

FILED 10-24-13  
BOARD OF EXAMINERS OF  
MASTER PLUMBERS  
*Rosanne S. Bannick*  
*Acting Executive Director*

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Examiners of Master Plumbers

By: Joseph Donofrio  
Deputy Attorney General  
Tel. (973) 648-2436

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF

**WILLIAM J. McCARTHY III, LMP**  
**t/a Richard Schoenwalder Group**  
**License No. 36BI01192500**

TO PRACTICE PLUMBING  
IN THE STATE OF NEW JERSEY

Administrative Action  
CONSENT ORDER

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of four complaints filed against William J. McCarthy ("respondent"). The first complaint was filed by consumer D.G. who hired respondent's company to install a high efficiency furnace. Shortly after installation, several mechanical problems arose with the furnace. After six individual service calls from respondent's company, the furnace still did not function properly. According to D.G., respondent's technicians confirmed that the furnace was defective and respondent agreed to replace the furnace. However, respondent has been unresponsive to numerous calls, text messages and emails.

#109525

Respondent provided a letter to the Board in response to D.G.'s complaint. Respondent asserts that the defect affecting the performance of the furnace was found and repaired, however, D.G. insisted that the furnace be replaced. Respondent therefore removed the existing new unit and replaced it with an upgraded superior quality unit at no extra cost.

The second complaint was filed by consumer E.K. According to E.K., respondent's company installed a new Carrier Air and Heating System in July 2009. E.K. called respondent in August to have the unit checked for the winter season. E.K. was advised that the unit was not

#73434

installed properly and that respondent would return to fix the unit. E.K. was advised it would be dangerous to run the system in its present condition. E.K. states she called respondent numerous times to correct their installation, as promised, but respondent never returned. As a result, E.K. was forced to call another contractor to repair the system installed by respondent.

E.K. also complained that respondent "did a terrible job" regarding the installation of a soap dispenser in the kitchen sink. Respondent provided a letter to the Board in response to E.K.'s complaint. Respondent asserts that E.K. initially had a "handyman" install the soap dispenser and that he had stripped the nuts which is why it would not hold. Respondent acknowledged that the dispenser did not hold after his attempt to secure it, but still charged the consumer \$49.00.

The third complaint was filed by consumer F.G. According to F.G., respondent's company damaged his linoleum floor during the installation of a water heater. F.G. was told that respondent would replace the tiles. F.G. purchased the tiles, but respondent never returned to perform the work despite repeated calls. F.G. also claimed that after installation of the water heater, there was a limited amount of hot water. Respondent's company returned and found the "plastic dip tube" inside the water heater had melted and therefore prevented the hot water from being drawn out of the tank.. Respondent "cut" the plastic tip which resolved the problem for a period of time. Eventually the problem resumed. Respondent promised he would replace the water heater. However, respondent failed to appear after scheduling on four different occasions to replace the water heater. Eventually, F.G. was forced to purchase a new water heater which was installed by another plumbing company ("Pipe Works Services, Inc."># 78800

Respondent provided a letter to the Board in response to F.G.'s complaint. Respondent stated his company presented F.G. with the option of installing a standard 75 gallon water heater or a higher recovery water heater. F.G. opted for the less expensive 75 gallon water heater despite being advised that he would not get as much hot water. Respondent claimed his company responded several times to F.G.'s claim of no hot water. According to respondent the dip tubes were "all functioning fine". F.G. acknowledged there was plenty of hot water in summer. FG. was advised that the colder weather will always impact the amount of available hot water, otherwise, the unit was working properly. Eventually, respondent relented and agreed to provide a new water heater, but before the replacement was scheduled, F.G. filed his complaint with the Board.

The fourth complaint was filed by O.M., a licensed electrical contractor. O.M. alleged that he performed three electrical jobs for respondent as a subcontractor. O.M. claims he completed # 83437

the three jobs but that respondent refused to pay. Once the jobs were completed, respondent stopped answering his phones. O.M. hired a lawyer, but respondent refuses to return any phone calls or answer correspondence from the courts. O.M. provided a letter from his attorney indicating that O.M. obtained a judgment against respondent in the amount of \$4,950.03.

