

agreed to perform and failed to return T.B.'s payments. According to T.B., respondent claimed he could not fulfill the contract because municipal regulations precluded him from doing the work. Respondent informed T.B. that he wanted more money than was agreed upon in the agreement. As a result, respondent left the job uncompleted, took the old furnace and hot water heater, and did not replace it with the new furnace and hot water heater that respondent had paid for. (Exhibit E, copy of complaint from consumer T.B., attached and made a part of hereto).

5. On October 22, 2009, T.B. obtained a judgement against respondent in the amount of \$14,607.00 in the Burlington County Superior Court Law Division, Special Civil Part. The judgement was against both "USA Plumbing" and "Techno Plumbing". To date, respondent has failed to satisfy the judgement. (Exhibit F, copy of Burlington County Superior Court Law Division, Special Civil Part Order, dated October 22, 2009, attached and made a part of hereto).

CONCLUSIONS OF LAW

1. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(h), in that respondent has violated and failed to comply with the provisions of a regulation administered by the Board, specifically, N.J.A.C. 13:32-3.3(a)5, in that respondent served as the bona fide representative for more than one plumbing contractor by accepting payment from T.B. in the name of "Techno Plumbing" while registered with the Board to trade as "USA Plumbing".

2. The above preliminary findings of fact also provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(e), in that respondent engaged in professional or occupational misconduct by accepting payment from consumer T.B. and refusing to complete the plumbing work in conformance with the agreement.

ACCORDINGLY, IT IS on this 28 day of JULY, 2011, ORDERED that:

1. Respondent is hereby provisionally reprimanded, in that respondent violated N.J.S.A. 45:1-21(h) by serving as the bona fide representative for more than one plumbing contractor in contravention of N.J.A.C. 13:32-3.3(a)5. Additionally, respondent is hereby reprimanded, in that respondent violated N.J.S.A. 45:1-21(e), by accepting payment from consumer T.B. and refusing to complete the plumbing work.

2. Respondent's license to practice as a master plumber in New Jersey is hereby provisionally suspended. The suspension shall continue until such time as respondent can demonstrate to the satisfaction of the Board that he has satisfied the October 22, 2009 judgment obtained against him, by T.B., in its entirety.

3. Respondent is hereby provisionally assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750.00), in that respondent violated N.J.S.A. 45:1-21(h) by serving as

the bona fide representative for more than one plumbing contractor in contravention of N.J.A.C. 13:32-3.3(a)5. Additionally, respondent is hereby provisionally assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750.00), in that respondent violated N.J.S.A. 45:1-21(e), by accepting payment from consumer T.B. and refusing to complete the plumbing work. Payment of the civil penalty totaling one thousand five hundred dollars (\$1,500.00) shall be made by certified check or money order and delivered to Executive Director, State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey, 07101. Payment of the entire penalty shall be made no later than thirty (30) days after the entry of any Final Order in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Executive Director, State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, P.O. Box 45008, Newark, New Jersey, 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should not be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

5. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty day period, or if the Board is not persuaded that submitted materials merit no further consideration, a Final order of Discipline will be entered.

6.. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Additionally, if further proceedings are ordered, the Board may seek to recoup the costs of such proceedings from respondent, in addition to the sanctions and penalties stated above.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By:


Peter Voros
Board Chairman

EXHIBIT A

Contract in dispute ^{INSURED}

Lic.# 6518

JOB WORK ORDER

USA PLUMBING

1-800-961-0932-

USAPLUMBINGNJ@GMAIL.COM-

66 WITHERSPOON STREET, PRINCETON, NJ 08542

DATE OF ORDER

2-20-09

CUSTOMER ORDER NO.	PHONE 1801-541-1875	MECHANIC Denny G... / Paul	HELPER	STARTING DATE 3/10/09
BILL TO T. B.	ORDER TAKEN BY			
ADDRESS 437 Hollywood Ave				<input type="checkbox"/> DAY WORK
CITY Salt Lake City UTAH 84115				<input checked="" type="checkbox"/> CONTRACT
JOB NAME AND LOCATION				<input type="checkbox"/> EXTRA
319 Walnut Ave Borden Town VT 05505				JOB PHONE 1609-802-6892

DESCRIPTION OF WORK

- * we will install a new 40 gallon gas fired short water heater
- * installation of 6" chimney liner with tie-ins for furnace and water heater
- * We will install a Rheem 82.9% efficient gas fired forced hot air furnace.
- * all permits and inspectors.

