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**THE OFFICE OF REGULATORY AFFAIRS**

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TO: *AM* CI-107-11 *TRL*  
FROM: JOHN H. MAHER / TERRENCE LUCKIE  
DATE: MAY 1, 2012  
SUBJECT: CLINTON TWP / MICHAEL WRIGHT

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**Predication:**

This office received multiple allegations from multiple complainants alleging, harassment, selective enforcement, over enforcement, misconduct, and not performing or issuing timely inspections or Certificates of Occupancy's.

This complainant also contained allegations of Mr. Wright's demeanor towards the construction permit applicants, and permit holders, which is not within the jurisdiction of this office. Therefore cannot be dealt with by this office.

**Investigation:**

Terence Luckie and this writer visited the Clinton Twp. Building Department to review files, and interview Mr. Wright regarding the allegations outlined in the complaint.

Since this complaint has multiple allegations from multiple complaints, this investigative report has been separated by property addresses and each allegation. This was done in order to ensure all allegations were all addressed. See files.

**Conclusion:**

Based on the evidence and statements obtained during the course of this investigation, it can be concluded that the above listed allegations cannot be substantiated. See individual allegation files for specific details and investigative findings.

The investigation revealed two procedural issues that Mr. Wright was in error. These procedural errors are as follows.

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5-15-12 LM*

Mr. Wright was requiring payment of any penalty prior to the issuance of the permit. As explained in the investigation report, Mr. Wright had written an e-mail to the Code Assistance Unit posing the question whether a penalty was required to be paid prior to the issuance of a permit, and the Code Assistance Unit response was yes. This code interpretation was incorrect, and Mr. Wright was enforcing this incorrect code interpretation.


Mr. Wright was requested to perform a cursory plan review on a project. Plan review comments were generated and satisfied. At the end of the cursory plan review, Mr. Wright was unaware that he was able to release the code compliant plans. This issue was further complicated by e-mails between the applicant and Mr. Wright requesting released plans vs. permits. The applicant did not clearly request that he only wanted the plans released and not the permit.

Since Mr. Wright made errors on the above procedures, this office verbally instructed him on the correct procedures to be followed. Therefore, no further action is required by this office, and based on the above facts I recommend this be closed.

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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO:** FILE  
**FROM:**  JOHN H. MAHER  
**DATE:** APRIL 25, 2012  
**SUBJECT:** 1210-1220 HWY22 LEBANON BOROUGH NJ

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**Predication:**

The complaint alleged Michael Wright the Construction Official of Clinton Twp. wrongfully issued violations and penalties for demolishing two structures.

**Investigation:**

On February 27, 2008 Michael Wright was notified by the Town Engineer Jeff Stidworthy noticed that two structures located at the above subject location were demolished without permits. Mr. Wright then issued Notice and Order of Penalty and a Stop Construction Order for work without permits for a total of \$4,000.00, which were both later appealed to the Hunterdon County Construction Board (HCCBA) of Appeals by the owner of the property Michael Wade Esq. In the appeal statement that was submitted to the HCCBA, Mr. Wade admitted that the work did commence without the permits. While waiting for the appeal to be heard a Construction Official from a neighboring municipality, while on his way to work, contacted Mr. Wright and informed him that work was being performed at the same site. Mr. Wright visited the site and issued another fine for the violation of the Stop Work Order. Mr. Wright was asked by this writer if he based the issuance of the notice on the observation of the neighboring Construction Official. Mr. Wright stated that he went to the site as a result of the neighboring Construction Official's call, but when there he noticed a pile of bricks have been moved.

After Mr. Wright issued the penalties on the above subject property Mr. Wright received a call from Edward O'Brien who was the Architect of record for Mr. Wade and the above subject property and is also the chairman of the HCCBA. The message asked Mr. Wright to abate or reduce the violations that were levied against Mr. Wade's property. Mr. Wright contacted the Hunterdon County Prosecutors Office, and the Office of Regulatory Affairs, as a clear case of conflict of interest. A letter dated March 14, 2008 from Louis Mraw of the Office of Regulatory Affairs, confirms Mr. O'Brien's comments to Mr. Wright and instructed Mr. O'Brien to recuse himself from the HCCBA hearings or to have the venue moved to another county to be heard.

