

2. Pay a civil penalty in the amount of \$750.00 for violating N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-15.22.

Alternatively, Respondent was given the options of either requesting a hearing before the Board or submitting a written explanation and waiving its right to a hearing.

As indicated above, the UPL was served on the respondent, via certified and regular mail, on or about February 17, 2009 at his address of record with the Committee. Respondent was expressly advised that his response should be filed with the Committee no later than fifteen (15) days following his receipt of the UPL and that if no response was received, respondent would be considered in default and the matter would be finalized by the Committee without a response. To date, the respondent has not responded to the UPL of February 17, 2009.

The Committee, at its February 14, 2012 meeting, reconsidered the UPL and relevant documentation, as well as the certification of Joseph Grabowy, then Acting Executive Director of the Committee. This evidence established that the respondent was served with the UPL and that no response has been received. Also attached to that certification was a true copy of the information upon which the charges were based.

Upon review of the matter, the Committee found the respondent to be in default and proceeded to consider the merits of the charges. In the absence of any explanation or refutation, the Committee deems the information upon which the allegations were based to be credible and true and, accordingly, finds that respondent failed to conform with statutory and regulatory obligations as set forth in the UPL and thus it concludes that the violations of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-15.22 occurred.

However, the Committee further concluded that sufficient mitigating

circumstances; including the age of this matter, current economic difficulties and the requirements of Executive Order #2 issued by Governor Chris Christie in January 2010 which encouraged the use of performance based outcomes by State agencies rather than disciplinary actions; exists permitting it to alter its intended sanctions, including the imposition of the civil penalty.

THEREFORE, IT IS on this 19th day of FEBRUARY 2013,

ORDERED that:

1. Respondent shall cease and desist from engaging in performing septic system inspections as a licensed home inspector until he obtains requisite certification and/or license required for home inspectors to perform these services as required by N.J.A.C. 13:40-15.22;

2. Respondent shall be assessed a civil penalty in the total amount of **\$750.00** for the violations as set forth in the U.P.L. and found as detailed above. Said penalty shall be **stayed in its entirety** and therefore is not required to be paid by the respondent. If, after the entry of this Order, respondent engages in any acts or practices which constitute a violation of this Order or which constitute a subsequent violation, the respondent shall be subject to licensure suspension or revocation and the imposition of enhanced penalties, pursuant to N.J.S.A. 45:1-25.

NEW JERSEY HOME
INSPECTION ADVISORY COMMITTEE

BY:


F. MICHAEL FITZPATRICK
Chairman