

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

TEMPLE GIBBS  
License #10208

TO PRACTICE ELECTRICAL  
CONTRACTING IN THE STATE  
OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners 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 is a licensed electrical contractor in the State of New Jersey, and has been licensed at all times relevant hereto.
2. On September 19, 2001, respondent appeared before the Board to respond to four consumer complaints against him that had been filed with the Board.
3. Respondent agreed to the terms of a Consent Order, attached hereto, as evidenced by his signature, which terms included: a formal reprimand; provision of restitution to consumer Horst Savickas in the amount of \$2500, through payments of

\$500 per month beginning prior to the end of September, 2001, and subsequently payable on the 15th of each month; that he write to the local inspector in the municipality of consumer Barbara Terry, requesting an inspection, and forward a copy of that letter to the Board; that he forward all court papers served upon him with regard to consumer Helen Sanders's civil case against him, as well as any subsequent judgment rendered against him, and that he pay said judgment; that he send a copy of the final inspection of the work done for consumer Irving Huffin, or immediately inform the Board if he found he could not obtain final inspection through no fault of his own. By the terms of the Order, failure to comply with the terms of the order were to subject respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

4. Respondent has not complied with the terms of the Order in any respect.

5. On September 27, 2001 and October 25, 2001, letters were sent to respondent by certified and regular mail, inquiring about a new complaint received by the Board. The letter dated October 25, 2001, reminded respondent that he had not complied with the terms of the Consent Order.

6. The letter dated September 27, 2001 which was sent by certified mail was returned unclaimed. Regular mail was not returned. The letter sent certified mail and dated October 25, 2001, was signed for. No response was received.

#### CONCLUSIONS OF LAW

1. Respondent's failure to comply in any respect with the terms of the Order dated September 19, 2001, constitutes professional misconduct pursuant to N.J.S.A. 45:1-21(e), as agreed to in the Consent Order, and pursuant to N.J.A.C. 13:45C-1.4

(failure to comply with a Board Order).

2. Respondent's failure to respond to the letters from the Board dated September 27, 2001 and October 25, 2001, in connection with an investigation of the Board constitutes a failure to cooperate pursuant to N.J.A.C. 13:45C-1.2, -1.3, and also subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline revoking respondent's license and business permit to engage in electrical contracting was entered on February 20, 2002, and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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.

Respondent on March 5, 2002, requested consideration from the Board based upon financial distress and other setbacks, and demonstrated partial compliance with the Consent Order he had signed, i.e., a cashier's check in the amount of \$1000 payable to Horst Savakis, and a photocopy of a money order made payable to Helen Sanders in the amount of \$110. On March 6, 2002, respondent's request was placed before the Board, which determined to mitigate the penalty imposed in the event respondent agreed to fully comply with the terms of the September 19, 2002 Consent Order; and to address a subsequent complaint filed by Jessie O. Miller, by establishing

his good faith attempts to obtain a final inspection of work at 38 Lennox Avenue, Irvington. Subsequently, respondent has furnished further payment of \$300 for Horst Savickas.

ACCORDINGLY, IT IS on this *6<sup>th</sup>* day of *June*, 2002,  
ORDERED AND AGREED that: .

1. Respondent shall fully comply with the terms of the September 19, 2002 Consent Order. Specifically, respondent shall provide payment for complainant Horst Savickas in the remaining amount due of \$1200, by furnishing payment of at least \$200 on June 1, 2002, in the form of a certified check or money order made payable to Horst Savickas; and payments of at least \$200 per month shall be due on the first of each month following, until the entire \$1200 has been paid. Respondent shall also continue to make good faith attempts to obtain final inspection on the work performed for Deborah Terry at 19 Bayview Avenue, Newark; and for Irving Huffin, at 19 Glenwood Place, East Orange. In addition, respondent shall obtain a final inspection of 38 Lennox Avenue, Irvington, in connection with the complaint of Jessie O. Miller. In the event respondent is unable to obtain a final inspection through no fault of his own, he is to demonstrate this, for example, by obtaining a letter from a construction official of the municipality involved.

Monthly payments shall be sent to the attention of Barbara Cook, Executive Director, Board of Examiners of Electrical Contractors, P.O. Box 45006, Newark, NJ 07101.

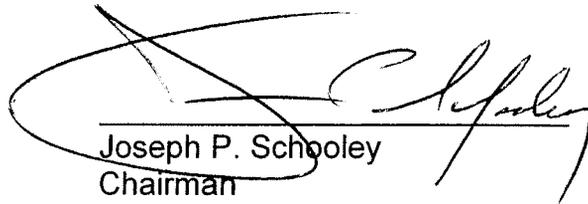
2. Respondent agrees that in the case of all complaints with regard to his work received by the Board for a period of five year, dating from the issuance of this

Order, respondent shall respond in writing within ten days to any inquiry from the Board concerning such complaints. Such response shall be a good faith response seeking to explain or justify his professional conduct.

3. Following any failure of respondent to furnish a good faith written response to any Board inquiry concerning complaints about his work, upon 30 days notice, respondent's license and business permit may be revoked, or any lesser penalty imposed that the Board shall deem appropriate.

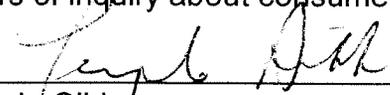
4. Failure of respondent to adhere to any of the terms of this Order shall subject respondent, upon 30 days notice, to revocation of his license and business permit, or to any lesser penalty the Board may deem appropriate.

STATE BOARD OF EXAMINERS  
OF ELECTRICAL CONTRACTORS



Joseph P. Schooley  
Chairman

I agree to the provisions of this Order, which I understand to contain stringent penalties if I fail to respond to Board letters of inquiry about consumer complaints.



Temple Gibbs

Date: 5/5/02