While reviewing the file it was noted that Mr. Wright, only allowed the issuance of the permit until all penalties have been paid, Mr. Wright was asked how he came to this decision. Mr. Wright explained that he e-mailed Department of Community

Affairs, Division of Codes and Standards, Code Assistance Unit and asked the question, can the penalties and or fines have to be paid prior to the issuance of a permit. A return e-mail from the Code Assistance Unit stated, "Yes, you can make them pay a fine for doing work without permits before issuing a permit".

Mr. Wade's appeal was heard on May 21, 2008 by the HCCBA. The appeal was heard and the board sided with Mr. Wright and Lebanon borough for the demolishing of two structures without the required permits, though the board did feel that the fines were excessive and reduced the previous fine of \$4,000.00 to \$500.00. The violation of the Stop Work Order penalty that was issued by Mr. Wright was dropped prior to being heard by the HCCBA due to lack of evidence on the part of Mr. Wright. Also in the board's decision in the related comments section of the decision, was commentary on Mr. Wright's actions regarding Edward O'Brien the architect of record for Mr. Wade's property, the Chairman of the HCCBA, and the message he left on Mr. Wright's answering machine requesting the violations be abated or reduced. The board's commentary discussed Mr. Wright's decision to contact the Hunterdon County Prosecutors Office and admonished him for doing so.

#### Conclusion:

Based on the evidence and statements obtained during this investigation it can be concluded that one violation of the Uniform Construction Code (UCC) had occurred. Mr. Wright was requiring the payment of the penalties and or fines prior to the issuance of a permit. The UCC allows permits to be issued with outstanding fines and penalties, only when trying to obtain of a Certificate of Occupancy does all the penalties and fines need to be satisfied. In Mr. Wright's defense, he was given incorrect interpretation of the UCC code section, which resulted in Mr. Wright incorrectly enforcing the code.

Upon reading the HCCBA written decision specifically the Related Comments section, this writer found it to be ironic that the board memorized unrelated comments. These comments were regarding Mr. Wright's decision to contact the Hunterdon County Prosecutors Office, and admonishing him for doing so. The appeal that was being presented to the board was to determine if Mr. Wade demolished two structures without permits, and if Mr. Wright's was appropriately enforcing the UCC. All other unrelated issues should not have been entertained by the board, and especially not being addressed in their written appeal decision. By the board commenting on these unrelated issues, the board has potentiality opened itself to being viewed as possibly bias towards Mr. Wright, and his actions regarding the UCC.

During this investigation Mr. Wright was made aware that the code interpretation was incorrect and is no longer requiring payment of fines prior to the issuance of the permit. Based on this conclusion, no action is required from this office.



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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO: FILE****FROM: TERENCE P. LUCKIE** *TPL***DATE: 1/3/12****SUBJECT: MICHAEL WRIGHT, 56 PAYNE ROAD**

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**Predication:**

A Complainant alleges that the Michael Wright, Construction Official for Clinton Township penalized him too much money for not obtaining a permit to build a shed. The monetary penalty was for Two Thousand dollars. The complainant feels that this is excessive.

**Investigation:**

After reviewing all the pertinent files regarding this property as well as random files which were given penalties by Michael Wright, it has been found that Mr. Wright always penalizes the maximum amount for everyone who violates an order. He is consistent with penalizing the maximum amount as per N.J.A.C. 5:23-2.31(e) 1.-6. Compliance/Penalties. Mr. Wright was found to have lowered all penalties once compliance was proceeding.

**Conclusion:**

Since Mr. Wright is consistent with violating everyone the maximum amount, this would not be considered selective enforcement. Mr. Wright does not exceed the maximum amount of penalties. Therefore, No violations of the Uniform Construction Code could be substantiated. Based on the above facts, this case should be closed.

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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO: FILE****FROM: TERENCE P. LUCKIE TPL****DATE: 1/3/12****SUBJECT: MICHAEL WRIGHT, INSPECTIONS, PLAN REVIEW**

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**Predication:**

A Complainant alleges that the Clinton Township Construction Department are not inspecting within three(3) business days of request to do so as per N.J.A.C. 5:23-2.18(c)2., and that Plan Review exceeds the Twenty(20) day maximum time for release of plans as per N.J.A.C. 5:23-2.15(f)4(1).

The complaint will be broken down into the following issues:

1. **Issue Number One:** Construction Department not inspecting in a timely manner.
2. **Issue Number Two:** Construction Department exceeding allowable days for release of plans.

