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ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law, Fifth Floor
124 Halsey Street
Post Office Box 45029
Newark, New Jersey 07101
Attorney for the New Jersey
Home Advisory Committee

JUL 13 2009

By: Olga E. Bradford
Deputy Attorney General
Tel. No. (973) 648-3696

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
HOME INSPECTION ADVISORY COMMITTEE

IN THE MATTER OF	:	<u>Administrative Action</u>
	:	
DAVID ROGO	:	
	:	
UNLICENSED TO PRACTICE HOME	:	CONSENT ORDER
INSPECTION IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the Home Inspection Advisory Committee (hereinafter the "Committee"), under the New Jersey State Board of Professional Engineers and Land Surveyors, following the Committee's review of a consumer complaint, filed in January 2008, concerning the home inspection services rendered by respondent David Rogo, doing business as Sentinel Home Consultant, Incorporated. The complaint alleged that the respondent had engaged in the unlicensed practice of home inspection, contrary to N.J.S.A. 45:8-67.

The Committee's review of this matter revealed, and the Committee found, that Mr.

Rogo 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 34 Somerville Avenue, Jackson, New Jersey, on or about August 31, 2006. He subsequently prepared and issued a written home inspection report concerning this property to Ron and Noelle Flam.

Moreover, in a written submission to the Committee, dated May 12, 2008 in which he responded to the allegations in the complaint, Mr. Rogo admitted that he began his career in home inspection in 1992 and that he has continuously provided home inspections from that date to the present. He conceded that he was aware of the effort to license home inspectors in this State, however, admitted that he was not so licensed.

The respondent filed an application for licensure as a home inspector in New Jersey with the administrative office of the Committee on or about May 15, 2003. To date, however, Mr. Rogo is not licensed as a home inspector in the State of New Jersey.

It appearing that the respondent, voluntarily submitting to the jurisdiction of the Committee, desires to resolve this matter without recourse to any additional or formal proceedings; and that the respondent does not contest the findings of Committee contained in the within Order; and the Committee find 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 12 day of ~~JULY~~ August 2009 HEREBY ORDERED AND AGREED THAT:

1. Respondent David Rogo shall immediately cease and desist from engaging in the practice of home inspection in the State of New Jersey until and unless he is licensed as a home inspector by the Committee;

2. Mr. Rogo, an applicant for licensure to the Committee, agrees that if a home inspector license is granted to him by the Committee, he will be, and the Committee reserves the right to, 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.

3. Respondent shall pay restitution of the home inspection fees charged to Ron and Noelle Flam in the amount of **\$400.00**.

4. The respondent shall pay a civil penalty in the amount of **\$5,000.00**. 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 45043, Newark, New Jersey 07101, contemporaneously with the signing of this Order.

In the alternative, the respondent may pay the civil penalty, totaling **\$5,000.00**, in equal installment payments of \$104.00 for a total of forty-seven (47) months. The forty-eighth (48th) and final payment will total \$112.00. Payments shall be due on the fifteenth of each month beginning on September 15, 2009 and then every month thereafter until the total amount is paid in full. Any failure to make any installment payments within then (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 other enforcement proceedings as permitted by law.

5. Failure on the part of the respondent 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 this Order and will result in the filing of a certificate of debt and may further provide grounds for enforcement action by the Committee, including but not limited to, an action in Superior Court of New Jersey as authorized by N.J.S.A. 45:1-23 or N.J.S.A. 45:1-25

HOME INSPECTION ADVISORY COMMITTEE

By: 

MICHAEL DEL GRECO
Chairman

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



DAVID ROGO

DATED: 7-10-09