

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF
ELECTRICAL CONTRACTORS

IN THE MATTER OF THE LICENSE OF

DONALD JOHNSON
License No. 10298

TO PRACTICE ELECTRICAL
CONTRACTING

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Electrical Contractors ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent has been a licensee of the Board, with a license and business permit that expired on March 31, 1997, and which was subsequently renewed on December 7, 1999 for the 1997-2000 renewal cycle. Respondent paid his 1997-2000 renewal fee on December 7, 1999, however the check was returned for insufficient funds; the 1997-2000 renewal fee was ultimately paid on April 4, 2000. Respondent has not renewed for the 2000-2003 renewal period, and therefore his license expired on March 31, 2000.

2. On December 7, 1999, respondent appeared before the Board and made the following admissions under oath:

a) On May 9, 1998, respondent contracted to perform electrical work in Sicklerville for Tracey Persia, at a time when his license and business permit had expired. (T6-5 to 12)

b) At the time of his appearance before the Board, respondent had at least three electrical contracting jobs that he was working on: one at 726 Bridgeton Avenue, Deerfield Township; one at 1926 Almond Road in Vineland; and one with Progresso Foods. (T29-10 to 32-13)

3. Respondent acknowledged that he earned on an average approximately \$120,000 to \$150,000 yearly as an electrical contractor, which included the period during which his license had lapsed.

CONCLUSIONS OF LAW

1. The above conduct constitutes grounds for disciplinary action pursuant to N.J.S.A. 45:1-25 in that respondent has engaged in electrical contracting without a valid license or business permit, in violation of N.J.S.A. 45:5A-9.

2. Respondent is presently in violation of N.J.A.C. 13:31-1.10(c) in that he has failed to return his seal, although his license and business permit have expired as of March 31, 2000, and respondent has not renewed his license or business permit. Thus respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with an act or regulation administered by the Board.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on March 9, 2001, and a copy was forwarded to respondent at the last known address on file with the Board. The Provisional Order assessed a civil penalty of \$10,000 against respondent, as well as \$183.00 in costs, based upon respondent's admission to four separate incidents of engaging in electrical contracting in violation of N.J.S.A. 45:5A-9, without a valid license or business permit. The entire amount, except for \$2,173.75, was to be permanently stayed, in the event that respondent forward the \$2,173.75 to the Board within ten days following entry of the Provisional Order. Respondent was also provisionally directed to forward his seal to the Board, or, in the alternative, to forward his completed renewal materials and fees within 30 days of the entry of the Provisional Order. 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.

Although the Provisional Order sent by means of certified mail was returned as unclaimed, the regular mail was not returned. Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 31st day of July, 2001,

ORDERED that:

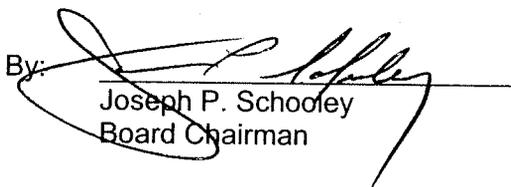
1. Respondent is hereby assessed a civil penalty of \$10,000 plus \$183 in costs, which is based upon respondent's admission to four separate incidents of engaging in electrical contracting in violation of N.J.S.A. 45:5A-9, without a valid license or business permit. Of this penalty, the entire amount, less \$474.25 already paid to the Board pursuant to a verbal agreement, or a total of \$9,708.75 in the form of a certified check or money order made payable to the State of New Jersey, is to be sent to the attention of Barbara Cook, Executive Director, Board of Examiners of Electrical Contractors, P.O. Box 45006, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101. This amount is to be forwarded to the Board within ten (10) business days following the entry of the within order.

2. Respondent is hereby additionally directed to forward his seal to the Board, to the attention of Barbara Cook at the address indicated in the above paragraph; or to forward to the Board his renewal materials and \$325 renewal payment within 30 days of the entry of the within order.

3. Upon finalization of the within order, should respondent have failed to comply with the terms of this order within 15 (fifteen) days following finalization, a certificate of debt in the amount of \$9675.75 shall be entered.

NEW JERSEY STATE BOARD OF
EXAMINERS OF ELECTRICAL CONTRACTORS

By: _____



Joseph P. Schooley
Board Chairman