**Investigation:****Issue Number One**

After reviewing the Clinton Construction Office records it was found that the staff did not log in when a request was made when scheduling inspections. This made it difficult to go back to older records to confirm time periods. This writer requested that the Technical Assistants to the Construction Official log in when requests were made and when the inspection was scheduled in order to confirm time periods. The following is a list of twelve (12) random permitted properties and time periods in which it took to schedule inspections:

<u>Address</u>	<u>Requested Inspection</u>		<u>Inspection Scheduled</u>
1. 7 Wedgewood Rd.	12/12/11		12/13/11
2. 1831 Route 31	11/7/11		11/8/11
3. 71 Grey Rock Rd.	12/2/11	(Homeowner requested)	12/5/11
4. 1003 Stanton-Lebanon	11/10/11		11/14/11
5. 1130 Rt. 22	11/10/11		11/15/11
6. 30 Rosemary Ln.	11/29/11		12/1/11
7. 3 Stanton Grange	12/13/11		12/16/11
8. 62 Brunswick Ave.	12/13/11		12/16/11
9. 1002 Stanton-Lebanon	12/13/11		12/16/11
10. 25 Center St.	12/14/11		12/19/11
11. 12 Ridgdale Dr.	12/16/11		12/20/11
12. 17 Andean Dr.	12/16/11		12/20/11

As you can see from the above chart that Clinton Construction Office is scheduling inspections in a timely manner once informed of an inspection request. This is a random review and as with all inspections you will have a few occasional inspections which take a day or two (2) longer.

#### Issue Number Two:

A random review of six (6) permit files was made by this writer regarding time periods for release of plans. The following was found:

<u>Address</u>	<u>Work Performed</u>	<u>Date Received</u>	<u>Date Issued</u>
1. 1545 Rt. 22	Sprinklers	4/14/10	4/20/10
2. 20 Uptom Pine Rd.	Solar System	9/9/11	9/12/11
3. 23 Rosemary Ln.	Addition	10/17/11	10/24/11
4. 311 Presidential Dr.	Townhome	9/21/09	9/28/09
5. 301 Cokesbury Rd.	Renovation	5/20/10	5/27/10
6. 27 Uptom Pine Rd.	Kitchen	11/14/10	11/30/10

This office found no problems with the time periods for review and release of plans or permits.

**Conclusion:**

This office has not found any problems with scheduling inspections and reviewing plans for release in a timely matter. On occasion and very rarely you can find that an inspection may take a day or two longer to schedule but overall this Construction Office enforces N.J.A.C. 5:23-2.18(c)2., and N.J.A.C. 5:23-2.15(f)4(1) correctly. This would not require corrective action. Therefore, this case should be closed.



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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO: FILE**  
**FROM: TERENCE P. LUCKIE TPL**  
**DATE: 1/3/12**  
**SUBJECT: MICHAEL WRIGHT, 15 ROUTE 31 SOUTH**

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A Complainant alleges that Mr. Michael Wright, Construction Official for Clinton Township, purposely delayed the release and approval of footing and foundation plans for the construction of a commercial building at the above referenced location.

**Investigation:**

On December 6, 2011 John Maher, Investigator Office of Regulatory Affairs and this writer met with complainant at a different location and discussed all of his concerns regarding 15 Route 31 South. A review of the records for this property was done on December 7, 2011. The following was found:

A permit application was submitted on July 18, 2011 for a footing and foundation partial release. Mr. Wright provided comments on July 19, 2011 regarding his plan review of the footing and foundation (exhibit 1). On July 20, 2011 Mr. Mark J. Zgoda, AIA responded to Mr. Wright's comments in a letter (exhibit 2). Mr. Wright responded with a letter with additional comments on August 5, 2011 (exhibit 3). Mr. Mark J. Zgoda, AIA responded a second time to Mr. Wright's comments in a letter dated August 11, 2011 (exhibit 4).

It appears at this time all comments regarding code issues were resolved. The complainant provided copies of e-mails (exhibit 5) in which he sent to Mr. Wright. The first e-mail dated August 11, 2011 the complainant requests an approval. Mr. Wright responded that his office is waiting for prior approvals before issuing the footing and foundation permit. The complainant responds September 1, 2011 requesting approval of foundation permit. At this time there is no prior approval from the zoning officer, so no permit can be issued. The complainant alleges that he requested a plan release for the footing and foundation only, not the permit. However, two of his e-mails dated September

1, 2011 and September 14, 2011 request approval of the permit. The complainant contradicts himself in an e-mail dated September 19, 2011 where he states that he is not looking for the issuance of the permit, that he is looking for the approval of the foundation plan only. The e-mails which were provided show that the complainant did not clearly request that he only wanted the plans approved.

