

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

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 a licensee at all times relevant hereto.
2. On September 19, 2001, Respondent signed a Consent Order wherein he made certain undertakings, including the forwarding of a total of \$2500 in payments to consumer Horst Savickas, which payments ought to have been completed by January 15, 2002, according to the terms of the Order.
3. Subsequently, respondent signed an Order filed on June 6, 2002, wherein the Board imposed, and respondent agreed to terms which included the following provisions:
 - a) to furnish payments of at least \$200 until the amount then owing to Mr.

Savickas had been paid;

b) to obtain a final inspection of 38 Lenox Avenue, Irvington, in connection with the complaint of Jessie O. Miller; and, in the event that he was unable to obtain a final inspection through no fault of his own, to demonstrate this, for example, by obtaining a letter from a construction official of the municipality;

c) in the case of all complaints received with regard to respondent's work for a period of five years, respondent was to respond in writing within ten days to any inquiry from the Board concerning such complaints;

d) failure to adhere to any of the terms of the Order would subject respondent, upon 30 days notice, to revocation of his license and business permit, or to any lesser penalty the Board deemed appropriate.

4) On May 28, 2004, a letter was sent to respondent by certified and regular mail to respondent's address of record indicating the following:

a) respondent had still not furnished a final inspection of the work performed for Jessie O. Miller;

b) respondent had not responded to a request for information concerning a complaint by consumer Lynn Kennedy;

c) respondent had promised to return a deposit of \$350 in connection with a complaint by consumer Osmara Palomino, but had not done so;

d) respondent had failed to respond to a request for information about a complaint by consumer Karla Mercado;

e) respondent had not sent in the latest payment, according to a revised payment schedule, for Horst Savickas;

5) On June 9, 2004, the Board wrote to respondent by certified and regular mail at respondent's address of record asking respondent to obtain a permit and correct violations, and obtain a final inspection, with respect to a job that was the subject of a complaint filed by consumer John Good, who alleged that respondent had begun a job but had not completed it. Respondent was given the alternative of appearing before the Board or furnishing a written explanation to the Board within seven days.

6. No written response has been received to date with respect to the communications of May 28, 2004 and June 9, 2004.

7. On or about July 7, 2004, respondent appeared at the Board's offices and submitted the following:

- a) purported proof of having sent a check for \$200 to Lynn Kennedy;
- b) purported proof of having sent a check for \$350 to Osmara Palomino;
- c) \$150 in payments to Horst Savickas.

8. The restitution still due to Horst Savickas of the original \$2500 indicated in the Order of June 6, 2002, is \$300.

9. Subsequent inquiry established that Osmara Palomino did receive the \$350; however Lynn Kennedy indicated in a letter dated August 18, 2004 that she never received \$200 from respondent.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's inquiries with respect to consumer Karla Mercado's complaint and consumer John Good's complaint constituted a failure to cooperate with an investigation of the Board pursuant to N.J.A.C. 13:45C-

1.2, thus subjecting him to sanctions pursuant to N.J.S.A. 45:1-21 (e) and (h).

2. Respondent's failure to cooperate, as specified in paragraph #1, above, as well as respondent's failure to obtain final inspection approval or provide proof of his inability to obtain such inspection, constitutes a violation of the terms of the Board's June 6, 2002 Order, subjecting respondent to sanctions pursuant to N.J.A.C. 13:45C-1.4 and N.J.S.A. 45:1-21(e) and (h), as well as pursuant to the terms of the Order.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline provisionally imposing upon respondent suspension of his license and business permit until June 6, 2007, which was to take effect unless, within 90 days following the issuance of this Order, respondent complied with various Board requirements pursuant either to the Consent Order of June 6, 2002, or to comply with certain requests for information, or to obtain permits and final inspection approvals according to regulatory requirements. The Order was entered on September 1, 2004, and a copy was forwarded to respondent at his address of record by certified and regular mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 90th 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 therefore.

Although respondent was not able to comply with all of the Board's requirements within the allotted 90 days, he made good faith attempts to comply and ultimately did

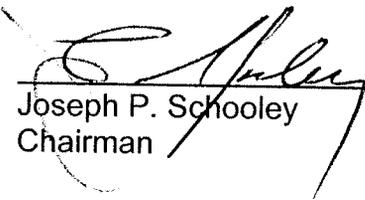
comply. For this reason, the Board has reviewed this matter and determined to finalize the within Order, imposing no sanctions upon respondent, inasmuch as he has complied with the Board's requests and satisfied all consumer complaints outstanding.

ACCORDINGLY, IT IS on this 4th day of January, 2005, ¹⁶ 

ORDERED that:

1. The provisional suspension imposed upon respondent by the September 1, 2004 Provisional Order is hereby rescinded, and no cause for disciplinary action is found.

STATE BOARD OF EXAMINERS
OF ELECTRICAL CONTRACTORS



Joseph P. Schooley
Chairman