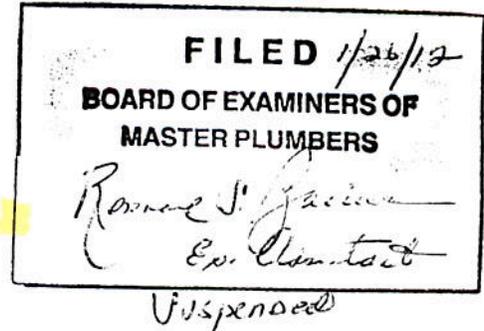


JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the Board of Examiners of Master Plumbers



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

JOSEPH TODARO, LMP
License No. 6518

FINAL ORDER
OF DISCIPLINE

TO PRACTICE PLUMBING
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("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:

FINDINGS OF FACT

1. Joseph Todaro ("respondent") is a licensed master plumber in the State of New Jersey and has been a licensee at all times relevant hereto. Additionally, respondent was the bona fide representative for "USA Plumbing" at all times relevant hereto.

2. According to a complaint received by consumer T.B., on February 20, 2009, T.B. entered into an agreement with respondent to install a furnace and hot water heater. The work order signed by T.B. reflects "USA Plumbing" with respondent's license number, (i.e. #6518). (Exhibit A, copy of work order dated February 20, 2009, attached and made a part of hereto).

3. Consumer T.B. wrote respondent two checks related to the work order, dated February 25, 2009 and March 10, 2009. However, a third check written by T.B., dated March 13, 2009, was written to the name of "Techno Plumbing" and given to respondent. (Exhibit B, copy of check written by T.B. to "USA Plumbing", dated February 25, 2009, attached and made a part of hereto). (Exhibit C, copy of check written by T.B. to "USA Plumbing", dated March 10, 2009, attached and made a part of hereto). (Exhibit D, copy of check written by T.B. to "Techno Plumbing", dated March 13, 2009, attached and made a part of hereto).

4. Consumer T.B. also alleged that respondent failed to complete the work he

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.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 28, 2011. 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 not 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 Board determined that the Provisional Order of Discipline, entered on July 28, 2011, is to be finalized as written.

ACCORDINGLY, IT IS on this 26 day of JANUARY, 2012,
ORDERED that:

1. Respondent is hereby 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 suspended. The suspension shall continue until such time as respondent appears before the Board and 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 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 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. Respondent shall forward his pressure seal to the Board. 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.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: Peter J. Voros
Peter Voros
Board Chairman

EXHIBIT A

Contract in dispute ^{INSURED}

USA PLUMBING

Lic.# 6518

JOB WORK ORDER

1-800-961-0932

USAPLUMBINGNJ@GMAIL.COM

66 WITHERSPOON STREET, PRINCETON, NJ 08542

DATE OF ORDER

2-20-09

| | | | | |
|--------------------------------------|---------------------------|----------|--------|--|
| CUSTOMER ORDER NO. | PHONE | MECHANIC | HELPER | STARTING DATE |
| | 18015411875 | Donny | Donny | 3/10/09 |
| BILL TO | [Redacted] | | | 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 W. Main St. Jordan town UT 84055 | | | | JOB PHONE |
| | | | | 1609 802-6897 |

| | |
|--|--------------------------|
| 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 8,495.00 | |
| new gypc lid with reinforced 4000.00 | |
| lid - 3000.00, difference - 4495.00 | |
| 2000.00 today bal 1500.00* | |
| balance within | TOTAL MATERIALS 4,495.00 |
| 3 months 2,995.00 | TOTAL LABOR |
| on the 10th of month | TAX |
| DATE COMPLETED | WORK ORDERED BY |
| 1 / 1 | |
| | 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

Donny Today

[Redacted Signature]

F 0981

Total owed 3995.00

EXHIBIT B

EXHIBIT C

EXHIBIT D

Chase Online

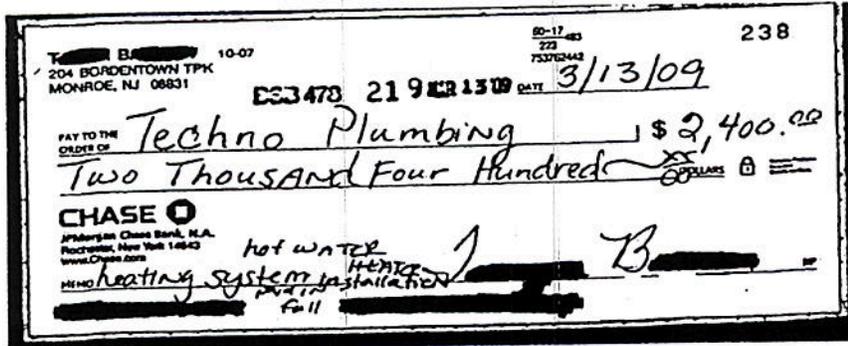
escrow for house (...2442)

Check Number: 238

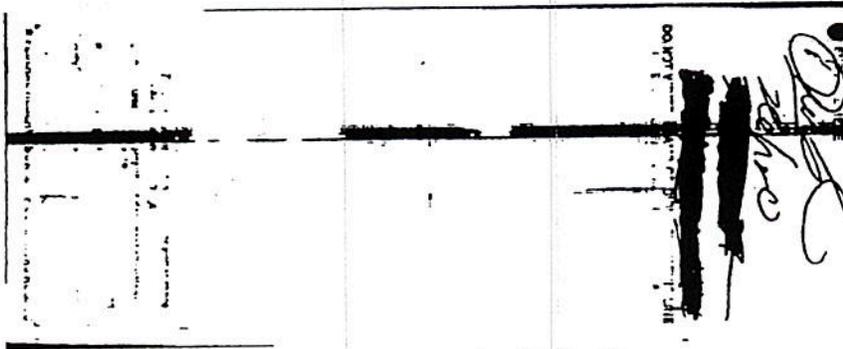
Post Date: 03/16/2009

Amount of Check: \$2,400.00

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



Need help printing or saving this check?



Need help printing or saving this check?

© 2009 JPMorgan Chase & Co.

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 then 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

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 20 09 :

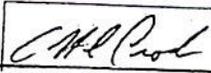
it is ORDERED that

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, J.S.C.

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