**Conclusion:**

This office could not substantiate any delays of the issuance of the permit. The applicant did not substantiate that he wanted the release of the footing and foundation plans only. Therefore, this case should be closed.

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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO:** FILE  
**FROM:** TERENCE P. LUCKIE *TP*  
**DATE:** 1/18/12  
**SUBJECT:** MICHAEL WRIGHT, 1 MAPLE AVE.

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**Predication:**

A complainant alleges that the Mr. Michael Wright, Construction Official for the Township of Clinton issued a Notice of Violation for not calling for an inspection in error.

**Investigation:**

After reviewing the records for the above address the following was found:

An applicant contacted the County Department of Health and made the arrangements to pay the inspection fee and have them on scene at the time of an oil tank removal. The contractor also applied for a construction permit for the tank removal with the Clinton Construction Department. The County Health Department was present during the tank removal and found the tank to be free of leaks. An inspection report was created (Exhibit 1). The applicant did not call for an inspection from the Clinton Township Construction Department as required.

When Mr. Wright found out that an inspection was never called in by the applicant, he issued a Notice of Violation for failure to call for inspection as per *N.J.A.C. 5:23-2.18(e) 1. Inspections*. The applicant appealed this notice with the County of Hunterdon Construction Board of Appeals. The Board's decision was since the Health Department found no problems with the oil tank and since the oil tank had already been removed, that a Certificate of Approval should be issued by the Clinton Township Construction Department. This is not consistent with the Uniform Construction Code. However, the Township of Clinton decided not to appeal the decision and issued the Certificate of Approval.

**Conclusion:**


Since it is required by the NJ Uniform Construction Code that a Building, Fire, or Plumbing Subcode Official shall inspect during oil tank abandonments, Mr. Wright enforced the Uniform Construction Code correctly. Therefore, this case should be closed.



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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO:** FILE  
**FROM:**  JOHN H. MAHER  
**DATE:** JANUARY 3, 2012  
**SUBJECT:** 26 HAMILTON ROAD ANNANDALE NJ

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**Predication:**

Complaint alleged Michael Wright Construction Official of Clinton Twp. wrongfully issued a penalty, which the homeowners found excessive.

**Investigation:**

Mr. Wright issued a Notice and Order to Pay Penalty for \$1,000.00 to the homeowner (John Clemente) of the above subject address for the construction of a deck at the rear of the home. The homeowner disagreed with Mr. Wright and filed an appeal to the Hunterdon County Board of Appeals (HCBA). After having conversations between the homeowner and Mr. Wright agreeing to try to resolve the outstanding issues, the homeowner withdrew his appeal. The \$1,000.00 penalty was reduced to \$200.00 and paid by the homeowner. The homeowner then submitted a construction permit application and deck plans for review. Mr. Wright reviewed the plans and supplied plan review comments to the homeowner for correction. The homeowner decided to remove the deck and not move forward with the permit process.

**Conclusion:**

Based on the evidence obtained during this investigation, it can be concluded that no violations of the Uniform Construction Code (UCC) had occurred. The homeowner was in violation for the construction of a deck without permits. The homeowner decided not to go to the HCBA, and take out a construction permit, but during the plan review process it was noted by Mr. Wright that the deck had no footings. The homeowner then removed the deck in lieu of providing footings, which nullified the initial violation.

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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO:** FILE  
**FROM:** JOHN H. MAHER  
**DATE:** JANUARY 5, 2012  
**SUBJECT:** 94 OLD MOUNTAIN ROAD LEBANON NJ

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**Predication:**

The complaint alleged Michael Wright Construction Official of Clinton Twp. for wrongfully issuing violations and penalties for a detached garage

**Investigation:**

Michael Wright Clinton Township Construction Official/Electrical Subcode Official and William Murphy Building Subcode Official issued Notices of Violation and Order of Penalty for failing to call for required inspections and Stop Construction Order for the construction and electrical wiring of a detached garage at the above subject property. The detached garage was also being occupied without a Certificate of Occupancy. The Homeowner (John Henriques) disagreed with the Notices and filed an appeal to the Hunterdon County Board of Appeals (HCBA). While waiting to be heard at the HCBA both Mr. Wright and Mr. Murphy issued additional Notices of Violation and Order of Penalty and a Stop Construction Order for work that was being performed in the interior of the home.

