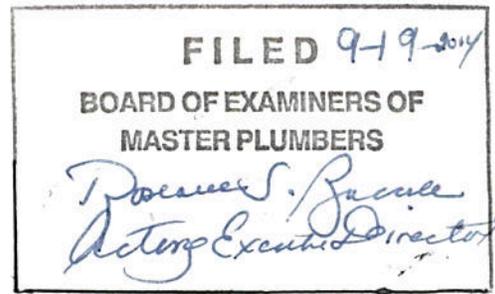


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF EXAMINERS OF
MASTER PLUMBERS

IN THE MATTER OF THE
LICENSE OF

STEVEN H. CATOGGE
License #36BI00877400

TO PRACTICE AS A MASTER
PLUMBER 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. Steven H. Catogge ("respondent") is a licensed master plumber in the State of New Jersey, having received his license on April 16, 1990, and has been a licensee at all times relevant hereto.
2. Respondent's license was administratively suspended on July 31, 2011 when respondent failed to renew his license for the 2011-2013 biennial renewal period after it expired on June 30, 2011. Respondent did not reinstate his license until July 10, 2012.
3. Consumer Y.B. filed a complaint alleging that respondent was hired on September 2, 2011 to replace his water heater after it was damaged by Hurricane Irene. Respondent represented to Y.B. that he was licensed to perform the work and that his

license status was current. According to Y.B., respondent performed “80% of the job” and cashed all the checks. Respondent never pulled a permit. As a result, Y.B. was fined \$500.00 by the City of Trenton. Y.B. was forced to hire and pay another licensed contractor to complete the job.

4. The Board sent respondent a letter, dated September 26, 2011. The letter was sent to respondent’s address of record with the Board. The letter requested that respondent provide a response to the complaint from Y.B. Respondent failed to provide the requested response.

5. The Board sent respondent a second letter, dated November 17, 2011. The letter was sent to respondent’s address of record with the Board. Again, the letter requested that respondent provide a response to the complaint from Y.B.. Respondent was also reminded of his duty to cooperate with the Board pursuant to N.J.A.C. 13:45C-1.1 thru 1.6. Respondent again failed to provide the requested response.

6. On February 10, 2012, an investigator with the Enforcement Bureau of the New Jersey Division of Consumer Affairs personally served respondent with a subpoena. The subpoena required respondent to appear before the Board on February 23, 2012 and provide testimony and documentation concerning the work performed for Y.B. Respondent failed to appear before the Board on February 23, 2012 as required.

7. Respondent finally appeared before the Board on March 22, 2012 for an investigative inquiry. During the inquiry, respondent admitted that his license was suspended by application of N.J.S.A. 45: 1-7.1b. Respondent admitted that he performed the work for Y.B. with a suspended license and stated that it was his “neglect” in doing the work without a “proper license.”

8. Respondent also acknowledged that he received the letter sent by the Board dated September 26, 2011. When asked why he did not reply, respondent stated “No

excuse." Respondent also acknowledged that he received the letter sent by the Board dated November 17, 2011. When asked why he did not reply, respondent again stated "No excuse." Respondent also acknowledged receiving the subpoena which required him to appear on February 23, 2012 . When asked why he failed to appear, respondent stated he had been neglectful because of various issues in his life, but that he is now trying to "get my life back."

CONCLUSIONS OF LAW

1. The above preliminary findings of fact provisionally provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(h), in that respondent violated and failed to comply with a regulation of the Board. Specifically, respondent violated N.J.A.C. 13:32-2.6(d) which states that a person who continues to practice or hold himself out as a licensed master plumber, after being suspended for failing to renew his license within thirty (30) days after the expiration date, shall be deemed to have committed unlicensed practice pursuant to N.J.S.A. 45:14C-12.3, even if no notice of suspension has been provided to the person.

2. The above preliminary findings of fact also provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(b), in that respondent represented himself as a licensed master plumber in good standing when he contracted with, and performed work for Y.B, which constitutes the use or employment of dishonesty, fraud, deception, misrepresentation and false pretense.

3. The above preliminary findings of fact also provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(e), in that respondent committed professional misconduct by failing to respond to the Board's letters dated September 26, 2011 and November 17, 2011, and failing to appear before the Board on February 23, 2012, in violation of N.J.A.C. 13:45C-1.2.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on December 20, 2013. A copy of the Order was forwarded to respondent's last known address on file with the Board, via United Parcel Service 2nd Day Air Service. The Board obtained a copy of the United Parcel Service delivery sheet confirming delivery of the Provisional Order of Discipline to the respondent's last known address on file with the Board on January 9, 2014. The Provisional Order of Discipline 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.

Respondent failed to reply to the Provisional Order of Discipline. Since the Provisional Order of Discipline was served at respondent's last known address on file with the Board, the Board deems service to be effected. As such, the Board determined that the Provisional Order of Discipline, entered on December 20, 2013, is to be finalized as written.

ACCORDINGLY, IT IS on this 18 day of ~~SEPTEMBER~~, 2014,

ORDERED that:

1. Respondent is hereby reprimanded, pursuant to N.J.S.A. 45:1-22, for violating N.J.S.A. 45:1-21 (h), (b) and (e).

2. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of two hundred and fifty dollars (\$250.00) for violating N.J.S.A. 45:1-21 (h) by failing to comply with a regulation of the Board, specifically N.J.A.C. 13:32-2.6(d) which states that a person who continues to practice or hold himself out as

a licensed master plumber, after being suspended for failing to renew his license within thirty (30) days after the expiration date, shall be deemed to have committed unlicensed practice, pursuant to N.J.S.A. 45:14C-12.3, even if no notice of suspension has been provided to the person. Additionally, respondent is hereby provisionally assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of two hundred and fifty dollars (\$250.00) for violating N.J.S.A. 45:1-21(e), specifically by committing professional misconduct by failing to respond to the Board's letters dated September 26, 2011 and November 17, 2011, and failing to appear before the Board on February 23, 2012, in violation of N.J.A.C. 13:45C-1.2. Payment of the civil penalty totaling five hundred dollars (\$500.00) shall be made within 15 days of the entry date of this Final Order of Discipline by certified check or money order made payable to the State of New Jersey and shall be sent to Rosemarie Baccile, Acting Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. ✓

3. 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 that, or any other 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 or additional civil penalties.

NEW JERSEY STATE BOARD OF EXAMINERS OF MASTER
PLUMBERS

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