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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF

Administrative Action

RICHARD S. BOGDA, L.M.P.
License No. 36BI00989700

CONSENT ORDER

LICENSED TO PRACTICE AS A
MASTER PLUMBER IN
THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of a complaint filed by the plumbing sub-code official/inspector for the Borough of Wanaque, Passaic County, N.J. The complaint stated that Richard S. Bogda ("respondent"), signed and sealed a plumbing permit as the licensed contractor (Service Professionals) for work done in or about January 2007 in Wanaque, N.J. but for which no records could be found at the offices of Service Professionals.

Respondent testified before the Board on March 27, 2008 at an investigative inquiry regarding the matter. During the inquiry, respondent admitted that the permit issued for the job in Wanaque, N.J. was actually signed and sealed by respondent's secretary and not by respondent himself, although respondent claimed he personally performed the work. Respondent further

stated that his company, Service Professionals, services heating, venting, and air conditioning (HVAC) customers in various New Jersey counties. He admitted that on several occasions, he has signed and sealed permits for Keil Heating & Air Conditioning, and that the work was performed by Keil employees and not by respondent or employees of respondent. Respondent also provided correspondence on or about October 4, 2007 and December 17, 2007, in which he stated that he has an informal working relationship with Keil Heating & Air Conditioning whereby respondent does plumbing work for Keil (water heaters, backflow preventers, and various other plumbing services), and although respondent is not compensated monetarily, he receives, instead, an education on the business end of the plumbing industry. He acknowledged not maintaining any records pertaining to the work done for Keil.

Having reviewed the entire record, including submissions and testimony at a Board inquiry, it appears to the Board that respondent has signed and sealed permits for work not performed by respondent or respondent's employees, facilitated unlicensed practice and allowed unauthorized employees to sign and seal permits with his name.

These facts establish a basis for disciplinary action pursuant to N.J.A.C. 13:32-3.4, in that any plumbing work that a licensed master plumber agrees to perform, that has not been subcontracted to another licensed master plumber, may be performed only by the licensed master plumber or the employees of the licensed master plumber or the plumbing contractor.

Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.A.C. 13:32-4.1(c), in that respondent signed and sealed a plumbing permit for use by a person other than the State licensed master plumber to whom it was issued which constitutes the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense in violation of N.J.S.A. 45:1-21(b),

and for which he is subject to penalties and sanctions pursuant to N.J.A.C. 13:32-4.1(d) for allowing an unlicensed or unauthorized person to use his seal.

Finally, these facts establish a basis for disciplinary action, pursuant to N.J.A.C. 13:32-3.3(a)(2) in that in all circumstances, the permit shall be signed by a licensed master plumber.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings, having waived any right to such proceedings and for good cause shown;

IT IS ON THIS 22 DAY OF MAY, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded for the above stated violations.
2. Respondent shall pay a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,000 for subcontracting plumbing work to a person who was not a licensed master plumber or employed by the respondent in violation of N.J.A.C. 13:32-3.4; and \$1,000 for signing and sealing a plumbing permit for use by a person other than the State licensed master plumber to whom it was issued in violation of N.J.A.C. 13:32-4.1(c). Payment of the civil penalties totaling \$2,000 shall be made simultaneous with the signing of this Consent Order, by certified check or money order made payable to the State of New Jersey and shall be sent to Barbara Cook, Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.
3. Respondent shall cease and desist from the violations described herein. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25, and further disciplinary action.
4. Failure to timely remit any and all payments required by this order will result in the

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COMPANY **MASTER PLUMBERS**

STREET ADDRESS **124 HALSEY ST., 6TH FLOOR**

CITY AND STATE **NEWARK NJ 07102**

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DELIVERY TO **Richard S. Bogda** TELEPHONE

COMPANY **LMP# 9897**

STREET ADDRESS **10 Briar Circle** DEPT./FLR.

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