The Homeowner's appeal was heard, and the HCBA favored on the side of Mr. Wright and Clinton Township. The penalties were reduced and paid by the homeowners. The homeowner obtained all required permits and all inspections were performed.

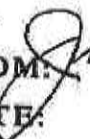
**Conclusion:**

Based on the evidence obtained during this investigation, it can be concluded that no violations of Uniform Construction Code had occurred.

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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO:** FILE  
**FROM:**  JOHN H. MAHER  
**DATE:** JANUARY 5, 2012  
**SUBJECT:** 262 STANTON MOUNTAIN RD. LEBANON NJ

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**Predication:**

The complaint alleged Michael Wright the Construction Official of Clinton Twp. wrongfully issued violations and penalties for the extension of a rear deck.

**Investigation:**

Michael Wright issued a Notice of Violation and Order to Pay Penalty for the construction to the extension of a rear deck at the above subject property for the maximum amount of \$2,000.00. The homeowners (Todd & Rachel Rutishauser) disagreed with the Notice and filed an appeal with the Hunterdon Construction Board of Appeals. The homeowners then withdrew their appeal. Mr. Wright lowered the Notice of Violation and Order to Pay Penalty from \$2,000.00 to \$200.00. The homeowners were issued a permit, submitted plans, and received a certificate of approval.


**Conclusion:**

Based on the evidence obtained during this investigation, it can be concluded that no violations of the Uniform Construction Code had occurred.

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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO:** FILE  
**FROM:**  JOHN H. MAHER  
**DATE:** JANUARY 23, 2012  
**SUBJECT:** 6 SEVEN SPRINGS ROAD LEBANON NJ

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**Predication:**

The complaint alleged Michael Wright Construction Official for Clinton Twp. wrongfully issued a penalty for work without permits for finishing a basement.

**Investigation:**

Michael Wright issued a Notice and Order of Penalty of \$2,000.00 to the homeowner (Ms. Debbie Ferrier) for finishing her basement without permits. The homeowner disagreed with Mr. Wright's penalty and submitted an appeal to the Hunterdon County Construction Board of Appeals (HCCBA). The homeowner then withdrew her appeal and submitted plans and a construction permit application. Mr. Wright reduced the penalty from \$ 2,000.00 to \$250.00, which the homeowner paid, issued the construction permit, performed inspections, and issued a Certificate of Approval.

**Conclusion:**

Based on the evidence obtained during this investigation, it can be concluded that no violations of the Uniform Construction Code had occurred.



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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO:** FILE  
**FROM:** *JM* JOHN H. MAHER  
**DATE:** JANUARY 24, 2012  
**SUBJECT:** 7 WEDGEWOOD DR. ANNANDALE NJ

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**Predication:**

The complaint alleged Michael Wright Construction Official of Clinton Twp. wrongfully issued violations and penalties for working without construction permits.

**Investigation:**

The homeowner (William Rush & Christine Rush) contacted the Clinton Twp. building department, and inquired whether a construction permit was required for a patio. The homeowner stated that someone in the building department told them a permit was not required. The homeowner then constructed a patio and also constructed a pergola and low voltage lighting. Mr. Wright issued a Notice and Order to Pay Penalty for \$2,000.00 for work without permits. The homeowner disagreed with the penalties and filed for an appeal with the Hunterdon County Board of Appeals (HCCBA). The appeal was heard and the board's decision was in favor of Mr. Wright and Clinton Twp. The HCCBA reduced the penalty from \$2,000.00 to \$500.00

The raised patio that was constructed by the homeowner required additional foundation remediation work due to the additional unbalanced fill that was added.

**Conclusion:**

Based on the evidence obtained during this investigation it can be concluded that no violations of the Uniform Construction Code.

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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO: FILE**  
**FROM: TERENCE P. LUCKIE TPL**  
**DATE: 1/26/12**  
**SUBJECT: MICHAEL WRIGHT, 1060 RT 22**

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**Predication:**

Complainants allege that Mr. Michael Wright, Construction Official for the Township of Clinton, held up inspections and did not issue a Temporary Certificate of Occupancy (TCO) as per The County of Hunterdon Construction Board of Appeals decision dated April 26, 2010 (Exhibit 1).