Respondent provided a letter to the Board in response to O.M.'s complaint. Respondent alleged that O.M. did not complete the subcontracting work he was hired to perform. Respondent said he was "fined, on one occasion, \$5,000.00" for not pulling a plumbing permit.

On March 22, 2012, respondent appeared before the Board concerning the complaints received from F.G., D.G. and O.M. Regarding the complaint filed by F.G. respondent testified he installed a 75 gallon water heater but warned F.G. that he might have a problem because the unit had "smaller BPU's" and may not be able to fill up his tub. However, F.G. was "price conscious" and decided to go with the smaller water heater. Respondent testified that his company did respond each time F.G. called. According to respondent, each time F.G. called, he was responded to "eventually". Respondent explained that he has a "huge company and he "can't get back to the customers within five or ten minutes." However, respondent did acknowledge that "three or four days" to respond to a consumer with a heater problem was too long.

Regarding the complaint from D.G., respondent testified he installed a furnace in late October, or early November. At the end of November, the furnace began to experience problems and only worked intermittently. Respondent went to D.G.'s residence "quite a few times" in an effort to repair the furnace. Eventually, respondent was able to repair the furnace, but D.G. still insisted on a new one. Respondent eventually replaced D.G.'s furnace with a better model. When asked about D.G.'s complaint that respondent was unresponsive to calls and e-mails, respondent stated he replied to all of D.G.'s calls but wasn't able to respond in a time D.G. felt was satisfactory.

Respondent was asked generally about his responsiveness when dealing with customer calls. Respondent stated he makes a "tremendous effort" to give customers prompt responses, with the worst case scenario being three or four days before he responds to a consumer's call if it is not an emergency. Respondent acknowledged that at times "it can be a little bit of a challenge." Respondent does not employ a customer service representative or a receptionist. A customer leaves a message on the answering machine and respondent returns the call.

Regarding the complaint from O.M., respondent testified he paid O.M. to perform electrical work as a subcontractor but that O.M. did not complete the work. Respondent also claimed that O.M. failed to file electrical permits with the municipality. Respondent acknowledged receiving a

\$5,000 fine from the municipality for failing to pull permits.

Having reviewed the entire record, including respondent's testimony during the Board inquiry, it appears to the Board that these facts establish a basis for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(e), in that respondent engaged in professional and occupational misconduct, concerning consumer D.G., by failing to respond to D.G.'s calls, text messages and e-mails regarding the furnace installed by respondent not functioning properly. Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent engaged in professional and occupational misconduct, concerning consumer E.K., by failing to respond to E.K.'s calls or returning to correct E.K.'s improperly installed heating, as well as improperly installing the soap dispenser. Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(e), in that respondent engaged in professional and occupational misconduct, concerning consumer F.G., by failing to install F.G.'s new water heater after having scheduled installation on four different occasions which resulted in F.G. being forced to hire another company to perform the installation. Finally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(h), in that respondent has violated and failed to comply with the provisions of a regulation administered by the Board, specifically N.J.A.C. 13:32-3.3(a)(2), concerning the complaint filed by O.M., when respondent failed to properly secure all necessary permits as may be required by State and local law for the performance of plumbing work to be performed by the plumbing contractor for which the licensed master plumber acts as a qualified bona fide representative.

ACCORDINGLY, IT IS, on this 24<sup>th</sup> day of October 2013  
HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded for his violations of N.J.S.A. 45:1-21(e) and (h) as outlined above.
2. Respondent is hereby assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) for violating N.J.S.A. 45:1-21(e), by engaging in professional and occupational misconduct concerning consumer D.G. Additionally, respondent is hereby assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) for violating N.J.S.A. 45:1-21(e), by engaging in professional and occupational misconduct concerning consumer F.G. Finally, respondent is assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) for violating N.J.S.A. 45:1-21(h) by failing to secure all necessary permits concerning the complaint filed by O.M. Payment of the civil penalty totaling four thousand five hundred dollars

\$ 4,500.00  
pd 9/27/13  
(14)

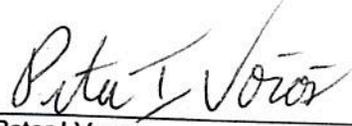
(\$4,500.00) shall be made simultaneously with respondent's signing of this consent order. Payment shall be by certified check or money order made payable to the State of New Jersey in the amount of \$4,500.00 and sent to Rosemarie Baccile, Acting Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, 6<sup>th</sup> floor, Newark, New Jersey, 07101.

