

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

THOMAS IAIONE, JR.,  
License #9256

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 a licensee at all times relevant hereto.
2. On or about November 5, 2004, respondent contracted with consumer David Ritter of 310 North Euclid Avenue, Westfield, New Jersey to perform electrical work for \$1,425.00.
3. The work failed inspection.
4. Consumer David Ritter asked respondent to correct the violations but respondent did not do so.
4. Respondent testified under oath the he did not correct the violations found in the work because he hadn't had the time to do it.

5. On or about October 18, 2005, consumer David Ritter contracted with Bondi Electrical Contracting to have the work completed for \$1,118.50.
6. Final inspection approval of the work was obtained on November 30, 2005.
7. On or about May 7, 2004, respondent contracted with consumer Annan of 534 Locust Avenue, Hillside, New Jersey to perform electrical work, and on June 1, 2004 was provided with payment of \$1,750.
8. On or about November 30, 2004, the Board wrote respondent by certified and regular mail at respondent's address of record asking about a complaint by Mr. Annan. Certified mail was returned unclaimed. Regular mail was not returned. No response was received.
9. On or about January 4, 2005, the Board wrote respondent again by certified and regular mail at his address of record in connection with the same complaint, reminding respondent of his duty as a licensee to cooperate with Board investigations.
10. Respondent replied to the Board, indicating that Mr. Annan's problem was not related to the electrical work he performed, but to a problem with a telephone outlet.
11. The Board wrote to the Township of Hillside on January 28, 2005, asking for a review of the permitting files.
12. In a letter dated February 2, 2005, a Hillside construction official indicated that although a permit 04-0416 had been issued on June 15, 2004 to install a 150-amp service, no inspections had been conducted at the site as of the date of the letter.
13. On February 8, 2005, the Board wrote to respondent, advising him of what

the Hillside construction official had stated, and asking him to obtain an inspection of the work and forward a copy of the final inspection certificate to the Board. This letter was sent to respondent by certified and regular mail at his address of record. Certified mail was returned unclaimed. Regular mail was not returned. No response was received.

14. On March 8, 2005, the Board wrote to respondent, reminding him of the previous communication, and of his duty as a licensee to cooperate with a Board investigation. Respondent was advised to answer in writing within ten days. Certified mail was signed for. Regular mail was not returned. Respondent left a telephone message but did not reply in writing.

15. Respondent appeared before the Board on January 18, 2006 at an investigative inquiry where he agreed to correct the violations in the work performed for Mr. Annan.

16. Respondent admitted that the length of time it had taken to correct the violations in the work performed for Mr. Annan was not reasonable, but that he had not corrected the work because he had many other commitments.

17. In a communication dated January 30, 2006, respondent advised the Board that he had corrected the violations in the work performed for Mr. Annan,

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on April 4, 2007, and a copy was forwarded by certified and regular mail to respondent at respondent's address of record. The Order provisionally imposed a civil penalty of \$1,000.00 on respondent for his violations of N.J.A.C. 13:31-3.2 and N.J.A.C.

13:45C-1.2, 1.3, and respondent was ordered to pay restitution to consumer David Ritter in the amount of \$200.00. 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.

The Provisional Order sent by means of certified mail was signed for on April 10, 2007. (See copy of certification of Barbara A. Cook, and copy of green receipt card attached thereto and made a part hereof as Exhibit A). The Provisional Order sent by regular mail was not returned by the post office. The Board did not receive any response from respondent. Since the Order was sent to respondent's address of record and signed for at that address of record, the Board deems service to have been effected. Accordingly, it is determined that further proceedings are not necessary and that the Provisional Order should be made final.

#### CONCLUSIONS OF LAW

1. Pursuant to N.J.A.C. 13:31-3.2, licensees are required to secure inspections of electrical work performed within a reasonable time, and to correct violations within a reasonable time, and failure to comply with this requirement may subject a licensee to sanctions pursuant to N.J.S.A. 45:1-21(e). Respondent's failure to obtain final inspection approval of work contracted for in November of 2004 until November of 2005, when the consumer hired a new contractor; and respondent's

failure to obtain final inspection approval for work contracted for in May or June of 2004 until 2006 constitutes professional or occupational misconduct within the intendment of N.J.S.A. 45:1-21(e).

2. The failure to respond to a Board inquiry constitutes a failure to cooperate with a Board investigation pursuant to N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

ACCORDINGLY, IT IS on this 5<sup>th</sup> day of September 2007

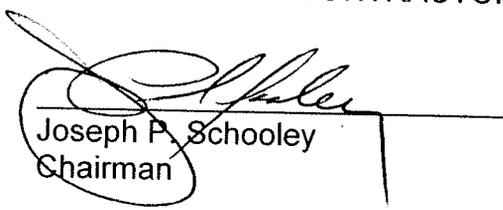
ORDERED that:

1. A public reprimand is hereby imposed upon respondent for his violation of N.J.A.C. 13:31-3.2, and N.J.A.C. 13:45C-1.2, -1.3.

2. A civil penalty in the amount of \$1,000.00 is hereby imposed upon respondent for the violation of N.J.A.C. 13:31-3.2 and N.J.A.C. 13:45C-1.2, -1.3.

3. Respondent is hereby ordered to pay restitution to consumer David Ritter in the amount of \$200.00.

STATE BOARD OF EXAMINERS  
OF ELECTRICAL CONTRACTORS

  
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Joseph P. Schooley  
Chairman



JON S. CORZINE  
Governor

## New Jersey Office of the Attorney General

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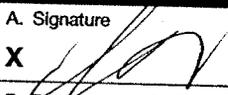
### CERTIFICATION

1. I, Barbara A. Cook, am Executive Director of the New Jersey Board of Examiners of Electrical Contractors. Further, I have been the custodian of the Board's records since June 29, 1999.
2. Office files reflect that Tom Iaione was issued License and Business Permit #9256 on October 1, 1988.
3. Office files further reflect that the Provisional Order of Discipline filed April 4, 2007, was sent to Mr. Iaione certified and regular mail. Certified mail was signed for April 10, 2007 (see copy of green receipt card attached) and regular mail was not returned.
4. Office files also reflect that Mr. Iaione has failed to respond to the Provisional Order of Discipline.

I hereby certify that the above statement is true to the best of my knowledge and belief. I understand that if any of the above allegations are willfully false, I am subject to punishment.

Barbara A. Cook  
Executive Director

September 6, 2007  
Date

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <b>X</b>  <div style="float: right;"> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee           </div>	
1. Article Addressed to:  <p style="margin-left: 40px;">Mr. Tom Iaione Iaione Electric Inc. 211 Park Avenue Scotch Plains, NJ 07076-1147</p>	B. Received by (Printed Name)	C. Date of Delivery <div style="font-size: 2em; text-align: center;">4/10/17</div>
2. Article Number (Transfer from)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
<div style="margin-left: 200px;">POD</div> 7006 0100 0002 5241 9126		