**Investigation:**

A meeting was held with the complainants on December 6, 2011 with John Maher, Regulatory Affairs Investigator and this writer at the location listed above to discuss their complaints. Mr. Maher and I reviewed all pertinent files and correspondence at the Construction Office at a later time that week. The following was found:

It has been determined that the complainant applied for a conduit only electrical permit for lighting around the parking lot on April 28, 2009. It appears from reviewing all construction documents that the complainant came into the Construction Office to update the permit application two days later. The permit was issued May 1, 2009. Required trench inspections were completed May 7, 2009 and approved. A final inspection was completed July 15, 2009 which was approved. No proof was found substantiating that Mr. Wright held up the installation of the parking lot asphalt by delaying inspections.

According to the inspection records from the Construction office, a fire door and handrail only inspection was completed and failed on May 18, 2010 (exhibit 2&3). The complainant provided a copy of an approval inspection sticker for the handrail and fire door which was dated May 18, 2010 with "T.D." initialed under the inspector area of sticker (exhibit 4). Mr. Timothy Dieterman, Plumbing Subcode for Clinton Twp. was interviewed on December 14, 2011 by Mr. Maher. During this interview Mr. Dieterman stated that he did not recall the inspection of the handrail and fire door and was unable to remember whether he passed or failed the inspection. When the meeting was held with the complainants to discuss their concerns the handrail was installed but the fire door was not installed. The TCO could not be issued at this time since it did not comply with the Hunterdon County Construction Board of Appeals decision. An inspection was conducted on December 23, 2011 by Mr. Wright with Mr. Maher present. Passing the inspection was contingent on the applicant providing specifications on the door. This was provided to Mr. Wright and a Certificate of Occupancy was subsequently issued. It could not be substantiated that Mr. Wright held up the TCO.

**Conclusion:**

Since no proof was found to substantiate the above allegations, and since the requirements put forward by the Hunterdon Construction Board of Appeals in order to receive the TCO was not completed by the builder at the time of this complaint and based on the above facts, this case should be closed.

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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO: FILE****FROM: TERENCE P. LUCKIE** *PL***DATE: 1/3/12****SUBJECT: MICHAEL WRIGHT, 1747 ROUTE 31**

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**Predication:**

A Complainant alleges that the Michael Wright, Construction Official for Clinton Township penalized him too much money for not obtaining a permit to build a shed. The monetary penalty was for Two Thousand dollars. The complainant feels that this is excessive.

**Investigation:**

After reviewing all the pertinent files regarding this property as well as random files which were given penalties by Michael Wright, it has been found that Mr. Wright always penalizes the maximum amount for everyone who violates an order. He is consistent with penalizing the maximum amount as per N.J.A.C. 5:23-2.31(e) 1.-6. Compliance/Penalties. The complainant appealed the penalty to the Hunterdon County Construction Board of Appeals, they lowered the penalty to \$200.00.

**Conclusion:**

Since Mr. Wright is consistent with violating everyone the maximum amount, this would not be considered selective enforcement. Mr. Wright does not exceed the maximum amount of penalties. Therefore, No violations of the Uniform Construction Code could be substantiated. Based on the above facts, this case should be closed.



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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO: FILE**  
**FROM: TERENCE P. LUCKIE TPL**  
**DATE: 1/26/12**  
**SUBJECT: MICHAEL WRIGHT, 178 CENTER ST**

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**Predication:**

Complainants allege that Mr. Michael Wright, Construction Official for the Township of Clinton, held up a shell only permit for a newly constructed bank at the address listed above.

**Investigation:**

A meeting was held with the complainants on December 6, 2011 with John Maher, Regulatory Affairs Investigator and this writer to discuss their complaints. Mr. Maher and I reviewed all pertinent files and correspondence at the Construction Office at a later time that week. The following was found:

A full set of plans to construct a Bank was initially submitted. The Partial Releases sections of the application were not filled in by the applicant. Sometime during the beginning of the application process a verbal request for a partial release for the footing and foundation was requested and a permit for "footing and foundation only" was issued September 9, 2009.

The only written request found regarding a shell only partial release was an e-mail from Frank Mielto dated April 16, 2010. Mr. Wright would not release shell only plans therefore the complainant appealed to the Hunterdon County Board of Appeals. The only plans found which state shell only are the plans submitted to the Board of Appeals and any plans submitted thereafter. The Board ordered the release of the shell, temporary lighting, and plumbing under slab. One of the changes on these plans was the width of the stairway from 4' wide to 4'6" wide. After the permits were issued, the complainant conducted additional electrical work, and elevator work without the required permits. It appears that this complainant has a problem following the procedures for obtaining building permits before starting the work.