3. Respondent shall reimburse consumer E.K. in the amount of \$49.00. Payment of the restitution to E.K. shall be made simultaneously with respondent's signing of this consent order. Payment shall be by certified check or money order made payable to E.K. in the amount of \$49.00 and sent to Rosemarie Baccile, Acting Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, 6<sup>th</sup> Floor, Newark, New Jersey, 07101.

4. Respondent shall cease and desist from the violations described herein. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25, and further disciplinary action.

5. Failure to timely remit any and all payments required by this order will result in the filing of a certificate of debt with interest accruing at the rate provided by the Rules of Court, and such failure or any violation of this order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board, which could include the suspension or revocation of license.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By: 

Peter I. Voros  
Board Chairman

  
William J. McCarthy  
NJMPL 11925

pd  
10-1-13

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

# OFFICIAL CHECK

51859092-3



RE: MCMAR LLC

DATE: 09/27/2013

52-0133  
112

PAY TO THE ORDER OF \*\*\* STATE OF NEW JERSEY \*\*\*\*

One Thousand Five Hundred AND 00/100

\$1,500.00



DRAWER: TD BANK, N.A.  
*[Signature]*  
AUTHORIZED SIGNATURE



⑈518590923⑈ ⑆011201335⑆ 6265019404⑈

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

# OFFICIAL CHECK

51859076-5



RE: MCMAR LLC

DATE: 09/25/2013

52-0133  
112

PAY TO THE ORDER OF \*\*\* STATE OF NEW JERSEY \*\*\*\*

One Thousand Five Hundred AND 00/100

\$1,500.00



DRAWER: TD BANK, N.A.  
*[Signature]*  
AUTHORIZED SIGNATURE



⑈518590765⑈ ⑆011201335⑆ 6265019404⑈

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

# OFFICIAL CHECK

51859077-6



RE: MCMAR LLC

DATE: 09/25/2013

52-0133  
112

PAY TO THE ORDER OF \*\*\*\* STATE OF NEW JERSEY \*\*\*\*

One Thousand Five Hundred AND 00/100

\$1,500.00



DRAWER: TD BANK, N.A.  
*[Signature]*  
AUTHORIZED SIGNATURE



⑈518590776⑈ ⑆011201335⑆ 6265019404⑈



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Examiners of Master Plumbers  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



JOHN J. HOFFMAN  
Acting Attorney General

ERIC T. KANEFSKY  
Director

October 01, 2013

Mailing Address:  
P.O. Box 45008  
Newark, NJ 07101  
(973) 504-6420

RE: WILLIAM J. MCCARTHY, III, LMP #11925  
T/A SCHOENWALDER GROUP  
FILE ID: #73434

Dear Ms. :

The State Board of Examiners of Master Plumbers contacted Mr. McCarthy concerning the complaint you had filed against him and his company.

Mr. McCarthy submitted one (1) restitution check to you, in the amount of \$49.00. Enclosed please find your restitution money.

Very truly yours,

THE STATE BOARD OF  
EXAMINERS OF MASTER PLUMBERS

  
Rosemarie S. Baccile  
Acting Executive Director

OFFICIAL CHECK

51859079-8

RE: MCMAR LLC

DATE: 09/25/2013

52-0133  
112

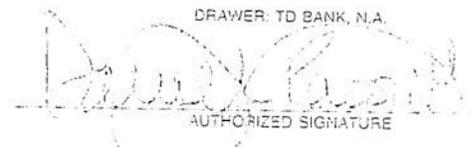
PAY TO THE ORDER OF

Forty Nine AND 00/100

\$49.00



DRAWER: TD BANK, N.A.

  
AUTHORIZED SIGNATURE

⑈ 5 18590798⑈ 10 1 20 1335⑈ 2 2950 1940⑈