committee has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. A formal reprimand for violating and/or failing to comply with the Committee's standards of practice regulation, contrary to N.J.S.A. 45:1-21(h), and specifically N.J.A.C. 13:40-15.15, N.J.A.C. 13:40-15.16, N.J.A.C. 13:40-15.19 and N.J.A.C. 13:40-15.22;
2. Cease and desist from violating the mandates of: 1) N.J.A.C. 13:40-15.15 by failing to include the requisite information in the pre-inspection contract; 2) N.J.A.C. 13:40-15.16 by failing to comply with the standards of practice regulation; 3) N.J.A.C. 13:40-15.19 by engaging in false advertisement and holding yourself out as a structural engineer; and 4) N.J.A.C. 13:40-15.22 by performing septic system inspections, until you have obtained the required education, training, license or certification enumerated in the regulation;
3. Pay a penalty in the aggregate amount of **\$6,500.00**; consisting of a \$1,500.00 penalty for violating N.J.A.C. 13:40-15.15; a \$2,500.00 penalty for violating N.J.A.C. 13:40-15.16; a \$1,000.00 penalty for violating N.J.A.C. 13:40-15.19; and a \$1,500.00 penalty for

violating N.J.A.C. 13:40-15.22; to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for your violation of N.J.S.A. 45:1-21(h).

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Committee office. In such event, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Committee will either conduct that hearing, at a date and time to be scheduled, or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Committee may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Committee may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Committee. Should you have any procedural questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Committee within fifteen (15) days following your receipt of this letter. In the event that the Committee receives no response from you within fifteen (15) days, the Committee's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of the appropriate disciplinary action.

NEW JERSEY STATE HOME INSPECTION
ADVISORY COMMITTEE

By: Arthur Russo
ARTHUR RUSSO
Executive Director

ACKNOWLEDGMENT: I, **FRANK J. TIEDEKEN**, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct that has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Committee herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the total amount of **\$6,500.00**. I also agree to adhere to the other provisions enumerated in this settlement letter.

FRANK J. TIEDEKEN

DATED:

cc: Deputy Attorney General Olga E. Bradford

I/M/O FRANK J. TIEDEKEN
ENGINSPECT, Incorporated
Complaint Number: 38231

Offer of Settlement In Lieu of Disciplinary Proceeding Addendum

1. In the alternative, the respondent Frank J. Tiedeken agrees to pay the civil penalty, totaling \$6,500.00 in equal installments payments of \$270.00 for a total twenty-three (23) months. The twenty-fourth (24th) and final payment will total \$290.00. The first payment shall be due on the fifteenth of each month beginning October 15, 2007 and every month thereafter until the total amount is paid in full. The payments should be submitted to the Home Inspection Advisory Committee, to the attention of Arthur Russo, Executive Director of the Committee, at 124 Halsey Street, Post Office Box 45015, Newark, New Jersey 07101.

2. Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice. Further, failure to pay the penalty within the time period allotted above will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules, and may result in subsequent disciplinary proceedings before the Committee for failure to comply with an

Order of the Committee.

3. Failure on the part of the respondent Frank J. Tiedeken to pay the civil penalty or the installment payments timely or to comply with any of the terms of this Settlement Letter would constitute a violation of the Settlement Letter, proof of which would constitute grounds for disciplinary action by the Committee, including but not limited to an automatic suspension of the active home inspection license of Frank J. Tiedeken.

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


FRANK J. TIEDEKEN

DATED: 9/25/07