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

IN THE MATTER OF	:	Administrative Action
	:	
ORLANDO CARNET	:	
License Number: 24G100042100	:	CONSENT ORDER
	:	
TO PRACTICE HOME INSPECTION	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the Home Inspection Advisory Committee (hereinafter the "Committee"), following the Committee's review of a consumer complaint, filed by M.T., concerning the home inspection services rendered by the respondent Orlando Carnet ("Respondent"), and his company Carnet Consultants, at 613 Sheridan Ave. Roselle, New Jersey 07203. The complaint alleged that the respondent failed to properly inspect the roof and failed to conduct a radon test as agreed upon in the pre-inspection agreement.

The Committee's review of this matter revealed that respondent performed a home

inspection of the premises located at 34 Midland Drive, Morristown, New Jersey, on September 3, 2010. He subsequently prepared and issued a written home inspection report concerning this property to the complainant. On November 17, 2010 M.T. closed on the property. In his inspection report, respondent categorized the condition of the roof as "marginal" and noted that it appeared weathered. He also advised that the roof appeared to be 10-12 years old and that its life span was approximately 15-20 years, depending on certain conditions, including, if properly maintained. Additionally, the report called for the installation of fascias, soffits and eaves. Finally, the respondent advised in the report that the observations of the roof were being made from the ground because, he opined, walking on the roof might cause damage. There was no mention in the report about the roof needing replacement.

After M.T. closed on her home in November 2010, she noticed leaks from the roof. Contractors she hired informed her that the roof needed replacing immediately. She received second and third opinions from other contractors and home inspectors who all reached the same conclusion. M.T. filed a complaint with the Committee and attached pictures of the roof in its December 2010 condition.

Respondent, in his correspondence to the Committee, asserted that, at the time of his inspection, the roof did not need replacement, and that the problem with the leakage was caused by an absence of eaves and effective water run off. He further claimed that the only portion of the attic that was accessible during his inspection was the center peak which he concluded was in acceptable condition. Mr. Carnet also contended that pictures the complainant provided to the Committee for its review were of conditions that were not readily accessible during his inspection.

The Committee, following its review of the complaint and other relevant

documentation, including M.T.'s pictures, has concluded that respondent violated or failed to comply with the Home Inspection Professional Licensing Act and the accompanying regulations administered by the Committee, contrary to N.J.S.A. 45:1-21(h). The Committee found that respondent failed to properly inspect the roof, in contravention of N.J.A.C. 13:40-15.16(g). Specifically, the Committee noted that the respondent indicated in his report that the roof was in the latter stages of its life span, advising that it was 10-12 years old. Further, it noted he categorized the roof as marginal in his report rather than satisfactory. Finally, the Committee's review of the photographs submitted by the complainant indicated that the roof was rotted and in disrepair at the time of the inspection. The Committee opined that the roof could not have deteriorated much more in the three months between the respondent's inspection and the date of the photographs of the roof's condition.

Additionally, the Committee found that the respondent, in the report he prepared subsequent to his inspection of the premises, failed to state a material defect found in the systems or components, in violation of N.J.S.A. 13:40-15.16(c)(2)(iv), in that he failed to note the material defect in the roof structure, including the sheathing, roof rafters and roof shingles that were clearly beyond useful life. The Committee therefore finds that the conduct detailed above establishes a basis for disciplinary action by the Committee.

It appearing that the respondent desires to resolve this matter without further proceedings; 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:

IT IS, THEREFORE, ON THIS ^{9th} ^{April} day of MARCH 2013

HEREBY ORDERED AND AGREED THAT:

1. The respondent, Orlando Carnet, is hereby formally reprimanded for his conduct as described above, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-15.16.

2. Respondent 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.

3. Mr. Carnet shall take and successfully complete a minimum of six (6) hours of Committee approved courses of continuing education in the following areas; four (4) hours in Roofing systems and components and two (2) hours in Structure systems and components; 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 the respondent to fulfill this requirement **shall not** be used to satisfy any statutory continuing education requirements.

4. Respondent 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 N.J.A.C. 13:40-15.16, of which **\$1,000.00** of the penalty will be due contemporaneously with the signing of this Order. Payment for the civil penalty shall be submitted, by certified check or money order, made payable to the State Home Inspection Advisory Committee and shall be forwarded to Karl Reidel, Executive Director, of the Committee, at 124 Halsey Street, Post Office Box 45043, Newark, New Jersey 07101.

The remaining sum of the penalty, **\$1,500.00**, will be stayed for a period of two (2) years. If no further violations are found during that period, the penalty shall be rescinded. However, if during the two (2) year period, respondent is found to have violated the terms of this Consent

Order or the provisions of the regulations enumerated in this Order, the stayed sum of \$1,500.00 will become due. Subsequent violations will subject respondent to enhanced penalties subject to N.J.S.A. 45:1-25.

In the alternative, the respondent may pay the civil penalty due, totaling **\$1,000.00**, in equal monthly installment payments of **\$85.00** for a total eleven (11) months. The twelfth (12th) and final payment will total **\$65.00**. The first payment shall be paid simultaneously with submission of this Order with subsequent payments due on the fifteenth of each month thereafter until the total amount is paid in full.

Any failure to make any 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 Rules, and may result in subsequent disciplinary proceedings before the Committee for failure to comply with an Order of the Committee.

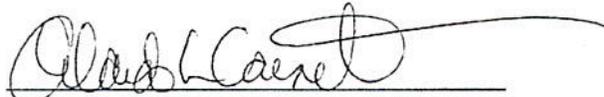
5. Mr. Carnet shall provide restitution to consumer M.T. for the full cost of the home inspection and subsequent report which totals **\$350.00**. The restitution shall be made payable to M.T, by certified check or money order, and shall be made contemporaneously with the entry of this Order. Proof of said restitution shall be submitted to Karl Reidel, Executive Director of the Home Inspection Advisory Committee, at the address detailed in paragraph 4.

6. Failure on the part of the respondent to pay the civil penalty 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.

HOME INSPECTION ADVISORY COMMITTEE

By: 
F. MICHAEL FITZPATRICK
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.


ORLANDO CARNET

DATED: 3/11/13