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FILED 10-27-2008
BOARD OF EXAMINERS OF
MASTER PLUMBERS
Barbara A. Cook
Barbara A. Cook
Executive Director

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

IN THE MATTER OF

MARK E. ROBERTS, L.M.P.
License No. 36BI00901100

TO PRACTICE PLUMBING
IN THE STATE OF NEW JERSEY

Administrative Action

PROVISIONAL ORDER
OF DISCIPLINE

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. Mark E. Roberts, ("respondent") is a licensed master plumber licensed in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On August 25, 2006 the Board conducted a continuing education audit involving selected licensees. Respondent was selected for the audit. Respondent previously indicated on his 2005-2007 biennial renewal that he will have completed his continuing education requirement for the 2005-2007 biennial renewal period by June 30, 2005. (Exhibit A, copy of respondent's renewal, dated June 6, 2005, attached and made a part of hereto).
3. The Board sent a letter to respondent by regular mail, dated August 25, 2006,

to his address of record with the Board. In the letter, the Board required respondent to furnish a copy of his continuing education certificate for the 2005-2007 biennial renewal period. The letter required respondent to submit a written explanation to the Board in the event he failed to complete his 2005-2007 continuing education requirement. A response was to be submitted to the Board office within twenty (20) days.

4. Respondent sent a letter to the Board, dated September 11, 2006, in response to his receipt of the continuing education audit letter. In the letter, respondent states during 2005-2006 he was involved in a difficult divorce which was the reason he failed to take a continuing education class. Respondent also sent proof indicating that he completed the requisite five credits of continuing education for the 2005-2007 biennial renewal period on November 18, 2006. (Exhibit B, copy of respondent's letter to the Board dated September 11, 2006, attached and made a part of hereto). (Exhibit C, copy of a certification from Executive Director Barbara A. Cook confirming respondent provided proof that he completed the requisite five credits of continuing education for the 2005-2007 biennial renewal period on November 18, 2006, attached and made a part of hereto).

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(h), in that respondent has failed to comply with the provisions of an act or regulation administered by the Board, specifically, N.J.S.A. 45:14C-18.1 et seq. and N.J.A.C. 13:32-6.1 et seq., in that respondent failed to successfully complete five credits of continuing education for the 2005-2007 biennial period by June 30, 2005. The above preliminary findings of fact also 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 indicating on his application for the 2005-2007 biennial renewal that he will complete his continuing education requirement by June 30, 2005 when in fact respondent

did not complete the requirement until November 18, 2006.

ACCORDINGLY, IT IS on this 23 day of OCTOBER, 2008,

PROVISIONALLY ORDERED that:

1. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$500 for failing to complete the required continuing education requirements for the 2005-2007 biennial period by June 30, 2005, in violation of N.J.S.A. 45:1-21(h).
2. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,000 for indicating on the application for the 2005-2007 biennial renewal that he would complete his continuing education by June 30, 2005, when in fact respondent failed to complete the requirement by that date, in violation of N.J.S.A. 45:1-21(e). The aggregate penalty totaling \$1,500 shall be paid by money order or certified check made out to the State of New Jersey and delivered to the Board of Examiners of Master Plumbers, P.O. Box 45008, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, no later than thirty (30) days after entry of any Final Order of Discipline in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.
3. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:
 - a) Submitting a written request for modification or dismissal to Barbara Cook, Executive Director, State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, P.O. Box 45008, Newark, New Jersey 07101.
 - b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
 - c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

4. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Additionally, if further proceedings are ordered, the Board may seek to recoup the costs of such proceedings from respondent, in addition to the sanctions and penalties stated above.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: Peter J Voros
Peter Voros
Board Chairman

EXHIBIT A

1. Do you have the required \$3,000 surety bond?

YES NO

1. /

2. Will you have completed the required continuing education courses by June 30, 2005? If you are exempt (see explanation below), answer "yes" to this question.

2. /

3. Are you a bona fide representative with 100% ownership of a plumbing company?

3. /

4. Are you a bona fide representative with ownership of a plumbing company between 10% and 99%?

4. /

State Board of Examiners
of Master Plumbers
P.O. BOX 639
TRENTON, NJ 08646-0639

PAY THIS AMOUNT BY 05/31/2005

\$160.00 210.00

36B100901100
MARK E. ROBERTS

LPY0010098794320050428368I0090110008500000160000000210006

Questions:
Completely fill in
the appropriate box
for each question.

Please answer all questions on both sides of this renewal application, sign, detach as indicated and return in the enclosed envelope with the required payment. Do not send any additional information with the renewal application. Follow the instructions for address and name changes.

001196 135 060905 913 02 DCA 45-300359078

YES NO

5. Since your last renewal have you been arrested, charged or convicted of any crime or offense that you have not already reported to your board/committee? (Minor traffic offenses, such as speeding or parking need not be provided but motor vehicle offenses such as driving while impaired or intoxicated must be disclosed.)

5. /

6. Since your last renewal has any action been taken or is any action now pending against your professional license or have you been permitted to surrender or otherwise relinquish your license to avoid inquiry, investigation or action by any other licensing authority that you have not already reported to your board/committee?

6. /

7. Do you want to change your license status to inactive? (Inactive status licensees cannot practice their profession in the State of New Jersey.) See instructions on other side before answering this question.

7. /

8. This question left intentionally blank.

8. X

9. This question left intentionally blank.

9. X

Signature

Date
6/6/05

I certify that the information entered on this form is true and complete to the best of my knowledge, and further acknowledge that if the information is willfully false, I am subject to punishment and/or disciplinary sanction including license suspension/revocation or the imposition of civil penalties as may be provided by law.

EXHIBIT B

BOARD OF EXAMINERS
OF MASTER PLUMBERS
2006 SEP 15 PM 1:57

Roberts Mechanical
444 Lakeshore Drive
Hewitt, NJ 07421
973-853-3630

message
I will
9/21/06
go to
arrived
super
market

September 11, 2006

Re: Master Plumber's Lic. #36BI00901100

Barbara A. Cook
Executive Director
State Board of Examiners of Master Plumbers
124 Halsey Street
6th Floor
Newark, NJ 07102

Dear Ms. Cook:

During 2005 - 2006 I was involved in a difficult divorce. I did not take the CE class. I have signed up for the 2007 class, but I was not aware that I needed to take a make-up class.

Please advise me as to how I can make-up the class. Do I have to take two classes in 2007 or do I need to do something else?

Thank you for your prompt response in this matter.

Sincerely,



Mark E. Roberts

attached

md
11/1/06
ok

MER/ch

Alma S. Lentz
ALMA S. LENTZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 15, 2008

8

EXHIBIT C