Total	5,995.00	8,495.00
new gypic lid with reinforced lid-	4000.00	4000.00
3000.00, disposal -	4495.00	4495.00
2000.00 today bal	1500.00	
balance within		TOTAL MATERIALS 4,495.00
3 months 2/195-3		TOTAL LABOR
on the 10th of month		TAX
DATE COMPLETED / /	WORK ORDERED BY	TOTAL AMOUNT \$4,495.00

I hereby acknowledge the satisfactory completion of the above described work.

- No one home
 Total amount due for above work: or
 Total billing to be mailed when job finished.

Signature

Denny Today

T. B.

F 0181

Total owed 3995.00

EXHIBIT B

My Accounts > Account Activity > Check Details

Thursday, March 05, 2009

Check Details

[Print](#) [Help with this page](#)

I'd like to...

[See Account Statements](#)

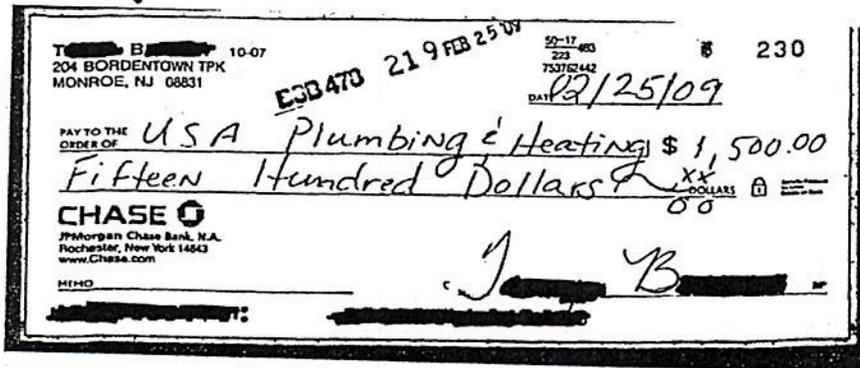
escrow for house (...2442)

Check Number: 230

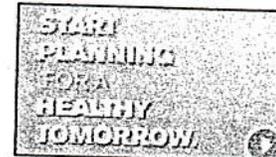
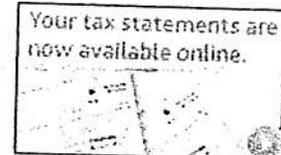
Post Date: 02/26/2009

Amount of Check: \$1,500.00

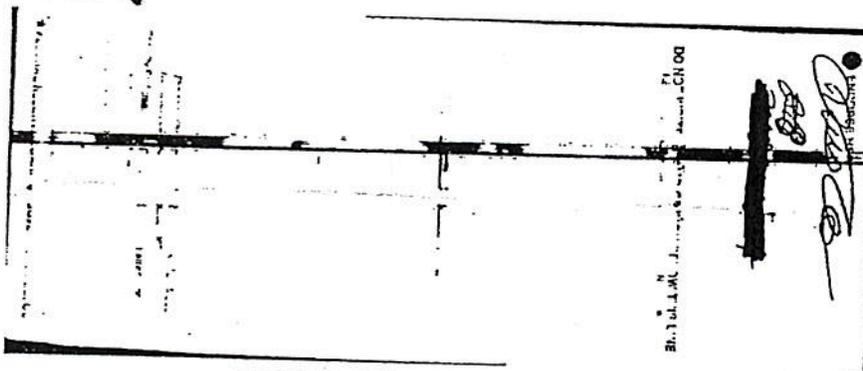
[Front](#) [Enlarge/Reduce Check image](#)



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EXHIBIT C

Check Details

Print Help with this page

Go Home to...