Mr. Wright in an e-mail dated May 27, 2010 advised Mr. Mileto that as a condition of the Board of Appeals to release shell only permit all pertinent technical sheets were to be provided to the Construction Office. The complainant provided these documents on May 26, 2010, the permit was subsequently issued three days later on June 1, 2010. Therefore, Mr. Wright did not hold up the permit.

**Conclusion:**

It has been suggested to Mr. Wright to only do partial releases when the permit application is filled out correctly requesting such a review. When the shell permit was requested Mr. Wright should have released the shell only permit if there were no outstanding code violations. One of these violations was the stairway width, which was changed on the plan for the Hunterdon County Board of Appeals hearing. This was not indicated on any of Mr. Wright plan review comments but must have been verbally brought up at some time before the Board of Appeals hearing. Based on the above facts, this case should be closed.

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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO:** FILE  
**FROM:** JOHN H. MAHER  
**DATE:** FEBRUARY 2 2012  
**SUBJECT:** NEW CLINTON TWP. MIDDLE SCHOOL

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**Predication:**

The complaint alleged Michael Wright the Construction Official of Clinton Twp. delayed the issuance of a permit and the Certificate of Occupancy for a new middle school.

**Investigation:**

Michael Wright received released plans from the Department of Community Affairs (DCA) Educational Plan review for the construction of a new middle school. During Mr. Wright's cursory plan review of the released plans multiple code violations were noted (see letter dated June 9, 2005 from Mr. Wright). Mr. Wright forwarded this information back to (DCA) for corrections, in the interim Mr. Wright issued a footing and foundation permit to help the project move forward. The re-review was completed and released by DCA and Mr. Wright issued the remaining permits for the project. Near the completion the project a Temporary Certificate of Occupancy (TCO) was requested. Mr. Wright denied the application for the TCO, and informed the applicant that he cannot issue any certificate without first satisfying the prior approvals, which in this case was the Hunterdon County Soil Conservation, Clinton Twp. engineering, and Clinton Twp. Fire Department. The TCO was issued on September 7, 2007 by Mr. Wright with the following conditions:

- Final building & electrical inspections
- Balance report approval
- As-built drawings and final engineering
- All documents relating to the fire alarm system

**Conclusion:**

Based on the evidence obtained during this investigation it can be concluded that no violation of the Uniform Construction Code had occurred.

Mr. Wright has the right to review the released plans from DCA, even though Mr. Wright was not the reviewing authority. The Regulations allow the code officials to perform a cursory review of the released plans to familiarize themselves with the project, so the code officials can and perform better inspections. If at any time the code official does find a code violation during that time, the code official is asked to contact the plan reviewing authority for clarification or correction.


Mr. Wright issued the TCO in a timely matter once the prior approvals were obtained, and as stated on the TCO the above conditions needed to be met, and once those conditions were met a Certificate of Occupancy was issued.



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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO:** FILE  
**FROM:**  JOHN H. MAHER  
**DATE:** JANUARY 26, 2012  
**SUBJECT:** 5 TIMBER RIDGE DR. ANNANDALE NJ

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**Predication:**

The complaint alleged Michael Wright Construction Official of Clinton Twp. issued violations and penalties without permits.

**Investigation:**

The homeowners (Keith & Rita Buchanan) installed an electric gate opener. It's a 12 volt system with a plug in transformer. Michael Wright e-mailed DCA to see if a permit was required. Suzanne Borek of Code Assistance responded to Mr. Wright stated that an electrical permit was required. During the course of this investigation I posed the same question to Ken Verbos of the Office of Regulatory Affairs, and Mr. Verbos agreed with Ms. Borek that an electrical permit was required.

Mr. Wright issued a Notice and Order of Penalty for \$1,000.00, which the homeowners appealed to the Hunterdon County Construction Board of Appeals (HCCBA). The homeowners withdrew their appeal and decided to pay the reduced penalty of \$100.00 and file for an electrical permit. Permit was issued, inspection performed, and Certificate of Approval issued.

**Conclusion:**

Based on the evidence obtained during this investigation it can be concluded that no violations of the Uniform Construction Code had occurred.

