



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
State Board of Professional Engineers and Land Surveyors  
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**BY CERTIFIED AND REGULAR MAIL**

November 20, 2014

Roland Lucas  
d/b/a X-Ray Home Inspection  
225 North Wood Avenue  
Linden, New Jersey 07036

Re: **I/M/O ROLAND LUCAS**  
**License Number: 24GI00048200**  
**Complaint Number: 94977**

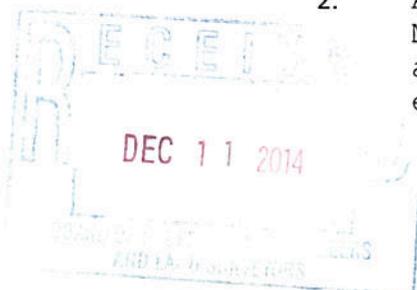
### **Offer of Settlement in Lieu of Disciplinary Proceeding**

Dear Mr. Lucas:

This letter is to advise that the New Jersey State Home Inspection Advisory Committee (hereinafter referred to as the "Committee") has had an opportunity to review a complaint it received concerning an inspection you performed in September 2012.

Specifically, the information reviewed by the Committee included, but is not limited to, the following documents:

1. A complaint filed by S.M. in or about September 2013, as well as any and all attachments and exhibits;
2. A correspondence, dated November 5, 2013, from Martin Pankiewicz, Esquire, to the Committee, as well as any and all attachments and exhibits;



3. An inspection report, dated September 26, 2012, prepared by Roland Lucas, X-Ray Home Inspection; and
4. Testimony of Roland Lucas before the Board at an investigative inquiry held on May 13, 2014.

Upon review of all available information, the Committee has found that probable cause exists to support a finding that you violated, as well as failed to comply with, the statutes and regulations governing the practice of home inspection in New Jersey, in violation of N.J.S.A. 45:1-21(h). Specifically, you failed to state the significance of findings of the condition of the roof, the electrical system and the presence of knob and tube wiring, and hot water system, contrary to N.J.A.C. 13:40-15.16(c)(2)(v).

Specifically, the Committee's review into this matter revealed that you performed an inspection of premises located on Magie Avenue, Elizabeth, New Jersey, on or about September 21, 2012. You subsequently prepared a written report of your findings. In your attorney's correspondence to the Committee on your behalf, Martin Pankiewicz, Esquire, asserted that your inspection report summary detailed your findings and that these findings were disclosed to your client, S.M., prior to the closing on the house. Mr. Pankiewicz further alleged that you gave the buyer a complete home inspection report disclosing all the defects of the premises. In your May 14, 2014 appearance before the Committee, you, among other things, again maintained that you verbally advised your client of the condition of the roof, but conceded that you did not note these conversations in your report.

The Committee has concluded, following its review of the submitted documentation and evidence, that you failed to state the significance of your findings, in violation of N.J.A.C. 13:40-15.16(c)(2)(v). This regulation requires that an inspector state the significance of his/her findings where any material defects in the systems and components of residential housing are found. [See N.J.A.C. 13:40-15.16(c)(2)(v)]. The Committee concludes that your failure to state the significance of findings constitutes a violation of N.J.A.C. 13:40-15.16(c)(2)(v).

For example, the Committee noted that in the Structure portion of your report you indicated that

Roof coverings are in need of having full evaluation by a reputable roofer contractor. Roof coverings did indicate to have areas off [sic] all tip curling, flaking, as well as chipped areas. Condition of bare tar exposed shingle areas were noted as well as missing shingles.

However, the Committee found that at no point did you advise your client of the significance of these findings, namely, that the roof was at the end of its life span and needed replacing at that time.

Similarly, you reported in the report that

Condition of active knob and tube wiring was noted.

The Committee again concluded that while you advised your client of the presence of knob or tube wiring, you failed to advise that this type of wiring is a fire hazard and that the client should consider, subsequent to consultation with an electrical contractor, replacing the wiring. Finally, you indicated in the Heating & Cooling and Plumbing sections of the written report, that

No full blow down pipe is supplied to pressure relief valve.

Again, the Committee found that failed to advise your client of the significance of this finding, namely that a missing blow down pipe is a burning hazard. The Committee has concluded that the conduct detailed above establishes a basis for disciplinary action.

At this juncture, the Committee has determined that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that conclusion, however, the Committee has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Pay a penalty in the amount of **\$1,000.00**, to be paid immediately upon your signing

of the acknowledgment at the bottom of this letter, for your violation of N.J.S.A. 45:1-21(h), and specifically N.J.A.C. 13:40-15.16(c)(2)(v);

2. Provide restitution to consumer S. M., in the amount of **\$375.00**, for the cost of the home inspection and subsequent report. The restitution shall be payable to S. M., 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 124 Halsey Street, Post Office Box 45043, Newark, New Jersey, within ten (10) days of the entry of this Order;
3. Pay costs for the investigation in the amount of **\$300.00**; and
4. Take and successfully complete a minimum of three (3) hours of Committee approved courses of continuing education in the area of report writing, conducted by Joe Dennler, 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 you to fulfill this requirement **shall not** be used to satisfy any statutory continuing education requirements.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

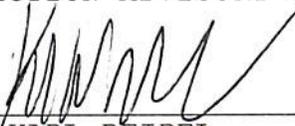
In such event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Committee will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in

the event formal charges are filed, the Committee may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Committee may, if the facts are found to so warrant, enter an order requiring you to reimburse certain and/or requiring you to pay costs incurred by the Committee. Should you have any questions concerning this letter of the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford, who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Committee within fifteen (15) days following your receipt of this letter. In the event that the Committee receives no response from you within fifteen (15) days, the Committee's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the appropriate disciplinary action.

HOME INSPECTION ADVISORY COMMITTEE

By: \_\_\_\_\_

  
KARL REIDEL  
Executive Director

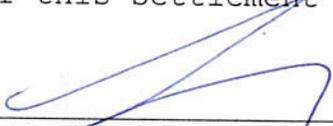
**ACKNOWLEDGMENT:** I, **ROLAND LUCAS**, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Committee herein is a matter of public record, and that this letter is a public document. I hereby agree to pay the civil penalty in the amount of \$1,000.00 for violations of N.J.A.C. 13:40-15.16(c)(2)(v), pay restitution in the amount of \$375.00, and pay the costs of the investigation in the amount of \$300.00. I also agree to adhere to the other provisions in this settlement letter.



ROLAND LUCAS

DATED:

Consent as to form and entry  
of this Settlement Letter.



MARTIN PANKIEWICZ, ESQUIRE

Attorney for the Respondent, Roland Lucas  
d/b/a X-Ray Home Inspection

cc: Olga E. Bradford, Deputy Attorney General