See Account Statements

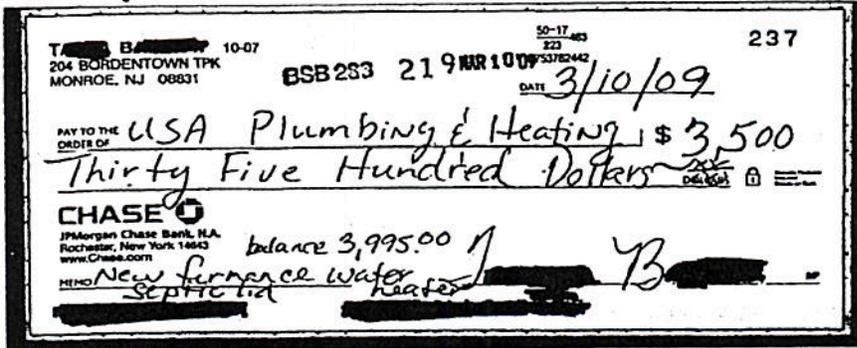
escrow for house (...2442)

Check Number: 237

Post Date: 03/11/2009

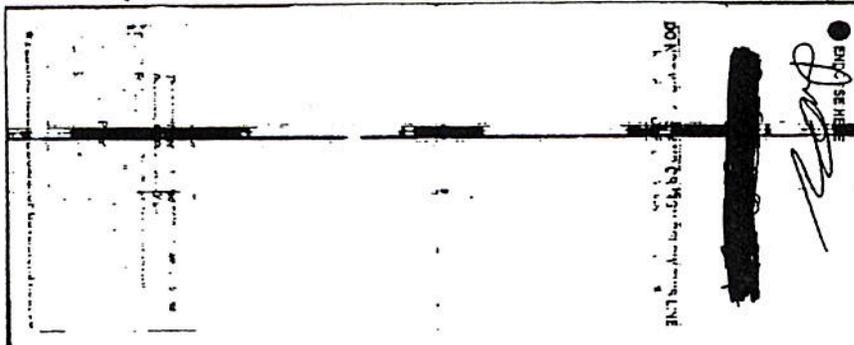
Amount of Check: \$3,500.00

Front Enlarge/Reduce Check Image



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EXHIBIT D

Mechanic had me wright out the last check to Techno Plumbin' instead of USA

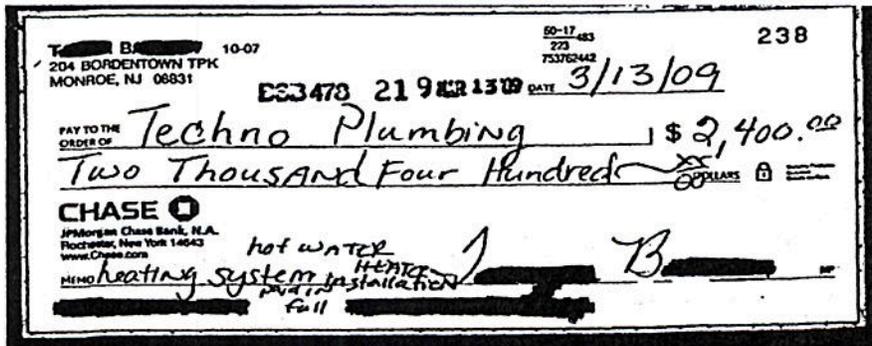
Chase Online

escrow for house (...2442)

