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Filed by the Home Inspection Advisory Committee on
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
HOME INSPECTION ADVISORY COMMITTEE

IN THE MATTER OF THE APPLICATION :
OF :
: Administrative Action
JOSEPH E. McGRATH :
Application No: 1019861 :
: CONSENT ORDER
FOR LICENSURE TO PRACTICE :
HOME INSPECTION IN THE STATE :
OF NEW JERSEY :
:

This matter was opened to the Home Inspection Advisory Committee, under the New Jersey State Board of Professional Engineers and Land Surveyors, (hereinafter the "Committee") upon receipt of an application for licensure as a home inspector in this State filed by Joseph E. McGrath.

On or June 1, 2004, Joseph E. McGrath filed an application for licensure as a home inspector in the State of New Jersey. In a letter dated October 21, 2008, Mr. McGrath furnished

the Committee with additional requested information in its review of his licensure application. However, to date, Mr. McGrath has not been licensed as a home inspector in this State by the Committee. During the pendency of the application, the Committee received a consumer complaint, filed by Michael Alfano and Michelle Riccobono, which alleged that Mr. McGrath engaged in the unlicensed practice of home inspection, contrary to N.J.S.A. 45:8-67. The Committee's initial review of this matter found that the home inspection performed by Mr. McGrath complied with its standards of practice requirements and did not violate any of its practice regulations. However, a subsequent review of this matter revealed that Mr. McGrath was not licensed at the time of the inspection.

Hence, the Committee's review of this matter disclosed, and the Committee found, that Mr. McGrath has engaged in the practice of home inspection without a license in violation of N.J.S.A. 45:8-67. Specifically, respondent performed a home inspection of premises located at 10 Wilson Court, Manalapan, New Jersey 07726, on or about July 12, 2007. He subsequently prepared and issued a written home inspection report concerning this property to Mr. Alfano and Ms. Riccobono. Moreover the Committee found that Mr. McGrath offered to provide home inspection services by advertising on his business cards that he performs residential home inspections, in violation of N.J.S.A. 45:8-67.

The Committee reconsidered this entire matter, including Mr. McGrath's application for licensure and the consumer complaint, at its February 2009 meeting. It appearing that the applicant Joseph E. McGrath desires to resolve this matter without recourse to any additional or formal proceedings; and the applicant not contesting the findings of the Committee contained in the within Order; and the Committee finding that the disposition of the matter as set forth herein is adequately protective of the public health, safety and welfare, and other good cause appearing:

IT IS, THEREFORE, ON THIS 9 day of MAY 2009,

HEREBY ORDERED AND AGREED THAT:

1. Joseph E. McGrath's application for licensure as a home inspector, pursuant to the mandates of the grandfather provision, codified at N.J.S.A. 45:8-72, in the State of New Jersey is hereby granted pursuant to the following conditions:

a. Mr. McGrath's license to practice home inspection is hereby suspended for a period of six (6) months with all six months of the suspension stayed to be served as a period of probation. The stayed suspension will commence on the date of the issuance of the license.

b. The applicant is hereby formally reprimanded for his conduct as described above, namely, the unlicensed practice of home inspection, in violation of N.J.S.A. 45:8-67.

c. Mr. McGrath shall pay a civil penalty in the amount of \$1,000.00. Said penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the Home Inspection Advisory Committee, to the attention of Arthur Russo, Executive Director of the Committee, at 124 Halsey Street, Post Office Box 45015, Newark, New Jersey 07101, contemporaneously with the signing of this Order.

In the alternative, the respondent may pay the civil penalty, totaling \$1,000.00 in equal monthly installments payments of \$100.00 for a total of ten (10) months. The first payment shall be due on the fifteenth of each month beginning June 15, 2009 and every month thereafter until the total amount is paid in full. Any failure to make any installment payment within ten (10) days of the due date shall cause the entire remaining balance to become immediately due and payable without further notice. Further, failure to pay the penalty within the time period allotted above will result in the filing of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rules, and may result in subsequent disciplinary proceedings before the Committee for failure to comply with an Order of the Committee.

2. Failure on the part of the applicant to pay the civil penalty or the installment payments timely or to comply with any of the terms of this Consent Order would constitute a violation of the Order, proof of which would constitute grounds for

disciplinary action by the Committee, including but not limited to the activation of the stayed suspension becoming an active suspension. Similarly, any allegations of misconduct and/or violations of the Home Inspection Practice Act and/or its accompanying regulations on the part of Mr. McGrath during his probationary period, which are substantiated by the Committee, shall also serve as grounds for any other appropriate disciplinary action as the Committee may determine, including but not limited to the activation of the stayed suspension to an active suspension.

HOME INSPECTION ADVISORY COMMITTEE

By:  619109
MICHAEL DEL GRECO
Chairman

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


JOSEPH E. McGRATH

DATED: 5-13-09