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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
WILLIAM CAVALIER :
Application No: 1455115 :
: 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 William Cavalier on or about August 24, 2009. However, to date, Mr. Cavalier has not been licensed as a home inspector in this State.

During the pendency of the application, the Committee reviewed a consumer complaint, filed by John and Doreen Albora,

which alleged that Mr. Cavalier engaged in the unlicensed practice of home inspection, contrary to N.J.S.A. 45:8-67. Specifically, the Alboras maintained that the respondent performed a home inspection at property located in Toms River, New Jersey, in September 2008 and that he was not licensed as a home inspector at the time of the inspection. The Committee's review of its records revealed that Mr. Cavalier was not licensed at the time of the inspection.

Mr. Cavalier appeared, with legal counsel, at an investigative inquiry before the Committee on March 9, 2010. The respondent conceded that he been performing home inspections in New Jersey since in or about 2002 without licensure. Mr. Cavalier maintained that he had knowledge during the time period of 2002 to 2005 that the licensing of home inspectors was being contemplated in New Jersey. However, he testified that he never knew legislation had passed and that licensure was now required. The respondent further testified that he opened his own home inspection company, Ocean Inspections, Incorporated, in or about 2005, and that he had advertised this inspection business in the telephone book and by placing business cards in several Realtors' offices. He also maintained that he had performed approximately 2000 home inspections between 2003 and 2009. Finally, Mr. Cavalier admitted that he ad performed the home inspection for the Alboras.

The Committee considered this entire matter, including Mr. Cavalier's application for licensure and the consumer complaint, at its March 2010 meeting. The Committee found, and Mr. Cavalier admitted, that he 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 19 Norwich Drive, Toms River, New Jersey 08757, on or about September 28, 2008. He subsequently prepared and issued a written home inspection report concerning this property to Mr. and Mrs. Albora. Moreover, the Committee found that Mr. Cavalier offered to provide home inspection services by advertising his inspection business in the telephone book yellow pages and on business cards that he performed residential home inspections, contrary to N.J.S.A. 45:8-67.

It appearing that the applicant William Cavalier 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 5 day of MAY 2010,
HEREBY ORDERED AND AGREED THAT:

1. William Cavalier'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. Cavalier'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. Cavalier shall take and successfully complete a minimum of ten (10) hours of Committee approved courses of continuing education. Five (5) of these hours shall be in the area of report writing and the remaining five (5) hours shall be in the subject of home inspection ethics. The applicant shall provide proof of such successful completion to the Committee within six (6) months of the date of this Order. All continuing education courses taken by the applicant to fulfill this requirement **shall not** be used to satisfy any statutory continuing education requirements.

d. Mr. Cavalier 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 45015, 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 installments payments of **\$208.00** for a total of twenty-three (23) months. The twenty-fourth (24th) and final payment will total **\$216.00**. These payments shall be made by certified check or money order made payable to the State Home Inspection Advisory Committee and sent to Executive Director Russo at the address listed above. The first payment shall be paid simultaneously with the submission of this Order with subsequent payments due on the fifteenth of each 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