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**THE OFFICE OF REGULATORY AFFAIRS**

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**TO:** FILE  
**FROM:** JOHN H. MAHER  
**DATE:** JANUARY 26, 2012  
**SUBJECT:** 11 PRESCOTT CIRCLE LEBANON NJ

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**Predication:**

Michael Wright had an in house complaint from the Clinton Twp. Public Works regarding the installation of a basketball hoop pole with a built in light located on the street in front of the homeowners (Scott & Vicky Schoenthaler) house.

**Investigation:**

Mr. Wright first contacted the homeowners and informed them that the basketball hoop pole and light was installed in violation of the Clinton Twp. zoning ordinance and the electrical extension cord required an electrical permit. Mr. Wright allowed 6 months to pass with no change in the status of the Basketball hoop pole and light. Mr. Wright then issued a Notice and Order of Penalty for \$2,000.00. The homeowners disagreed with the penalty and filed an appeal to the Hunterdon County Board of Appeals (HCCBA). The HCCBA was held the hearing without a Clinton Twp. representative, and therefore sided on behalf of the homeowners. Since the basketball hoop pole and light were removed the Uniform Construction Code (UCC) electrical violation became moot.

**Conclusion:**

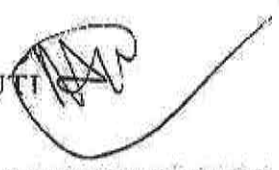
Based on the evidence obtained during this investigation it can be concluded that no violations of the UCC had occurred.

Note: In the decision rendered by the HCCBA in the paragraph labeled Statement of Disposition the comments regarding Mr. Wright's decision to issue a \$2,000.00 Notice and Order of Penalty is inappropriate. The HCCBA responsibility is to uphold and enforce the regulations. Mr. Wright was acting within the regulations, and since Mr. Wright is the Construction Official and the authority have jurisdiction, it is at his discretion as to the amount of the penalty to be levied.

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**OFFICE OF REGULATORY AFFAIRS**

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**TO:** CI-047-10  
**FROM:** MICHAEL F. MENNUTI   
**DATE:** JULY 19, 2010  
**SUBJECT:** MICHAEL WRIGHT, CONSTRUCTION OFFICIAL  
LEBANON BOROUGH

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**PREDICATION:** On June 23, 2010 this writer was assigned this case involving a property located at 46-50 1/2 Main Street in Lebanon Borough. Jurisdiction of the Construction Permits issued and to be issued in the future, was taken over by the Department of Community Affairs. However on July 1, 2010 jurisdiction of the project was given back to Lebanon Borough.

**INVESTIGATION:** The investigation that was assigned to this writer was to determine the extent of the Barrier Free violation present at the reconstruction project at the existing structure. Presently a single unit in a four unit R-2 use group was being converted into 3 units, making the building now a 6 unit R-2 residence.

As a brief history, the construction on the 3 new units started without the proper Construction permits, and was subsequently violated and the owner paid a penalty. When the owner, Alexander Patulla, was advised by the Construction Official, Michael Wright, that the upper two R-2 units had to conform to the Barrier Free Subcode, Mr. Patullo appealed his determination to the Hunterdon County Board of Construction Appeals.

The Board overturned Mr. Wright's decision, and concluded that the two upper units were townhouses, and therefore did not have to conform to the Barrier Free Subcode for accessibility. Finally DCA took jurisdiction of any UCC permits for the property on June 21, 2010.

On June 24, 2010 this writer met with the owner, Alexander Patullo at the property in Lebanon borough. A review of the Architects plans indicated a fully accessible unit to be installed on the lower level of the reconstructed portion of the building. Furthermore, the upper units were framed out, again with no permits, and there was no handicap bath or kitchen at the first floor of the upper units. Note, the grand outside the entry doors to these newly created units was approximately 40 inches from the door saddle. In addition, the very small size of the first floor of the upper units would appear to hinder the Barrier Free parameters to be incorporated into the first floor units.

Finally, if the handicap parameters were built into this first floor, it may pose a real difficulty in renting the units, if indeed a handicap tenant could not be found.

**CONCLUSION:**

Based on the investigation, it is the decision of the Department of Community Affairs to allow the units to remain as framed already, and jurisdiction was returned to Michael Wright and Lebanon Borough. The owner was advised accordingly.

**RECCOMENDATION:**

**NO administrative action is deemed necessary under N.J.A.C. 5:23-5.25**