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FEB 23 2015
STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

FILED BY:
HOME INSPECTION ADVISORY COMMITTEE
MAR 18 2015

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

IN THE MATTER OF _____ :
 :
 JOSEPH P. SERINO : Administrative Action
 :
 :
 TO PRACTICE HOME INSPECTION :
 IN THE STATE OF NEW JERSEY : CONSENT ORDER
 :
 _____ :

This matter was opened to the New Jersey State Home Inspection Advisory Committee (hereinafter the "Committee") following the Committee's review of a consumer complaint filed by C.M. concerning home inspection services rendered by Joseph P. Serino and his company, J. Serino Home Inspections. C.M. alleged that the respondent negligently performed the home inspection when he failed to properly identify major plumbing and structural damage, in and around a bathroom shower pan floor area where water leakage and the presence of mold was evident,

as material defects as required by N.J.A.C. 13:40-15.16(c)(2)(iv). Additionally, the complainant maintained that Mr. Serino failed to indicate the significance of his findings in his written inspection report as it relates to the plumbing structural damage, provide her a remedy or refer her to a professional to assist her in rectifying the damage.

The Committee's review of this matter revealed that the respondent performed a home inspection of a residential home for C.M. located in Lake Como, New Jersey, on July 16, 2012. The complainant was present during the inspection. Mr. Serino subsequently prepared and issued a written inspection report detailing his findings.

In his April 19, 2014 response to the Committee, Mr. Serino, among other contentions, asserted that he completed a full structural, mechanical and wood destroying insect inspection that included opening and inspecting the electrical panel and entering all attics and crawl spaces. He confirmed that he performed the inspection on July 16, 2012 in the presence of the complainant. The respondent contended that she was actively involved in the inspection, asked many questions and was concerned about the grouting issues and tub-shower area in the bathroom. He issued his written inspection report shortly thereafter and maintained that he did not hear from the

complainant until November 2013, sixteen (16) months after the inspection.

Moreover, Mr. Serino asserted that C.M. did not report any issues with his inspection services until after she had hired two (2) contractors who located old dry rot subsequent to their removal of insulation. He re-inspected the residential home on or about November 19, 2013 and saw that the insulation had been removed which revealed old dry rot near the sub-floor and subsequent repairs. Finally, Mr. Serino admitted that he did not provide the complainant with a Pre-Inspection Agreement as required by N.J.A.C. 13:40-15.15.

The Committee's review of this matter revealed, and the Committee found, that Mr. Serino violated or failed to comply with the regulations administered by the Board, contrary to N.J.S.A. 45:1-21(h), in that he failed to send a pre-inspection agreement to a client and to have that document executed prior to the start of the inspection, contrary to N.J.A.C. 13:40-15.15, as he admitted in his April 2013 correspondence to the Committee.

As to the merits of the contentions alleged by C.M., the Committee noted that the complaint was not filed until sixteen (16) months after the inspection and, more importantly, after renovations had been commenced. The Committee concluded

that these factors interfered with a finding of whether the respondent violated any standards of practice during his initial inspection of the property.

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 waiving his right to a hearing in this matter; and the Committee finding that the disposition of the matter as set forth herein is adequately protective of the public health, safety and welfare, and other good cause appearing:

IT IS, THEREFORE, ON THIS ^{18th} day of ~~FEBRUARY~~ ^{March} 2015,

HEREBY ORDERED AND AGREED THAT:

1. The respondent, Joseph P. Serino, is hereby formally reprimanded for his conduct as described above, contrary to N.J.S.A. 45:1-21(h) and specifically N.J.A.C. 13:40-15.15.

2. Mr. Serino shall cease and desist from further violations of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-15.15.

3. Mr. Serino shall provide restitution to consumer C.M. for the full cost of the home inspection and subsequent written report which totals \$275.00. The restitution shall be made payable to the complainant by name, 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 45015, Newark, New Jersey 07101, within ten (10) days of the entry of this Order.

4. Mr. Serino shall pay a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of \$1,000.00 for his violations of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-15.15. The civil penalty shall be submitted, by certified check or money order, contemporaneously with the signing of this Order and made payable to the State of New Jersey and forwarded to the Home Inspection Advisory Committee, to the attention of Karl Reidel, Executive Director of the Committee, at the address provided in paragraph 4.

In the alternative, the respondent may pay the civil penalty, totaling \$1,000.00 in equal monthly installment payments of \$100.00 for a total of ten (10) months. The first payment shall be paid contemporaneously with the signing of this Order with subsequent payments due on the fifteenth of each month thereafter until the total amount is paid in full.

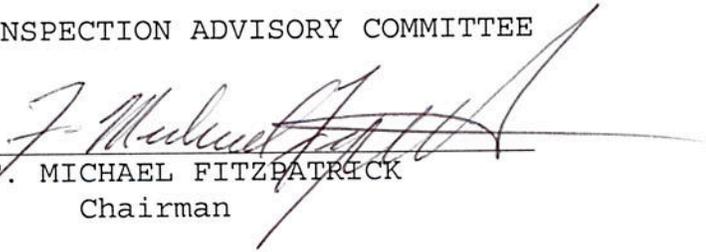
Any failure to make any installment payment within ten (10) days of the due date shall cause the entire

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.

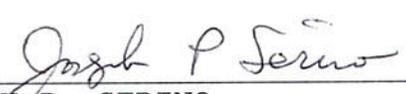
5. Failure on the part of the respondent to pay the restitution, civil penalty or the installment payments timely or to comply with any of the terms of this Consent Order would constitute a violation of this Order, proof of which would constitute grounds for additional disciplinary action by the Committee.

HOME INSPECTION ADVISORY COMMITTEE

By:


F. MICHAEL FITZPATRICK
Chairman

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


JOSEPH P. SERINO

DATED: 2-18-2015