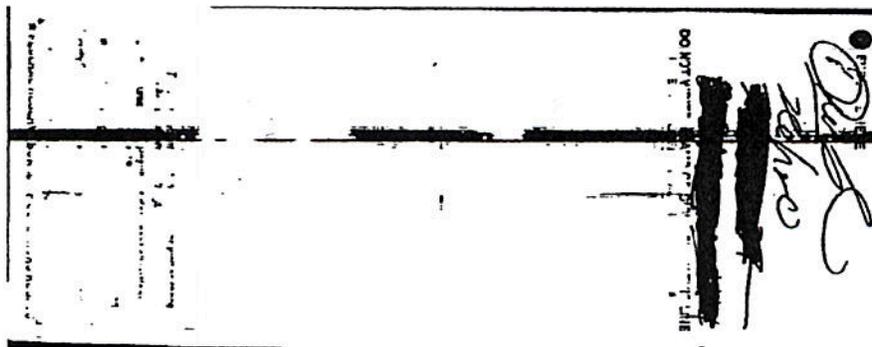
Check Number: 238

Post Date: 03/16/2009

Amount of Check: \$2,400.00



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EXHIBIT E

4/6/2009

New Jersey Office of the Attorney General
Division of Consumer Affairs
State Board of Examiners of Master Plumbers

6. Please describe the facts of your complaint in the order in which they happened.

Initially, the agreement with the mechanic from USA Plumbing and Heating was that he would make any changes necessary so that the furnace and hot water system would pass inspection with Monroe Township.

Then he informed me that he needed to replace both the furnace and the hot water heater, and we signed a new contract based upon him performing this work.

After paying in full in ^{four} installments, he has taken both the old furnace and hot water and did not replace it with the new furnace and hot water heater that we had agreed to in the new contract that was paid in full.

I offered him the opportunity to return my old furnace and hot water heater and return my money and he denied that request.

As it currently stands this process has taken around 38 days my house still does not have an ^{and} furnace hot water heater.

7. Please describe any action taken to resolve this matter prior to contacting the Board.

On numerous occasions the contractor informed me the job in question would be completed in a timely matter, as was stated in the contract we both signed. He then stated he could not fulfill his end of the contract because of Monroe Township regulations, which precluded him from doing the work. He then informed me he wanted more money than was agreed upon in our contract, which I had already paid in full. He said he pulled the permits, and was leaving the job uncompleted. I then contacted the Monroe Township Building Inspector, Ralph Downey, and met with him at the property in question at 204 Bordentown Tpk. Monroe NJ 08831, to find out if there were any reason this job could not be completed up to code. He informed me there was no reason the job could not be completed to as agreed to in the contract with some minor alterations.

Sincerely,

Tanya Barron

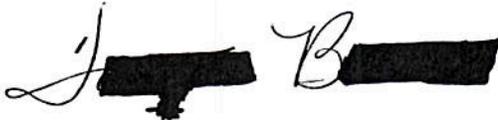


EXHIBIT F

FORM C

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SPECIAL CIVIL PART

T B
Plaintiff's Name (first, middle, last)
437 Hollywood Ave.
Address

BURLINGTON County
Docket Number DC-005770-09

Salt Lake City UT
City, State, Zip Code
84115
Telephone Number

VS.
USA Plumbing and Heating
Defendant's Name (first, middle, last)
319 Ward Avenue
Address
Bordentown New Jersey 08505
City, State, Zip Code
609-802-6892 1609-203-0742
Telephone Number

CIVIL ACTION
ORDER

This matter being opened to the court by Tanya Barron the (check one)
(Your Name)

Plaintiff Defendant in the case by way of motion seeking an order to:

- | | |
|---|---|
| <input type="checkbox"/> Permit Discovery | <input checked="" type="checkbox"/> Amend Judgment |
| <input type="checkbox"/> Vacate Dismissal/Reinstate Complaint | <input type="checkbox"/> Enter Judgment Out of Time |
| <input type="checkbox"/> Amend Complaint | <input type="checkbox"/> Vacate Default/Vacate Default Judgment |
| <input type="checkbox"/> Amend Answer | <input type="checkbox"/> Other (Specify) |

and the court having considered the motion, pleadings on file and/or argument of the moving party and for good cause appearing;

(Do not write below this line, for court use only)

On this 22nd day of October 2009 :

it is ORDERED that
Judgment shall be amended to include Techno Plumbing and Heating, LLC.

it is FURTHER ORDERED that a copy of this Order be served by the moving party upon all other parties or their attorneys, if any, within 7 days of the date listed above.

This motion was:

Opposed 7 Unopposed

Evan H.C. Crook
EVAN H.C. CROOK, J.S.C.

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