

FILED
BOARD OF EXAMINERS OF
MASTER PLUMBERS
Lauren D. May
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*# 76625 - Restitution:
→ Due (3) consumers
(Suspended) 4-7-11
nonexactly*

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Administrative Action

WALTER KAZAR, LMP
License No. 36BI00798400

FINAL ORDER
OF DISCIPLINE

TO PRACTICE AS A PLUMBER
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

1. Walter Kazar ("respondent") is a licensed master plumber licensed in the State of New Jersey and has been a licensee at all times relevant hereto.

2. The Board received three consumer complaints related to plumbing work agreed to be performed by respondent. The first complaint is from consumer A.G. who hired respondent to install a high-efficiency boiler and water heater. The total price to be paid by A.G. was three thousand seven-hundred and fifty dollars (\$3,750.00), of which two thousand six hundred (\$2,600.00) was actually paid to respondent. Additionally, respondent was to excavate an oil tank, pump out the oil, and dispose of the tank. The total price to be paid by A.G. for the oil tank work was one thousand eight hundred dollars (\$1,800.00) of which one thousand two hundred dollars

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(\$1,200.00) was actually paid to respondent. The total amount paid to respondent by A.G. was three thousand eight hundred dollars (\$3,800.00).

3. A.G. testified before the Board on February 28, 2008. According to A.G., there were no signed contracts between himself and respondent, only the invoices signed by respondent and dated July 23, 2005. Final inspection of the project failed due to a list of 12 violations. A.G. was advised by subsequent contractors that nearly all of the work had to be redone.

4. The second complaint is from consumer A.C., who hired respondent to complete a basement project including framing, plumbing, electrical, HVAC, sheet-rock, carpentry and renovating a half bath into a full bath, which included new plumbing roughing. In addition, as a separate job, respondent was to remove a large elbow duct in the HVAC system, rebuild the supply line and return the line in the rafters. Respondent represented that both projects would be finished within a month and a half.

5. More than two months later, respondent had not finished the work for A.C. Respondent eventually stopped showing up to work on the project. A.C. was forced to hire other contractors to redo and complete the work done by respondent and repair the damage caused by his work. A.C., provided proof of payment to respondent in cash and checks totaling six thousand five hundred and twenty-five dollars (\$6,525.00). A.C. provided a statement and an invoice, both signed by respondent only, totaling cash payments of \$2,500.00 and \$1,200.00. There is no evidence of a signed contract between A.C. and respondent.

6. The third complaint was received from consumer G.S. who asserts she paid respondent one thousand six hundred dollars (\$1,600.00) to remodel her kitchen. Respondent only showed up occasionally to perform the work and worked for only short periods of time. G.S. filed a civil action against respondent in the Middlesex County Superior Court and obtained a judgment in the amount of one thousand six hundred and fifteen dollars (\$1,615.00).

7. On October 23, 2008, respondent appeared at an investigative inquiry before the

Board. Regarding the complaint received from A.G., respondent acknowledged he was paid a total of three thousand eight hundred dollars (\$3,800.00) by A.G. When asked whether there was a contract between himself and A.G., respondent testified that he had an invoice and was not certain whether that invoice contained a signature by A.G. Respondent was unable to produce copies of contracts between his company and A.G. Respondent acknowledged that the work failed inspection, but claims that A.G. would not allow him into the home to correct the violations.

8. Regarding the complaint received from A.C., respondent testified that he was unable to produce a copy of a contract. Respondent stated that he did not retain a copy of a contract that was written by A.C.

CONCLUSIONS OF LAW

1. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.A.C. 13:45A-16.2(12), in that respondent failed to obtain a written contract for home improvement work to be performed for consumers A.G. and A.C. whereby the purchase price for the work to be performed was in excess of \$500.00.

2. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(d), for engaging in repeated acts of negligence, by failing to obtain signed contracts with A.G. and A.C., for the twelve (12) code violations cited by East Brunswick plumbing sub-code official for the work performed for A.G., and for the judgment entered against him concerning the negligent work performed for consumer G.S.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 17, 2010. A copy of the Order was forwarded to respondent's address of record, via United Parcel Service 2nd Day Air Service. The Board obtained a copy of the United Parcel Service delivery sheet confirming delivery of the Provisional Order to the respondent's address of record with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m.

on the 30th business day following its entry unless respondent requested a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal, setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed, and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Respondent failed to reply to the Provisional Order of Discipline. Since the Provisional Order of Discipline was served at respondent's address of record, the Board deems service to be effected. Respondent can not evade process by failing to respond. As such, the Committee determined that the Provisional Order of Discipline, entered on June 17, 2010, is to be finalized as written.

ACCORDINGLY, IT IS on this 24 day of FEB, 2011

ORDERED that:

1. Respondent is hereby reprimanded for the violations of N.J.A.C. 13:45A-16.2(12) and N.J.S.A. 45:1-21(d).

2. Respondent's license to practice plumbing in the State of New Jersey is hereby suspended for performing work for consumers A.G and A.C. without a required signed contract and for repeated acts of negligence by failing to obtain signed contracts with A.G. and A.C., for the twelve (12) code violations cited by the East Brunswick plumbing sub-code official for the work performed for A.G., and for the judgement entered against him concerning the negligent work performed for consumer G.S.

3. The suspension shall remain active and the Board shall not consider an application for reinstatement until such time as respondent has documented to the satisfaction of the Board the following:

a) Respondent has reimbursed consumer A.G. in the amount of three thousand eight hundred dollars (\$3,800). Payment shall be by a certified check or a money order

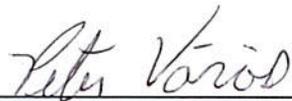
made payable to A.G. and shall be sent to Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, 6th floor, Newark, NJ 07101.

b) Respondent has reimbursed consumer A.C. in the amount of six thousand five hundred and twenty-five dollars (\$6,525.00). Payment shall be made by certified check or a money order made payable to A.C. and shall be sent to the address outlined in paragraph 3 (a) above.

c) Respondent has reimbursed consumer G.S. pursuant to the terms of the Middlesex County Superior Court Order dated July 21, 1999. Payment of the outstanding amount of money owed to G.S. shall be made by certified check or money order made payable to G.S. and shall be sent to the address outlined in paragraph 3 (a) above.

4. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By: 
Peter Voros
Board Chairman