Filed by the Home Inspection Advisory Committee on
Date April 8, 2008

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
HOME INSPECTION ADVISORY COMMITTEE

IN THE MATTER OF THE LICENSE OF **BRIAN J. MEARA** **License No. 24GI00015600** TO PRACTICE HOME INSPECTION IN THE STATE OF NEW JERSEY	Administrative Action FINAL DECISION AND ORDER AFTER UPL EXPLANATION

This matter was opened to the New Jersey Home Inspection Advisory Committee, under the New Jersey State Board of Professional Engineers and Land Surveyors (hereinafter the "Committee"), upon receipt of a reinstatement application for licensure as a home inspector in this State filed by Brian J. Meara on or about August 27, 2007.

Review of this matter revealed that Mr. Meara was licensed as a home inspector in this State on or about March 1, 2005. The Committee's records indicate however that Mr. Meara's license expired on April 30, 2007 and that he failed to renew said license for the 2007 to 2009 licensure period timely. On or about August 2007, Mr. Meara paid the renewal fee, as well as a reinstatement fee, for the biennial period of 2007-2009 totaling $625.00.

On September 21, 2007, a Uniform Penalty Letter (hereinafter "U.P.L.") was sent to Respondent setting forth the initial findings of the Committee and offering Respondent the opportunity to settle this matter by acknowledging the violations and paying an aggregate civil penalty in the amount of $500.00 reflecting the following:

1. A civil penalty of $500.00 for engaging in the practice of home inspection with an expired license in violation of N.J.S.A. 45:1-7.1(c); and

2. A formal reprimand for engaging in the practice of home inspection with an expired license in violation of N.J.S.A. 45:1-7.1(c); and.

Alternatively, Respondent was given the options of either requesting a hearing before the Committee or submitting a written explanation and waiving its right to a hearing.

Waiving his right to a hearing, Respondent elected to submit a written explanation in which Respondent maintained:

> In or about September 2005, respondent moved to a new address. The respondent contended that he provided his new address to the Committee's administrative office at that time. In or about August 2007, respondent noticed that his home inspection license had expired and that he had not received a renewal application. He contacted the Committee office and was advised that the office had not received any change of address information and, hence, his renewal application was sent to his old address and subsequently returned by the postal service. The respondent admitted, in his renewal application, that he performed home inspections during the period of time when his license was expired for failure to timely renewal. Finally, the respondent, while acknowledging that it was his responsibility to renew his license, advised that he had paid all of the required reinstatement fees and that an imposition of a civil penalty would be a financial hardship for him and his family. He therefore requested that the Committee rescind the civil penalty imposed in the U.P.L.

At its meeting on October 9, 2007, the Committee considered Respondent's explanation and the complaint. With respect to the allegations, the Committee accepted the respondent's admission that he had in fact engaged in the practice of home inspection with an expired license. While the Committee accepted the respondent's contentions that a civil penalty may be difficult

financially for him to pay, the Committee nevertheless concluded that Respondent violated the applicable statutory and regulatory obligations as set forth in the U.P.L. and thus finds that discipline is warranted.

Based on the foregoing:

IT IS on this 8 day of APRIL 2007, ORDERED that:

1. Respondent shall pay to the Home Inspection Advisory Committee a civil penalty in the total amount of $500.00 for the violations as set forth in the U.P.L. and found as detailed above. Said payment shall be made by certified check or money order payable to the New Jersey Home Inspection Advisory Committee and shall be delivered within ten (10) days of service of this order to the Executive Director at the Committee, Post Office Box 45043, Newark, New Jersey 07101. Failure to remit the payment required by this Order will result in the filing of a certificate of debt.

2. Respondent is hereby formally reprimanded for his violation of N.J.S.A. 45:1-7.1(c).

NEW JERSEY STATE HOME
INSPECTION ADVISORY COMMITTEE

BY: F. Michael Fitzpatrick
F. MICHAEL FITZPATRICK
Chairman