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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	:	Administrative Action
	:	
<b>ROBERT HAHN</b>	:	
<b>License Number: 24G100053900</b>	:	CONSENT ORDER
	:	
TO PRACTICE HOME INSPECTION	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the Home Inspection Advisory Committee (hereinafter the "Committee"), following the Committee's review of a consumer complaint, filed by Michael Leibowitz in or about April 2008, concerning the home inspection services rendered by the respondent Robert Hahn, and his company Family Building Inspections, LLC ("Family"), at 22 Lani Street, Monroe Township, New Jersey, in February 2007. Mr. Leibowitz alleges that the respondent failed to properly inspect and report the conditions of the large exterior deck at the rear of his residence.

The Committee's review of this matter revealed that respondent Robert Hahn performed a home inspection of the premises located at 22 Lani Drive in Monroe, New Jersey, on or about February 22, 2007. He subsequently prepared and issued a written home inspection report concerning this property to the complainant. In or about April 2007, Mr. Leibowitz closed on this property. In his inspection report, dated February 24, 2007, Mr. Hahn notes that he inspected the decks and balconies at the premises. The report noted that these areas were functional at the time of his inspection. The report does not make any additional comments relative to the deck at the property.

In or about May 30, 2007, Mr. Leibowitz had the deck inspected a by licensed professional engineer. The engineer found, among other things, that: 1) supporting posts were resting on rotten railroad ties and did not provide adequate support; 2) the joist of a portion of the deck was improperly tied to the header of another deck portion; 3) posts used improperly as girder were sagging; and 4) all the posts used to support the deck were resting on masonry blocks lying on the ground instead of proper concrete footing. Finally, the engineer recommended that one section of the deck had to be properly supported while the other portion of the deck was structurally unsound and needed to be completely disassembled and rebuilt.

In a May 5, 2008 letter to the Committee, Mr. Hahn contended that some areas of the deck were not visually accessible due to stored items and snow, however, he admitted that he had not reported or recorded these issues in his February 2007 inspection report. He further noted that the deck had, subsequent to his inspection, been deemed unsafe and in need of repair, and therefore admitted that he was willing to accept his share of responsibility in this matter.

The Committee, following its review of the complaint and other relevant

documentation, has concluded that Mr. Hahn 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 Mr. Hahn failed to properly inspect the attached deck, contrary to N.J.A.C. 13:40-15.16(f)(1)(iv). Additionally, the Committee found that the respondent, in the inspection report he prepared subsequent to his inspection of the premises, failed to state a material defect found in the systems or components, in violation of N.J.S.A. 13:40-15.16(c)(2)(iv) and that the report failed to state the significance of findings where any material defects in the systems and components were found, in violation of N.J.A.C. 13:40-15.16(c)(2)(iii) and (v). The Committee therefore finds that the conduct detailed above establishes a basis for disciplinary action by the Committee.

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 conclusions of law made by the Committee; and the Committee having been satisfied that the within resolution adequately protects the public health, safety and welfare; and for good cause shown:

**IT IS, THEREFORE, ON THIS 5<sup>TH</sup> day of**

**AUGUST 2010 HEREBY ORDERED AND AGREED THAT:**

1. The respondent, Robert Hahn, 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.
2. Mr. Hahn shall cease and desist from further violations of N.J.S.A. 45:1-21(h) and specifically N.J.A.C. 13:40-15.16.
3. Respondent shall take and successfully complete a minimum of ten (10) hours of Committee approved courses of continuing education in the following areas: five (5) hours in

Report Writing and five (5) hours in Deck Structure and 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 respondent to fulfill this requirement **shall not** be used to satisfy any statutory continuing education requirements.

4. Mr. Hahn is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of **\$5,000.00** 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 of the Committee, at 124 Halsey Street, Post Office Box 45043, Newark, New Jersey 07101. Payment of the civil penalty, totaling **\$5,000.00**, shall be made in equal installment payments of **\$208.00** for a total of twenty-three (23) months. The twenty-fourth (24<sup>th</sup>) and final payment will total **\$216.00**. 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 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 filing 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. 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.

HOME INSPECTION ADVISORY COMMITTEE

By: Michael Del Greco  
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.

Robert Hahn  
ROBERT HAHN

DATED: 9/10/10