Filed by the Home Inspection Advisory Committee on
Date 2-28-2013

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
HOME INSPECTION ADVISORY COMMITTEE

IN THE MATTER OF **CRAIG C. LEWIS** **License No.: 24GI00019400** TO PRACTICE HOME INSPECTION IN THE STATE OF NEW JERSEY	Administrative Action FINAL DECISION AND ORDER AFTER UPL EXPLANATION

This matter was opened before the New Jersey Home Inspection Advisory Committee (hereinafter the "Committee") upon the issuance of a Uniform Penalty Letter ("UPL") on February 17, 2009 to respondent Craig C. Lewis ("Respondent") for alleged violation of the Home Inspection Professional Licensing Act ("Act"), N.J.S.A. 45:8-61 et seq., and the regulations promulgated pursuant to the Act, specifically, N.J.A.C. 13:40-15.22(a)(12)., in that he, doing business in home inspection company, Lewis Home Inspection, Incorporated, provided septic system inspections, without the requisite certification and/or license required for home inspectors to perform these services required by the above cited regulation.

The UPL set forth the initial findings of the Committee and offered Mr. Lewis the opportunity to settle this matter by agreeing to the following:

1. Cease and desist from violating the mandates of N.J.A.C. 13:40-15.22 by performing septic system inspections, until respondent has the obtained the requisite education, training, license or certification enumerated in the above cited regulation, namely until respondent is licensed by the New

Jersey State Board of Engineers and Land Surveyors as a professional engineer or is registered as a registered health specialist; and

2. Pay a civil penalty in the amount of $2,500.00 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. A response to the UPL, dated March 7, 2009, was received and reviewed by the Committee at its April 2009 meeting. In this letter, the respondent admitted that in 2004, when the initial complaint in this matter was filed with the Committee, he did not have a special license for septic inspection. However, he maintained, among other contentions, that as of 2009, he had acquired Registered Environmental Health Specialist licensure from the New Jersey Department of Health.

The Committee, at its February 14, 2012 meeting, reconsidered the UPL and relevant documentation. Upon review of the matter, the Committee found that the information upon which the allegations were based to be credible and true and, accordingly, concludes 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 found 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, which he acquired in 2009;

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.

NEW JERSEY HOME
INSPECTION ADVISORY COMMITTEE

BY: _____
F. MICHAEL FITZPATRICK
Chairman