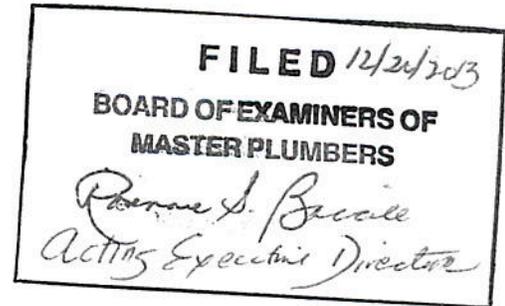


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF
MASTER PLUMBERS

IN THE MATTER OF _____

Mark Goggin
License #36BI00911200

TO PRACTICE PLUMBING
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers (“the Board”) upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Mark Goggin (“respondent”) is a licensed master plumber in the State of New Jersey and has been licensed at all times relevant hereto. Respondent has been issued license number 36BI00911200. According to the Board’s records, “J.T.Goggin, LLC” or “JT Goggin Plumbing” has never been licensed by the Board as a plumbing contractor.
2. The Board received a complaint from consumer W.D. concerning work that “JT Goggin, LLC” was contracted to perform at W.D.’s residence. W.D. alleged that “JT Goggin, LLC” performed faulty plumbing work and failed to repair or reimburse W.D. for the damage caused by the work. Specifically, there was a small leak coming from the dishwasher #72255

after it was hooked-up and one of the hose bibs started to drip and eventually froze. According to W.D., a gentleman named Tim Goggin performed the work on behalf of "JT Goggin, LLC".

3. After Tim Goggin failed to rectify the problems with the plumbing, W.D. obtained a small claims judgement against "JT Goggin, LLC". When Tim Goggin did not pay the judgement, W.D. filed a bank levy against Tim Goggin's bank account. Shortly after, respondent contacted W.D. Respondent advised W.D. that he was Tim Goggin's uncle, but was completely unaware of the situation. Respondent also told W.D. that he and Tim Goggin had planned on being partners in a plumbing business, but it never happened.. After respondent met with W.D., Tim Goggin payed the required court ordered restitution. However, W.D. continued to have concerns because Tim Goggin continued to falsely advertise that he was a licensed and insured plumber.

4. On or about April 27, 2011 the Board received a letter from Christopher Cona, Esq. attorney for respondent. The letter stated that the complaint was incorrectly addressed to respondent and should have been addressed to Timothy Goggin t/a "JT Goggin, LLC". The letter further stated that Timothy Goggin was using respondent's license number. Mr. Cona advised that on April 14, 2011 he sent a cease and desist to Timothy Goggin to advise him to immediately stop improperly using respondent's license number.

5. On September 22, 2011, respondent appeared before the Board for an Investigative Inquiry, represented by Christopher Cona, Esq. During the Investigative Inquiry, respondent stated that he is employed by Gloucester County, NJ and does the plumbing work for the government buildings in the county. He does not have his own separate plumbing contracting company. However, respondent admitted that he had associated with Timothy Goggin, for a period of eight months during 2010, and began trading as "JT Goggin Plumbing". Respondent would perform plumbing services with Timothy Goggin during the week after work and on

weekends. Respondent and Timothy Goggin each owned 50% of the business. Respondent admitted he never registered with the Board as the bona fide representative to trade as "J.T. Goggin Plumbing".

6. Respondent also testified concerning the complaint received from W.D. According to respondent, he and Timothy Goggin were going to do the plumbing work for W.D., but it "fell through". He was told by Timothy Goggin that "JT Goggin LLC" was not awarded the job. When respondent learned that Timothy did the plumbing work, and that it failed inspection, respondent rectified the situation. Respondent stated he was not a party to the contract between "J.T. Goggin, LLC" and W.D.. Respondent stated he did not receive any money from W.D. and he did not sign his signature which appeared on the permit application. Respondent testified that Timothy Goggin had access to respondent's pressure seal and may have used the seal to stamp the permit for the plumbing work performed for W.D.

CONCLUSIONS OF LAW

1. The above preliminary findings of fact establish a basis for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(h), in that respondent failed to comply with a regulation of the Board, specifically N.J.A.C. 13:32-3.2(a), by failing to register with the Board as a bona fide representative for "JT Goggin, LLC" during the eight month period in 2010 when "JT Goggin, LLC" was providing plumbing services to the public.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 20, 2012. A copy of the Order was forwarded to respondent's address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following its entry unless respondent requested a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by submitting a written request for

modification or dismissal, setting forth in writing any and all reasons why said findings and conclusions should not be modified or dismissed, and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

In response to the Provisional Order, the Board received a letter from Christopher C. Cona, Esq., counsel for respondent. Respondent does not contest the Board's provisional finding that he operated as "J.T. Goggin, LLC", for an eight month period, without registering with the Board. Instead, respondent believes the fine is excessive and asks the Board to reduce the fine to \$250. In the alternative, respondent asks that he be permitted to pay the penalty in installments.

In support of his request to reduce the penalty, respondent cites to his operation of a plumbing business, for over 10 years, without complaint. Respondent no longer operates a plumbing business and instead is currently employed by the County of Gloucester.

On July 25, 2013, the Board considered respondent's response to the Provisional Order. The Board finds that respondent does not contest the provisional finding that he operated as "J.T. Goggin, LLC", for an eight month period, without registering with the Board.. Therefore, no evidence was presented by respondent which would warrant a modification or dismissal of the findings of fact or conclusions of law outlined in the December 20, 2012 Provisional Order of Discipline. However, the Board does recognize respondent's previous ten year history which is devoid of any disciplinary action. As a result, the Board will permit respondent to pay the \$500 civil penalty in installment payments of \$100 per month.

ACCORDINGLY, IT IS, on this 20 day of December, 2013

ORDERED that:

1. Respondent is hereby reprimanded for the violations as detailed above.

2. Respondent is assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$500, in that respondent failed to comply with a regulation of the Board, specifically, N.J.A.C. 13:32-3.2(a), by failing to register with the Board as a bona fide representative for "JT Goggin, LLC" during the eight month period in 2010 when "JT Goggin, LLC" was providing plumbing services to the public. Respondent shall make five monthly payments of \$100 per month. The monthly payments shall be by certified check or money order made payable to the State of New Jersey and shall be sent to Rosemarie Baccile, Acting Executive Director, New Jersey State Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. The monthly penalty payments shall be sent to the Board on or before the first day of each month. The first monthly penalty payment shall be received by the Board on or before October 1, 2013, and then on or before the first day of each succeeding month thereafter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
EXAMINERS OF MASTER PLUMBERS

By: Peter I. Voros
Peter I. Voros
Board Chairman