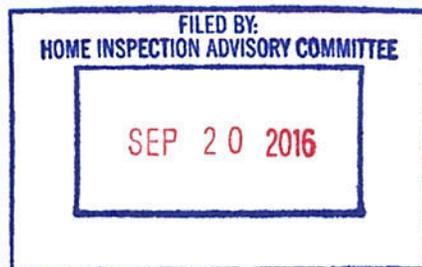


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
HOME INSPECTION ADVISORY COMMITTEE

IN THE MATTER OF	:	
	:	Administrative Action
MARK J. KACHUR	:	
License Number: 24GI00031700	:	
	:	CONSENT ORDER OF
TO PRACTICE HOME INSPECTION	:	REINSTATEMENT
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the Home Inspection Advisory Committee (“Committee”), upon receipt of a reinstatement application for licensure as a home inspector in this State filed by Mark J. Kachur, doing business as Tri-County Home Inspections, Incorporated, Post Office Box 62, Manahawkin, New Jersey 08050, in March 2016.

Review of this application revealed that Mr. Kachur was licensed as a home inspector on or about July 31, 2003. The Committee’s records indicate that Mr. Kachur’s license expired on June 2, 2015 when he failed to renew said license for the 2015-2017 licensure period. In his reinstatement application, Mr. Kachur advised that certain health concerns had recently

prevented him from engaging in the practice of home inspection.

Further review of the Committee's records also revealed that there are four (4) consumer complaints pending before it which allege that Mr. Kachur engaged in negligence, incompetence or professional misconduct relative to his previous inspections of the residential premises regarding consumers C.L., S.LaB., P.F., D.D. and L.B.. The Committee - following its review of these complaints and responses provided by Mr. Kachur, including the transcript of his April 15, 2014 appearance before the Committee - has found that Mr. Kachur failed to properly inspect the structural components, including foundations and basements, contrary to N.J.A.C. 13:40-15.16(e). Additionally, the Committee finds that Mr. Kachur failed to comply with the Home Inspection Professional Licensing Act, and its accompanying regulations, in violation of N.J.S.A. 45:1-21(h) and specifically, N.J.A.C. 13:40-15.16(c)(v)(5), when he failed to state the significance of findings, in his written inspection reports, where material defects in the inspected systems and components were found. The Committee's records further confirm that Mr. Kachur has previously been sanctioned for these same violations in prior Consent orders filed April 9, 2013 and February 22, 2013.

Having reviewed the entire record in this matter, it appearing to the Committee that Mark J. Kachur desires to resolve this matter without the need for formal disciplinary proceedings; and the licensee acknowledging and not contesting the findings of fact and conclusions of law made by the Committee; and the Committee having been satisfied that the within resolution adequately protects the public health, safety and welfare, and other good cause shown:

IT IS, THEREFORE, ON THIS 20 day of SEPTEMBER 2016

HEREBY ORDERED AND AGREED THAT:

1. Mark J. Kachur's reinstatement application for licensure as a home inspector, pursuant to N.J.S.A. 45:1-7.4, in the State of New Jersey is hereby granted conditioned upon satisfactory completion of the following conditions:

a. Mr. Kachur shall provide restitution to consumers C.L., S.LaB., P.F. and D.D. and L.B., in the amount of \$295.00 each, within thirty (30) days of the filing of this Consent Order. The restitution constitutes the cost of each home inspection. Proof of restitution to each consumer was previously forwarded to the office of Joanne Leone, Executive Director of the Committee, at 124 Halsey Street, Post Office Box 45043, Newark, New Jersey 07101, in July 2016.

b. Mr. Kachur shall take and successfully complete a three (3) hour one-on-one report writing continuing education course provided by Joseph Denneler, Esquire, and provide proof of such successful completion to the Committee. This course taken by the licensee to fulfill this requirement **shall not** be used to satisfy any statutory continuing education requirements. Mr. Kachur previously provided proof of his successful completion of this course to the Committee in July 2016.

c. Mr. Kachur shall re-take and successfully complete the one hundred forty (140) hour approved course of study, required for initial licensure as a home inspector, and the accompanying forty (40) hours of unpaid field based inspections in the presence of and under the direct supervision of a licensed New Jersey home inspector, at any approved program no later than **March 1, 2017**. Mr. Kachur shall provide proof of successful completion of these requirements to the Committee. Continuing education courses taken by Mr. Kachur to fulfill this requirement **shall not** be used to satisfy any statutory continuing education requirements.

Failure on the part of Mr. Kachur to successfully complete the approved course of study and provide proof of the same to the Committee by March 1, 2017 will result in the automatic suspension of his license to practice home inspection until such time as he completes the approved course of study and provides proof to the Committee.

d. Mr. Kachur shall be responsible for any and all costs associated with the conditions outlined herein, including but not limited to, all costs associated with the report writing and course of study classes required by the terms of the Consent Order.

e. Mr. Kachur shall pay the investigative and transcript costs in this matter totaling \$300.00. Payment shall be submitted by certified check or money order made payable to the State Home Inspection Advisory Committee and forwarded to Joanne Leone, Executive Director of the Committee, at the address listed in paragraph 1. Payment of the costs shall be made contemporaneously with his signing of this Order. Mr. Kachur previously complied with this requirement.

2. Mr. Kachur's license to practice home inspection **shall be reinstated** effective on the entry date of this Consent Order.

HOME INSPECTION ADVISORY COMMITTEE

By: 
MICHAEL DEL GRECO
Chairman

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


MARK KACHUR

DATED: