JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, Fifth Floor
Post Office Box 45029
Newark, New Jersey 07101
Attorney for the New Jersey Home
Inspection Advisory Committee

FILED BY:
HOME INSPECTION ADVISORY COMMITTEE
JUN 29 2015

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

IN THE MATTER OF **RAYMOND J. FARRUGGIA** **License No. 24GI00060500** LICENSED TO PRACTICE HOME INSPECTION IN THE STATE OF NEW JERSEY	Administrative Action FINAL ORDER OF DISCIPLINE

This matter was opened to the New Jersey Home Inspection Advisory Committee ("Committee") upon receipt of information which the Committee has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent Raymond J. Farruggia is a licensed home inspector in the State of New Jersey and has been licensee at all times relevant hereto.

2. The Committee received an Application for Reinstatement submitted by the respondent on or about May 14, 2014. A review of the application, as well as the Committee's records indicate and the Committee finds, that Mr. Farruggia's license expired on or about April 30, 2013 and that he failed to renew the license for the licensure period following 2013. Thereafter, the respondent's license to practice home inspection in this State was administratively suspended without notice or a hearing for his failure to renew the license in or about 2013, as authorized by N.J.S.A. 45:1-7.1(b).

3. In his reinstatement application, Mr. Farruggia maintained that he had completed the continuing education courses required for reinstatement of his license. Specifically, he indicated that he had completed the requisite forty (40) continuing education courses utilizing the Internet and other distant learning methods.

4. The Committee, following its review of the application, voted to reinstate respondent's license effective in or about May 2014. However, the Committee directed Mr. Farruggia, in a letter dated May 21, 2014, to successfully complete an additional twenty (20) continuing education courses via live seminars since a licensee may only receive credit for a maximum of one-half of the

courses, namely twenty (20) credits, of the required forty (40) credits via the Internet or other distant learning methods, pursuant to N.J.A.C. 13:40-15.14(d)(3). The Committee allotted the respondent an additional ninety (90) days from the receipt of the May 2014 letter to complete the additional twenty (20) credits and to provide proof of said completion to it.

5. In a letter dated October 31, 2014, the Committee requested Mr. Farruggia provide proof of his successful completion of the outstanding continuing education courses to it as detailed in its May 2014 letter. Respondent failed to reply to this correspondence

6. A second letter, dated December 31, 2014, was sent to the respondent by the Committee again seeking proof of the completed additional continuing education courses, yet no response was ever received to this letter.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Committee's request for information constitutes a failure to timely provide records related to the licensee conduct, in contravention of N.J.S.A. 45:1-21(e) and N.J.A.C. 13:45C-1.3, subjecting respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD"), preliminarily imposing a suspension of the respondent's license to practice home inspection until such time as he cooperate with the Committee's requests for additional information, was entered on March 11, 2015, and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the 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 be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

In response to the POD, the respondent submitted proof of his successful completion of twenty (20) additional continuing education credits on or about March 18, 2015.

The Committee reviewed the respondent's submission at its April 14, 2015 meeting. Following its review of this matter, the Committee determined that further proceedings were not necessary and that no material discrepancies had

been raised. The Committee concluded that the respondent had, with his March 18, 2015 submission, finally provided the Committee with the additional information concerning his outstanding continuing education credits.

Additionally, the Committee found that Mr. Farruggia failed to: 1) comply with its initial directive - issued when it reinstated his license - to complete the outstanding continuing education credits within ninety (90) days of May 2014; and 2) respond to its October and December 2014 correspondences which again directed the respondent to submit proof of the completed continuing education courses. The Committee, in reaching these conclusions, noted that time, effort and resources were expended in drafting the POD and finalizing this Final Order which would not have been necessary had Mr. Farruggia fulfilled his duty to cooperate with a Committee investigation and provided a response to its several requests of inquiry.

Notwithstanding its findings and conclusions, the Committee voted to finalize the Provisional Order with modifications. Specifically, the Committee voted unanimously to rescind the Provisional Order finding that the respondent had ultimately complied with its requests so

that no further action was necessary. Thereafter, the Committee

ACCORDINGLY, IT IS on this 12th day of **JUNE 2015**

ORDERED that:

1. The Provisional Order of Discipline, issued in this matter on March 11, 2015 by the New Jersey Home Inspection Advisory Committee is hereby rescinded.

NEW JERSEY HOME INSPECTION
ADVISORY COMMITTEE

By: _____
F. MICHAEL FITZPATRICK
Chairman