

The Committee's review of this document revealed probable violations of N.J.S.A. 45:1-21(e) and N.J.A.C. 13:40-15.19 (a)(13).

On January 19, 2009, a Uniform Penalty Letter (hereinafter "U.P.L.") was sent to Respondent setting forth the initial findings of the Board and offering Respondent the opportunity to settle this matter by acknowledging the violations and paying a civil penalty in the amount of \$2,500.00 for engaging in the use of advertising which contained a statement or format which was false and misleading in violation of N.J.A.C. 13:40-15.19 (a)(13). While the Committee recognized in the U.P.L. that, pursuant to N.J.S.A. 45:8-63(a), it is a committee established under the New Jersey Board of Professional Engineers and Land Surveyors, it found that its enabling statutes are clear in indicating that home inspectors are licensed by the Committee, not the Board. Additionally, it concluded that its licensees have no contact with the Board and any suggestion that they are licensed by the Board is misleading at best and only serves to deceive or confuse consumers as to the licensee's appropriate credentials and licensure.

In addition, the letter directed Respondent to take the following corrective action:

1. Cease and desist from future violations of N.J.S.A. 45:1-21(b) and N.J.A.C. 13:40-15.19(c)(13);
2. Take the following specific corrective action: Submit to the Committee copies of a modified advertisement of Family Building Inspections, LLC, which complies with the mandates of the Committee's advertising regulation, N.J.A.C. 13:40-15.18(c), within fifteen (15) days.

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 his right to a hearing, the Respondent elected to submit a written explanation in which Respondent maintained that he did not represent himself as an engineer and that there was no intent on his part to mislead or misrepresent his credentials in his company's advertisement. Rather, the respondent contended that, since the Committee was formed under the New Jersey Board of Professional Engineers and Land Surveyors, the purpose of the advertisement was to "... direct any potential clients in that direction for validation of licensing." Finally, the respondent agreed to modify his advertisement.

At its meeting on February 9, 2009, the Board considered Respondent's explanation and the advertisement. Notwithstanding, the respondent's response, the Committee finds that Respondent failed to conform with statutory and regulatory obligations as set forth in the UPL and thus it concludes that the violations of N.J.A.C. 13:40-15.19(c)(13) occurred. Based on the foregoing:

IT IS on this 14 day of APRIL 2009,

ORDERED that:

1. Respondent shall pay to the New Jersey Home Inspection Advisory Committee a civil penalty in the total amount of **\$2,500.00** 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 Arthur Russo, Executive Director at the Committee, 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 shall make the following corrective action: Modify any and all advertisement of Family Building Inspections, LLC, to comply with the mandates of the Committee's advertising regulation, N.J.A.C. 13:40-15.18(c). Documentation demonstrating satisfaction of this obligation shall be provided to the Board within fifteen (15) days of receipt of this Order.

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

NEW JERSEY HOME
INSPECTION ADVISORY COMMITTEE

BY: 

MICHAEL DEL GRECO
President