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Attorney for the State Board of Examiners of Master Plumbers

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FILED 12-18-08
BOARD OF EXAMINERS OF MASTER PLUMBERS
Laurence DeMarzo

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

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| IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF<br><br>ROBERT ROGAN, LMP<br>License No. 36BI01111500<br><br>LICENSED TO PRACTICE PLUMBING IN THE STATE OF NEW JERSEY | Administrative Action<br><br>CONSENT ORDER |

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers (hereinafter "the Board") upon receipt of a complaint from consumer O.O., alleging that Robert Rogan ("respondent") removed the manufacturers' warranty stickers from O.O.'s hot water heaters and refused to return them. O.O. hired respondent to replace a leaking hot water heater protected under the manufacturer's warranty. Prior to undertaking the work, respondent assured O.O. that he would provide a receipt for any money paid by O.O. Two hundred dollars ($200) was paid as a deposit on the labor charge to replace the leaking hot water heater. Respondent did not provide a receipt, and when O.O. asked for a receipt, respondent increased the price to replace the hot water heater. O.O. later discovered that respondent removed the warranty sticker from the faulty hot water heater, as well as the warranty sticker from the good water heater. Respondent declined to return the stickers unless O.O. paid respondent seventy five dollars ($75). A Monmouth County Superior Court judge, who presided at the trial of a lawsuit brought by O.O. against respondent's plumbing business, found respondent illegally removed warranty stickers from the

hot water heaters in order to coerce payments from O.O. The judge reported the matter to the Attorney General.

Respondent, in a letter dated April 17, 2007, claimed he increased the price to install the water heater because O.O.'s water heater was not a regular water heater and was more complicated to install. Respondent did not leave a receipt for the two hundred dollar ($200) deposit because he and O.O. agreed to settle the bill after the hot water heater was replaced. Respondent failed to address in his letter his removal of the warranty stickers.

Having reviewed the entire record it appears to the Board that these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent engaged in professional misconduct by removing the warranty stickers from the customer's hot water heaters and refusing to return them unless the customer paid respondent an additional fee of $75.00. It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 18 DAY OF DECEMBER, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded for the conduct outlined above in violation of N.J.S.A. 45:1-21(e).

2. Respondent shall pay a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of five hundred dollars ($500) for professional misconduct in removing the manufacturers' warranty stickers from the water heaters and refusing to return them to the consumer in violation of N.J.S.A. 45:1-21(e). Payment of the civil penalty shall be made simultaneously 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 reimburse O.O. in the amount of two hundred dollars ($200). A certified check or money order made payable to O.O. in that amount shall be sent simultaneously

with respondent's signing of this consent order, to Barbara Cook, Executive Director, Board of Examiners of Master Plumbers at the address described in paragraph two. Respondent shall also enclose both warranty stickers along with payment.

4. 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.

5. Failure to remit any payment required by this Order will result in the filing of a certificate of debt with interest accruing at the rate provided by the Rules of Court, and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board, which could include the suspension or revocation of license.

NEW JERSEY STATE BOARD OF EXAMINERS OF MASTER PLUMBERS

By: Peter I Voros
Peter Voros
Board President

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

Robert Rogan
Robert Rogan, LMP

1229

**PAYLESS PLUMBING & HEATING, LLC**
1675 UNION AVE.
HAZLET, NJ 07730-2403

DATE 3/31/09

55-33/212
9024

PAY TO THE ORDER OF Mr. OPA Leye $ 200.00

two hundred 00/xx DOLLARS

**Bank of America**

ACH R/T 021200339

For 11115 Case# 46482

Michelle Ross

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Rogan Lnp# 11115 c#46482

**PAYLESS PLUMBING & HEATING, LLC**
1675 UNION AVE.
HAZLET, NJ 07730-2403

ap# 755183

1158

DATE 10/27/08

55-33/212 NJ
90249

PAY TO THE ORDER OF State of N.J. Dept. of Law + Public Safty $ 500.00

five hundred 00/xx DOLLARS

Security Features Details on Back.

**Bank of America**

ACH RT 021200339

For NJ Admition of Guilt.

Michaeline Rogan

⑈001158⑈ ⑆021200339⑆ 3810006785 20⑈

$500.00

Revised JAN 2003

CLOSED 12K

Dec agenda

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800-621-3073