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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
	:	
SERGIO ANGIONE	:	
License Number: 24GI00016700	:	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 Susan L. Joseph concerning the home inspection services rendered by respondent Sergio Angione, and his company, HouseMaster, at 429 Fairmount Avenue, Jersey City, New Jersey, on October 13, 2005. Ms. Joseph alleges that the respondent engaged in negligence and/or incompetence when he failed to identify the existence of, and report the significance of, a missing sidewalk in front of the condominium he inspected at her request.

Mr. Angione performed a home inspection on premises known as 429 Fairmount Avenue, Unit 208, Jersey City, New Jersey, on October 13, 2005. He subsequently prepared and issued a written home inspection report detailing his findings. Ms. Joseph ultimately purchased the property in November 2005.

In his July 24, 2008 response to the Committee, Mr. Angione asserted that his inspection met the standards of practice for home inspections and that the inspection of the sidewalk was not part and parcel of a home inspection as he considered that area to be a “Communal (common) property inspection.” He further maintained that Ms. Joseph declined the inspection of the common areas of the property contained in the Ancillary Service Agreement by not choosing such service. Finally, the respondent contended that he told Ms. Joseph that information about the condition of the sidewalks and all other common elements should be inquired from the management agency of the condominium.

The Committee, following its review of the relevant documentation submitted in this matter, determined that Mr. Angione did not violate any of the statutes and regulations governing the practice of home inspection by failing to note the missing sidewalk in the common area of the condominium complex. However, the Committee concluded that the respondent violated and/or failed to comply with the Home Inspection Professional Licensing Act, and its accompanying regulations administered by the Committee, contrary to N.J.S.A. 45:1-21(h), in that his pre-inspection agreement failed to contain certain information. Specifically, the pre-inspection agreement did not contain: 1) the full name and address of the client; 2) the date and time of the home inspection; 3) a statement that home inspectors are governed by administrative regulations and failure to comply with these rules and regulations may subject inspectors to discipline; and 4) the respondent’s license

number. This information is required by N.J.A.C. 13:40-15.15 and N.J.A.C. 13:40-15.18(h), respectively.

Additionally, the Committee found that Mr. Angione's written home inspection report failed to discuss in detail the significance and/or ramifications of his findings during the inspection where material defects were found, in violation of N.J.A.C. 13:40-15.16 (c)(2)(iii) and (iv). For example, the respondent noted, during the inspection of the bathroom electrical system, that the "GFCI noted, however, test operation indicated unit malfunctioned or did not work properly." However, the report failed to state or discuss the safety concerns that existed as a result of the malfunctioning unit. The Committee therefore finds that the conduct detailed above establishes a basis for disciplinary action.

It appearing that respondent desires to resolve this matter without further proceedings and waiving any right to a hearing; 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;

ACCORDINGLY, IT IS ON THIS ²² ^{December 2010} day of ~~MARCH 2010~~

ORDERED that:

1. The respondent, Sergio Angione, is hereby formally reprimanded for his conduct as described above, contrary to N.J.S.A. 45:1-21(h), N.J.A.C. 13:40-15.15, N.J.A.C. 13:40-15.16(c) and 15.18.
2. Mr. Angione shall cease and desist from further violations of N.J.S.A. 45:1-21(h) and specifically, N.J.A.C. 13:40-15.15, 15.16 and 15.18.

3. Mr. Angione shall take and successfully complete a minimum of five (5) hours of Committee approved courses of continuing education in the area of Report Writing 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. Respondent shall provide restitution to consumer Susan L. Joseph in the amount of **\$260.00** for the cost of the home inspection and subsequent report. The restitution shall be made payable to Ms. Joseph, by certified check or money order, and shall be forwarded 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.

5. Mr. Angione is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of **\$1,000.00** for his violations of N.J.S.A. 45:1-21(h), and specifically, N.J.A.C. 13:40-15.15, 15.16 and 15.18. 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 4. Payment of the civil penalty shall be made contemporaneously with the entry of this Order.

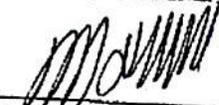
In the alternative, the respondent may pay the civil penalty, totaling **\$1,000.00**, in equal installments payments of **\$100.00** for a total of ten (10) months. These payments shall be made by certified check or money order made payable to the State Home Inspection Advisory Committee. The first payment shall be made contemporaneously with submission of this Order with subsequent payments due on the fifteenth (15th) of each month thereafter until the total amount is paid in full.

with the entry

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.

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 STATE HOME INSPECTION
ADVISORY COMMITTEE

By:  12-22-2010
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.


SERGIO ANGIONE

DATED: 3/4/10