FILED BY:
HOME INSPECTION ADVISORY COMMITTEE

AUG 18 2016

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

IN THE MATTER OF THE LICENSE OF **Fawzy Salib** **License # 24GI00080900** TO PRACTICE HOME INSPECTION IN THE STATE OF NEW JERSEY	:	Administrative Action **X PROVISIONAL ORDER OF DISCIPLINE** X **FINAL ORDER OF DISCIPLINE** (Finalized by default on August 18, 2016)

This matter was opened to the New Jersey State Home Inspection Advisory Committee ("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. Fawzy Salib("Respondent") is a home inspector in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. Pursuant to N.J.S.A. 45:8-78 and N.J.A.C. 13:40-15.14(b), home inspectors are required to complete a minimum of forty (40) hours of continuing education during the preceding biennial period in order to renew their licenses. Required and included within the 40 credits are: a minimum of three (3) credits on report writing; a minimum of three (3) credits on ethics; and a minimum of three (3) credits on the rules governing the practice of home inspection. Pursuant to N.J.A.C. 13:40-15.14(e), home inspectors are required to maintain documentation of completion of continuing education for a period of five (5) years after completion and shall submit such documentation to the Board upon request.

3. The Committee sent a letter of inquiry requesting documentation of completed continuing education for the **2015-2017** biennial renewal period to Respondent's address of record, via regular mail. The regular mail was not returned. (Exhibit B).

4. A second letter was forwarded to the respondent, by certified and regular mail, on February 2,2016 to his address of record, again requesting documentation of completed continuing education for the **2015-2017** biennial renewal period. The regular mail was not returned. The certified mail was successfully delivered. (Exhibit B).

5. To date, Respondent has failed to cooperate with the Committee's investigation into his/her compliance with continuing education requirements.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Committee's letter constitutes a violation of N.J.S.A. 45:1-21 (e) and (h) in that Respondent has failed to cooperate with the Committee's investigation in contravention of N.J.A.C. 13:45C-13.

ACCORDINGLY, IT IS on this 10th **day of** June **, 2016,**

ORDERED that upon the filing of a FINAL ORDER OF DISCIPLINE in this matter:

1. Respondent's license to practice as a home inspector in the State of New Jersey is suspended until such time as Respondent cooperates with the Committee's investigation by providing the Committee with proof of completion of forty (40) hours of continuing education for each biennial renewal period from May 1, 2013 to the time of reinstatement and/or a written explanation why these credits were not completed. Continuing education hours taken currently and applied to cure the deficiency from the previous biennial period shall not be used to satisfy the requirements of the current biennial period.

2. Respondent shall cease and desist from engaging in the practice of home inspection until such time as his/her license to engage in home inspection is reinstated by the Committee. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

3. Respondent shall pay a civil penalty in the amount of **$1,000.00 within fifteen (15) days** of the filing of a Final Order in this matter. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the New Jersey Home Inspection Advisory Committee and mailed to Karl Reidel, Executive Director of the Committee office, at 124 Halsey Street, Post Office Box 45015, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. In the event that respondent fails to make timely payment, a Certification of Debt shall be filed, in accordance with N.J.S.A. 45:1-24, and the Committee may institute such other proceedings as are authorized by law, including automatic suspension of Respondent's license as described herein.

4. Nothing herein shall preclude the Committee from initiating disciplinary action based upon Respondent's failure to comply with continuing education requirements.

5. The within order shall be subject to finalization by the Committee at 5:00 p.m. on the thirtieth (30^{th}) day following

entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Karl Reidel, Executive Director of the Home Inspection Advisory Committee, 124 Halsey Street, Sixth Floor, Post Office Box 45015, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Committee and the Committee will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Committee is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

7. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered,

the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Committee shall not be limited to the findings, conclusions and sanctions stated herein.

8. **In the event that the Committee receives no written submission from Respondent within thirty (30) days following filing of this Provisional Order of Discipline, without further Committee review, the Provisional Order of Discipline shall automatically become the Final Order of Discipline. The box for Final Order of Discipline shall be checked, the Final Order of Discipline shall be filed, and copies shall be mailed to Respondent. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Committee Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.**

NEW JERSEY STATE HOME INSPECTION
ADVISORY COMMITTEE

By: _____ 6-10-16

MICHAEL DEL GRECO
Chairperson