



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Professional Engineers and Land Surveyors  
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### Certified and Regular Mail

February 22, 2013

John Hirst  
d/b/a Superior Home Inspections  
617 Stokes Road, Suite 4-144  
Post Office Box 1356  
Medford, New Jersey 08055

Re: **I/M/O JOHN HIRST**  
**License Number: 24GI00039300**  
**Complaint Number: 74368**

### Offer of Settlement in Lieu of Disciplinary Proceeding

Dear Mr. Hirst:

This letter is to advise you that the New Jersey State Home Inspection Advisory Committee (hereinafter referred to as the "Committee") has had an opportunity to review a complaint it received concerning a lead-in-paint inspection you performed in October 2010.

Specifically, the information reviewed by the Committee included, but is not limited to, the following documents:

1. A complaint filed by Stanley J. Stopa, Lead Based Paint Inspections in or about December 2010, as well as any and all attachments and exhibits;
2. A correspondence, dated January 12, 2011, from John Hirst to the Committee, as well as any and all exhibits; and
3. A Lead-in-Paint report, dated October 20, 2010, prepared by John Hirst, Superior Home Inspections.

Upon review of all available information, the Board has found that probable cause exists to support a finding that you violated, as well as failed to

comply with, the statutes and regulations governing the practice of home inspection in New Jersey, in violation of N.J.S.A. 45:1-21(h), in that you performed an inspection for the presence of lead paint without obtaining the necessary license from the Department of Health and Senior Services (“DHSS”), contrary to N.J.A.C. 13:40-15.22.

Specifically, the Committee’s review into this matter revealed that you were requested to perform an inspection of an apartment for the presence of lead for a potential renter of the property. You performed the inspection on or about October 20, 2010. You subsequently prepared a written report of your findings. In your January 12, 2011 correspondence to the Committee, you conceded that you did in fact perform the inspection for lead paint without having a license to provide this service from the DHSS. Moreover, you maintained that you did not perform a home inspection on the rental property as you were only contracted to inspect for the presence of lead. You further advised that once your findings of the presence of lead paint in the apartment were shared with the landlord, you returned the nominal fee paid by your client, the potential renter, to her.

The Committee has concluded, following its review of the submitted documentation, that you did in fact perform an inspection for the presence of lead paint without securing the proper license from DHSS, in violation of N.J.A.C. 13:40-15.22(a)(7). This regulation requires a licensed home inspector to secure the appropriate license from the specific agency if the inspector seeks to provide additional inspection services as enumerated in the regulation. [See N.J.A.C. 13:40-15.22(a)(7)]. The Committee concludes that your performance of the lead inspection without the necessary license in October 2010 constitutes a violation of N.J.A.C. 13:40-15.22(a)(7).

At this juncture, the Committee has determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Committee has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from violating the requirements of N.J.S.A. 45:1-21(h), and specifically N.J.A.C. 13:40-15.22; and
2. Take and successfully complete a minimum of four (4) hours of Committee approved courses of continuing education in the area of ethics/rules and regulations review, and 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 you to fulfill this requirement **shall not** be used to satisfy any statutory continuing education requirements.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In such event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Committee will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Committee may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Committee may, if the facts are found to so warrant, enter an order requiring you to reimburse certain and/or requiring you to pay costs incurred by the Committee. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Committee within fifteen (15) days following your receipt of this letter. In the event that the Committee receives no response from you within fifteen (15) days, the Committee's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the appropriate disciplinary action.

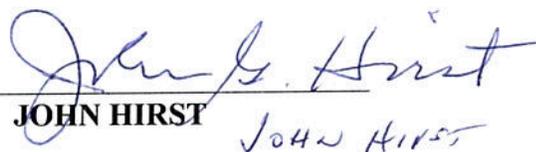
HOME INSPECTION ADVISORY COMMITTEE

By: \_\_\_\_\_



KARL REIDEL  
Executive Director

ACKNOWLEDGMENT: I, **JOHN HIRST**, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Committee herein is a matter of public record, and that this letter is a public document. I hereby agree to cease and desist from any further violations of N.J.A.C. 13:40-15.22 and to take and successfully complete the required continuing education courses and credits. I also agree to adhere to the other provisions in this settlement letter.



3/7/13  
JOHN HIRST  
JOHN HIRST

DATED:

cc: Olga E. Bradford, Deputy Attorney General