

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

IN THE MATTER OF THE LICENSE
OF

LYNN E. ROSCH
License No. 24GI00059400

TO PRACTICE HOME INSPECTION
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL DECISION AND ORDER
AFTER U.P.L. EXPLANATION

This matter was opened to the New Jersey Home Inspection Advisory Committee (hereinafter the "Committee") on an anonymous complaint filed against Respondent Lynn E. Rosch (hereinafter "Respondent"). This complaint alleged that the respondent violated the Committee's advertising regulation relative to her home inspection company, the New Bedford Group.

The complaint/investigation revealed probable violations of the Home Inspection Professional Licensing Act, and its accompanying regulations, N.J.S.A. 45:1-21(h), in that the respondent failed to include certain required information in her advertisement of the New Bedford Group, including, but not limited to; her home inspection license number and the business address of the inspection company in the brochure, contrary to the mandates of N.J.A.C. 13:40-15.18(c).

On January 14, 2008, 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 agreeing to the following terms:

1. A civil penalty of \$500.00 for the failure to comply with the Committee's advertising

regulation N.J.A.C. 13:40-15.18(c).

In addition, the U.P.L. letter directed Respondent to take the following corrective action:

1. Cease and desist from future violations of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-15.18(c); and
2. Take the following specific corrective action: submit to the Committee copies of a modified brochure and business card advertising the inspection company which complies with the mandates of N.J.A.C. 13:40-15.18(c) within twenty (20) days of the completion of this matter.

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

Waiving her right to a hearing, Respondent elected to submit a written explanation in which Respondent maintained: The brochure reviewed by the Committee, advertising her inspection company, was a "draft" copy that was inadvertently mixed in with the final "proofed" set of brochures. These brochures were distributed in 2005 and 2006. The brochures were printed and assembled in her home by friends and family and erroneously the draft copy was distributed with one of the final approved brochures.

At its meeting on March 11, 2008, the Committee considered Respondent's explanation and the complaint. With respect to the allegations, the Committee's review of the submitted brochure revealed that the respondent's advertisement in fact failed to contain the respondent's home inspection license number as well as the business address of the company, as required by N.J.A.C. 13:40-15.18(c). While the Committee accepted the respondent's contention that the non-compliant brochure was distributed erroneously, the Committee nevertheless concluded that the advertisement in the form as was distributed to the public violated the applicable statutes and

regulations and therefore warranted discipline. Accordingly, the Board finds that Respondent failed to conform with statutory and regulatory obligations as set forth in the UPL and thus it concludes that the advertizing violations occurred.

Based on the foregoing:

IT IS on this 8 day of APRIL 2008,

ORDERED that:

1. Respondent shall pay to the New Jersey 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 State Home Inspection Advisory Committee and shall be delivered within ten (10) days of service of this order to Arthur Russo, Executive Director of the Committee, at 124 Halsey Street, 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 has previously made the following corrective action: To submit to the Committee copies of a modified brochure and business card advertising your inspection company which complies with the mandates of N.J.A.C. 13:40-15.18(c).

3. Respondent shall cease and desist from engaging in any of the conduct found herein to be unlawful.

NEW JERSEY STATE HOME
INSPECTION ADVISORY COMMITTEE

BY:


F. MICHAEL FITZPATRICK
Chairman