

Mr. Vanace performed a home inspection on premises known as 8001 Second Avenue, Unit 110, Stone Harbor, New Jersey, on or about November 16, 2005. He subsequently prepared and issued a written home inspection report detailing his findings. Mr. Schaefer ultimately purchased the property. In his complaint to the Committee, Mr. Schaefer advises that in or about August 2008, he first learned of the controversy and subsequent litigation regarding FPE circuit breakers and panels and their history of failure often resulting in fire.

In his February 7, 2009 response to the Committee, Mr. Vanace admitted that he, at the time of the inspection, was well aware of the concerns regarding FPE panels. He advised that he had attended several seminars on the topic. The respondent asserted that he had learned what conditions to look for in the FPE panels which indicated reason for concern. His focus, Mr. Vanace maintained, was to determine if a particular panel exhibited unsafe conditions and to report those. Finally, the respondent contended that no evidence of unsafe conditions were found in the panel located in the complainant's condominium and hence none were reported. The Committee noted that there was no mention of the existence of the FPE circuits and panels in the November 16, 2005 home inspection report prepared by Mr. Vanace.

The Committee, following its review of the relevant documentation submitted in this matter, determined that Mr. Vanace 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 he failed to state a material defect in the electrical system, contrary to N.J.A.C. 13:40-15.16 (c)(2)(iv), and that his written home inspection report failed to identify and discuss the significance and/or ramifications of the material defect, namely the FPE circuit breakers and panels, in violation of N.J.A.C. 13:40-15.16 (c)(2)(v). The Committee finds that

the presence of FPE circuit breakers and panels in this residential condominium is a material defect that should have been disclosed in the respondent's inspection report. As indicated above, the respondent maintains that he identified the existence of the FPE circuit breakers and panels and was aware of their failure history at the time of the inspection. However, his report failed to state or disclose the panel as a potential safety hazard. 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 14th **day of**
FEBRUARY 2012
DECEMBER 2010 ORDERED that:

1. The respondent Jeffrey T. Vanace is hereby formally reprimanded for his conduct as described above, contrary to N.J.S.A. 45:1-21(h), N.J.A.C. 13:40-15.16(c)(iv) and (v).
2. Mr. Vanace shall cease and desist from further violations of N.J.S.A. 45:1-21(h) and specifically, N.J.A.C. 13:40-15.16(c)(iv) and (v).
3. Respondent shall take and successfully complete a minimum of six (6) hours of Committee approved courses of continuing education in the following areas; three (3) hours of Report Writing and three (3) hours in Electrical Systems and Components; and shall 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. Mr. Vanace shall provide restitution to consumer Alfred Schaefer in the amount of **\$350.00** for the cost of the home inspection and subsequent report. The restitution shall be made payable to Mr. Schaefer, 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 ^{Joseph} 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. ^{Grabow, Acting}

5. Mr. Vanace is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of **\$2,500.00** for his violations of N.J.S.A. 45:1-21(h), and specifically, N.J.A.C. 13:40-15.16. 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 **\$2,500.00**, in equal installments payments of **\$104.00** for a total of twenty-three (23) months. The twenty-fourth (24th) and final payment will total **\$108.00**. The first payment shall be made contemporaneously with the signing of this Order, by certified check or money order, with subsequent payments due on the fifteenth (15th) of each month thereafter until the total amount is paid in full. The payments shall be made payable to the Home Inspection Advisory Committee at the address furnished above.

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 Committee for failure to comply with an Order of the Committee.

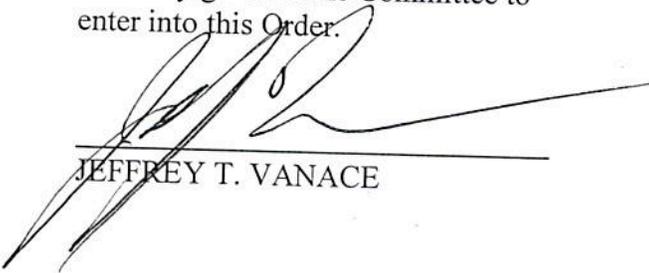
6. Failure on the part of the respondent to pay the civil penalty or the installment payments timely or to comply with any of the terms of this Consent Order would constitute a violation of this Order, proof of which would constitute grounds for additional disciplinary action by the Committee.

NEW JERSEY STATE HOME INSPECTION
ADVISORY COMMITTEE

By: 

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.



JEFFREY T. VANACE

DATED: 07-20-11