

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

BRUCE LAEL, P.E.

License Number: 24G100033000

TO PRACTICE HOME INSPECTION
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the Home Inspection Advisory Committee, (hereinafter the "Committee"), following the Committee's review of a consumer complaint, filed by Kathy and Lenny DeStefano on or about December 12, 2007, concerning the home inspection services rendered by respondent Bruce Lael, at 48 Richard Drive, Mount Arlington, New Jersey, in February 2005. The complaint alleges that the respondent engaged in negligence and/or incompetence and in the use of fraud and misrepresentation when he

failed to identify and report the significance of a sag in the middle of the roof of the two-car garage and a mold condition at a residence they were considering for purchase.

Respondent, while employed by Ebert Home Inspection, Incorporated, performed a home inspection on the premises located at 48 Richard Drive, Mount Arlington, New Jersey in February 2005. He subsequently prepared and issued a written home inspection report concerning this property to the complainant. The DeStefanos maintain that the inspection report only noted minor problems in the home and therefore convinced them to purchase the house. In the area entitled "Structural" in his home inspection report, issued to the DeStefanos on or about on February 25, 2005, Mr. Lael advised that "no major structural defects noted." Additionally, the respondent handwrote the following comments:

Structural settling visible at the wood column between the garage doors, with some settling in the structure at the front wall. The column will require repair, including improvement of the footing at this support post.

After purchasing the residence and pursuant to the respondent's recommendation, the DeStefanos hired a construction company to correct the sagging over the garage doors and roof. The owners assert that the respondent referred the company to them to make the repairs. The complainants further allege that the sagging headers were in fact a major structural defect that was undetected

by the respondent. Mr. and Mrs. DeStefano also contend that the sagging headers caused the roof and soffit to split thereby causing water damage and mold. The construction company performed work that was apparently unsatisfactory to the owners who then hired additional licensed professionals to re-do the work.

In his February 10, 2008 response to the Committee, Mr. Lael asserted that his inspection met the standards of practice of home inspections and the terms of the executed Pre-Inspection Agreement used by Ebert Home Inspection. He further maintained that he did not identify or classify the noted structural defect as "minor." Rather, he advised the DeStefanos that this was an issue that needed attention and repair but that it was ". . . repairable without major construction." Finally, the respondent contends that his review of this matter indicated that the work done by the first construction company caused or worsened the existing structural condition that the company was hired to repair. Hence, he argues that he should not be responsible for inadequate construction work that was completed subsequent to his home inspection. Finally, Mr. Lael argues that the home inspection was not intended to address the possible presence of potentially harmful substances and environmental hazards, such as mold.

The Committee, following its review of the complaint and other relevant documentation, has concluded that Mr. Lael violated or failed to comply with the Home Inspection Professional Licensing

Act, and the accompanying regulations administered by the Committee, contrary to N.J.S.A. 45:1-21(h). Specifically, the Committee found that the respondent, in the inspection report he prepared subsequent to his inspection of the premises, failed to state the significance of his findings where he noted material defects in the inspected system and components, in violation of N.J.A.C. 13:40-15.16 (c) (2) (v). The Committee noted that the respondent erroneously indicated in his report that he found "no structural defects" when in fact he recorded finding a cracked support girder in the garage. Mr. Lael failed to adequately and accurately advise his clients of the significance of this structural defect. The Committee therefore finds that the conduct detailed above establishes a basis for disciplinary action.

The Committee noted that currently the respondent's home inspector license is presently on inactive status at Mr. Lael's request beginning April 2009. The Committee further notes that a licensee cannot evade disciplinary process by placing his license on inactive status and therefore the Committee has agreed to stay the imposition of the penalties in this matter.

It appearing that the respondent desires to resolve this matter without further proceedings; and the respondent acknowledging and not contesting the findings of fact and conclusion of law made by the Committee and waiving any right to a hearing; and the Committee having been satisfied that the within

resolution adequately protects the public health, safety and welfare; and for good cause shown:

ACCORDINGLY, IT IS ON THIS ^{MAY} 5TH day of
~~MARCH~~ 2010, ORDERED that:

1. The respondent, Bruce Lael, P.E., is hereby formally reprimanded for his conduct as described above, contrary to N.J.S.A. 45-1-21(h) and N.J.A.C. 13:40-15.16(c)(v).

2. The respondent shall cease and desist from further violations of N.J.S.A. 45-1-21(h) and N.J.A.C. 13:40-15.16(c)(v).

3. Respondent shall provide restitution to consumers Kathy and Lenny DeStefano in the amount of \$450.00 for the cost of the home inspection and subsequent report. The restitution shall be made payable to Mr. and Ms. DeStefano, by certified check or money order, and shall be made contemporaneously with the entry of this Order. Proof of said restitution shall be submitted to Arthur Russo, Executive Director of the State Home Inspection Advisory Committee, at 124 Halsey Street, Post Office Box 45043, Newark, New Jersey 07101, within ten (10) days of the entry of this Order.

4. Mr. Lael is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of \$1,500.00 for his violations of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-15.16. Such penalty shall be paid by certified check or money order made payable to the State Home Inspection Advisory Committee and forwarded to Arthur Russo, Executive Director, Home Inspection

Advisory Committee, at the address provided in paragraph 3. Payment of the civil penalty shall be made contemporaneously with the entry of this Order.

In the alternative, the respondent may pay the civil penalty, totaling \$1,500.00 in equal installments payments of \$63.00 for a total of twenty-three (23) months. The twenty-fourth (24th) and final payment will total \$74.00. These payments shall be made by certified check or money order made payable to the New Jersey Home Inspection Advisory Committee. The first payment shall be made contemporaneously with the signing of this Order, by certified check or money order, made payable to the Home Inspection Advisory Committee at the address furnished in paragraph above.

Any failure to make an 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 filling of a Certificate of Debt, including the applicable interest permitted by the New Jersey Court Rule, and may result in subsequent disciplinary proceedings before the Board for failure to comply with an Order of the Committee.

5. The civil penalty imposed in paragraph 4 above shall be stayed in its entirety while Mr. Lael's home inspection license is on active status. The penalty shall remain stayed until such time as the respondent seeks to reinstate his license to active

status as authorized by N.J.S.A. 45:1-7.3(b). The terms of this Consent Order shall be satisfied prior to the reactivation of the respondent's license to active status.

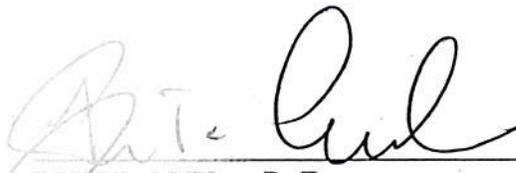
6. Failure on the part of the respondent to pay the civil penalty or the installment payments timely or to comply with any of the terms of this Consent Order would constitute a violation of this Order, proof of which would constitute grounds for additional disciplinary action by the Committee.

NEW JERSEY 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.



BRUCE LAEL, P.E.

DATED: 4/30/2010

APR 30 2010