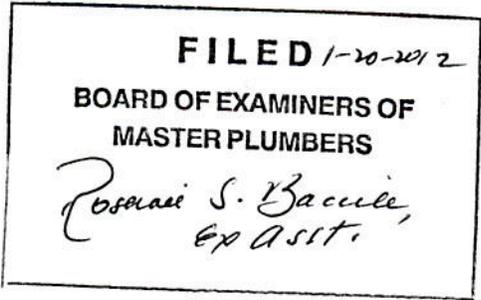


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF EXAMINERS OF MASTER PLUMBERS

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

Administrative Action

JEFFREY R. PATTEN  
License No.36BI01020000

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 findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jeffrey R. Patten ("respondent") is licensed as a master plumber in the State of New Jersey and has been a licensee at all times relevant hereto. Respondent is the bona fide representative for Jeff Patten Heating and Plumbing and has been the bona fide representative at all times relevant hereto.

2. On March 10, 2008, the Board received a complaint from consumer S.I. concerning plumbing work performed by respondent. According to the respondent's written estimate, the total cost of the job would be three thousand two hundred dollars (\$3,200.00). The estimate also indicated respondent paid one thousand dollars (\$1,000.00) by check prior to the beginning of the work and the balance was to be paid upon completion. Respondent's signature is on the estimate acknowledging receipt of the \$1,000.00 initial payment.

3. According to S.I., respondent agreed to begin work on February 12, 2008, but was

two (2) hours late in arriving. When respondent finally arrived, he was accompanied by a technician. Respondent stayed briefly, leaving the technician to begin the work. According to S.I., the technician only worked for two (2) hours. Respondent was due to return on February 14, 2008. S.I. called respondent several times prior to that date to remind him. However, respondent never returned on the 14<sup>th</sup>. As a result, S.I. contacted respondent on February 15, 2008 and informed respondent that he no longer wished to engage his services.

4. S.I. demanded the return of his \$1,000.00 deposit. In reply, respondent presented S.I. with an itemized estimate totaling one thousand seventy-five dollars (\$1,075.00) being billed for the two hours of work done by the technician on February 12, 2008. Respondent requested that S.I. pay a balance of seventy-five dollars (\$75.00).

5. The Board requested that respondent provide an answer to the complaint from S.I. Respondent provided an answer dated June 19, 2008. Respondent states he was late for the February 12, 2008 start date due to a family emergency. When he arrived at the job site, there was no plywood cut to set the tub. Respondent states he drew the riser diagram and stamped permits before S.I. informed him he was no longer going to retain his services. Finally, respondent stated there is a fee charged for written estimates.

6. On July 24, 2008, the Board considered S.I.'s complaint, as well as the answer to the complaint provided by respondent. After deliberation, the Board voted to send respondent a restitution letter, recommending that respondent return the \$1,000.00 deposit paid by S.I. A restitution letter, dated July 30, 2008, was sent to respondent's address of record with the Board. The letter was sent via UPS 2<sup>nd</sup> Day Air on August 6, 2008. Respondent failed to reply to the restitution letter.

7. On December 26, 2008, the Board sent a second copy of the July 30, 2008 restitution letter to respondent's address of record. The letter was sent via UPS 2<sup>nd</sup> Day Air. Respondent again failed to reply to the letter.

8. On May 28, 2009, the Board reviewed the matter, including respondent's failure to reply to the restitution letter, and voted to have respondent appear for an investigative inquiry. On July 9, 2009, a letter was sent to respondent's address of record requesting that he appear for the inquiry on July 23, 2009. The letter was sent via UPS Second Day Air. The letter was received at respondent's address of record on July 10, 2009. Respondent failed to appear for the inquiry.

#### 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(e) in that respondent has engaged in professional or occupational misconduct by failing to appear for the investigative inquiry scheduled

for July 23, 2009, in violation of N.J.A.C. 13:45C-1.3. A licensee has a duty to cooperate with a Board investigation. Respondent failed to appear, or to reply, when he was scheduled to appear for the investigative inquiry on July 23, 2009.

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 17, 2010. The Provisional Order sought the suspension of respondent's license to practice as a master plumber, until such time as he appeared before the Board to answer questions concerning a consumer complaint. Additionally, the Provisional Order imposed a \$2,500.00 civil penalty for failing to appear for the Board's scheduled July 23, 2009 investigative inquiry, in violation of N.J.A.C. 13:45C-1.3. The Provisional Order was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following its entry unless respondent requested a modification or dismissal of the above Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal, and submitting and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Respondent provided the Board with a response to the Provisional Order, via his attorney, John A. Craner, Esq., dated April 29, 2011. Respondent argued he did not receive the Board's letter requesting that he appear on July 23, 2009. According to respondent, his address of record is his mother's address, and he was not residing there when the Board's letter was sent. Respondent said his mother never received the letter. Had she received it, she would have forwarded it to respondent, and respondent would have appeared for the scheduled inquiry. In support of his argument, respondent cited to his prior history of cooperation with the Board pertaining to the complaint received from S.I.

On June 23, 2011, the Board considered respondent's response to the Provisional Order. After reviewing the entire matter, the Board found that respondent had been cooperative with the Board's efforts to investigate S.I.'s complaint, with the exception of his failure to appear for the July 23, 2009 appearance. The Board voted to consider a modification of the Provisional Order, including a waiver of the suspension, and a waiver or lessening of the civil penalty, contingent on respondent's appearance before the Board during a recent upcoming meeting.

On September 22, 2011, respondent appeared before the Board for an investigative inquiry concerning his previous failure to appear before the Board on July 23, 2009, as well as to answer questions concerning the complaint received from S.I. Respondent reiterated his argument that he never received the Board's request for him to appear on July 23, 2009. Had he or his mother received the letter, he indicates he would certainly have appeared.

Having reviewed the entire matter, the Board determined that the provisional suspension should not issue. Respondent has now appeared before the Board, answered questions and provided information concerning the complaint filed by S.I. Additionally, the Board has voted to modify the civil penalty. The Board accepts respondent's explanation that he did not receive notice of the scheduled July 23, 2009 appearance and notes that respondent had cooperated with the Board, with the exception of his failure to appear. However, the Board believes that some penalty should issue. N.J.A.C. 13:32-4.4(b) states that service of process initiated by the Board, at the licensed master plumber's address on file with the Board, shall be deemed adequate notice for the commencement of any inquiry. Therefore, service of the appearance letter to respondent's address of record obligated respondent to appear before the Board on July 23, 2009.

ACCORDINGLY, IT IS on this 15<sup>TH</sup> day of DECEMBER, 2011,  
HEREBY ORDERED that:

1. Respondent is hereby assessed a civil penalty in the amount of seven hundred fifty dollars (\$750), pursuant to N.J.S.A. 45:1-21(e), for failing to appear for the Board's scheduled July 23, 2009 investigative inquiry, in violation of N.J.A.C. 13:45C-1.3. The penalty shall be paid by money order or certified check made out to the State of New Jersey and delivered to the Board of Examiners of Master Plumbers, P.O. Box 45008, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, simultaneous with the entry of this Final Order of Discipline. In the event respondent fails to make a timely payment, a certificate of debt shall be filed.

2. This order is not dispositive of the underlying allegations contained in the complaint received from consumer S.I. The Board reserves the right to take further disciplinary action based on the facts contained in the complaint from S.I.

NEW JERSEY STATE BOARD OF  
EXAMINERS OF MASTER PLUMBERS

By: Peter Voros  
Peter Voros  
Board Chairman