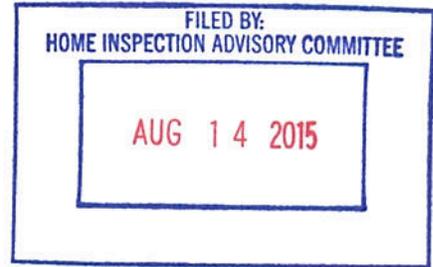


JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, Fifth Floor
Post Office Box 45029
Newark, New Jersey 07101
Attorney for the New Jersey State
Home Inspection Advisory Committee



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

IN THE MATTER OF	:	Administrative Action
	:	
ANTHONY J. NORCIA	:	FINAL ORDER
	:	OF DISCIPLINE
UNLICENSED TO PRACTICE HOME	:	
INSPECTION IN THE STATE OF	:	
NEW JERSEY	:	

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

FINDINGS OF FACT

1. On or about May 7, 2012, Mr. Norcia, doing business as Approved Home Inspection, performed a home inspection for N.J., on property located at 43 West Park Avenue, Avenel, New Jersey. He

subsequently prepared and issued a written home inspection report to N.J. concerning his findings.

2. Anthony J. Norcia is not, to date, licensed in the State of New Jersey as a home inspector by the Committee.

CONCLUSIONS OF LAW

The Committee concludes that the respondent engaged in the unlicensed practice of home inspection by: 1) advertising and offering to provide home inspection services via his company entitled "Approved Home Inspection;" 2) performing a home inspection in May 2012 on property located in Avenel; and 3) preparing and issuing a written home inspection report to a client for a fee concerning his findings of the inspection; contrary to N.J.S.A. 45:1-18.2, N.J.S.A. 45:8-67 and N.J.A.C. 13:40-15.1(c).

DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD"), preliminarily imposing a cease and desist directive, restitution and a civil penalty totaling \$5,000.00 with \$4,000.00 stayed, was entered on December 11, 2014, 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, respondent submitted a written correspondence, dated May 8, 2015, to the Committee. In this submission, Mr. Norcia requested a modification or dismissal of said findings and conclusions, and alternatively requested elimination or reduction of the sanctions detailed in the POD. Specifically, he asserted, among other contentions, that he was called in only as a "consultant, " as opposed to be hired as a home inspector, to review an original home inspection report and to "provide an opinion to the homeowner . . ." regarding whether the first inspector had engaged in negligence in the performance of his inspection. He further maintained that the fee he charged - which he contended was far less than that charged for a full home inspection - only corroborated his position that he had acted only as a consultant and had not performed a full home inspection. Finally, he noted to the Committee that he was not the subject of the consumer complaint that initiated this matter before the Committee and that his client had no complaints regarding the services he had provided to her.

As to the Committee's intended sanctions, Mr. Grace maintained that the penalty would be a financial hardship. And he again argued that restitution should be waived since the consumer did not complain as to the services or the report he provided.

The Committee reviewed the respondent's submission at its

May 12, 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 however that the respondent had violated its statutes and regulations, in violation of N.J.S.A 45:1-21(h) and N.J.A.C. 13:40-15.16, by engaging in the unlicensed practice of home inspection.

Specifically, the Committee found that he had performed a full home inspection without a license to do so. It initially noted the name of Mr. Norcia's business - Approved Home Inspection Services - and concluded that he intended to provide, and in fact performed, home inspections to citizens of New Jersey. The Committee also noted that the first page of the report he provided to N.J. stated that

. . . I made a personal visit to your home . . .
on 4/27/12 for the purpose of conducting a cursory
review of the present house conditions.

The Committee finds that this statement indicates that both Mr. Norcia and N.J. expected him to perform a home inspection on April 27, 2012. Additionally, the Committee's review of the inspection report issued to N.J. revealed that Mr. Norcia reviewed at least the following systems and components of the home, including the exterior and interior, roof, electrical and plumbing, which, as detailed in N.J.S.A. 45:8-62, constitutes a home inspection. Finally, the Committee noted he signed the report as "Inspector." The Committee concluded that, considering the totality of these facts, Mr. Norcia engaged in the unlicensed practice of home inspection, contrary to N.J.S.A 45:1-21(h) and

N.J.A.C. 13:40-15.16.

However, the Committee concluded that there were sufficient mitigating circumstances as to financial hardship to waive the intended restitution of \$250.00 and to permit Mr. Norcia to remit payment of the civil penalty, by installments over ten (10) months in the amount of \$100.00 per month.

Thereafter, the Committee voted to finalize the Provisional Order with modifications, including the waiver of the restitution requirement, but authorized the option of installment payments of the imposed civil penalty should Mr. Norcia so elect.

IT IS, THEREFORE, on this 8 day of AUGUST 2015, ORDERED that:

1. Respondent Anthony J. Norcia shall cease and desist from engaging in the unlicensed practice of home inspection, in violation of N.J.S.A. 45:1-18.2, N.J.S.A. 45:8-67 and N.J.A.C. 13:40-15.1(c), until such time that he is licensed by the Committee to perform home inspection services.

2. Mr. Norcia is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22(b), in the amount of \$5,000.00 for engaging in the unlicensed practice of home inspection, contrary to N.J.S.A. 45:1-18.2, N.J.S.A. 45:8-67 and N.J.A.C. 13:40-15.1(c). Payment of \$1,000.00 of the imposed penalty shall be due contemporaneously with the entry of the Final Order of Discipline. Payment of the remaining \$4,000.00 shall be stayed in its entirety for a period of five (5) years. If no further violations are found during that period, the penalty totaling \$4,000.00

shall be rescinded. If, however, during the period of five (5) years, further violations of the Home Inspection Professional Licensing Act, or the regulations promulgated under that Act, are substantiated, the \$4,000.00 stayed penalty will become due. The Committee, may, in its discretion, pursue additional sanctions, including enhanced penalties, costs, attorney's fees and contempt based on any new violation.

In the alternative, the respondent may pay the civil penalty, totaling \$1,000.00, in monthly installment payments of \$100.00 for a total of ten (10) months. The first payment shall be paid within fifteen (15) days of the entry of the Final Order of Discipline issued in this matter 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.

3. Should Mr. Norcia make application for licensure as a home inspector, the Committee reserves the right to: 1) require Mr. Norcia appear before it in order to discuss his activities prior to licensure; and 2) impose restrictions on his ability to practice home

inspection as may be necessary to ensure the public health, safety and welfare.

NEW JERSEY STATE HOME
INSPECTION ADVISORY COMMITTEE

By: _____


F. MICHAEL FITZPATRICK
Chairman