

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

CHARLES AURIEMMA
License #10762
d/b/a AURIEMMA ELECTRIC

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 preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed electrical contractor and holds a business permit under the name of Auriemma Electric in the State of New Jersey and has been a licensee at all times relevant hereto.
2. The Board received a complaint dated May 21, 2004, alleging that respondent contracted to perform electrical work at 64 Mount Prospect Avenue in Belleville, New Jersey for Olga and Seymour Swan in December of 2003 and March of 2004, but that the work was never completed.

3. In response to the Board's letter asking for an explanation from respondent, respondent sent a letter dated May 1, 2005, advising that he has been providing electrical services since 1989 and has "never had such complaints and will do what ever is in [his] power to resolve such complaints" and advising that his "wife, Karina Auriemma, has complete authority to make decisions on his behalf."

4. In addition, respondent sent a second letter dated May 1, 2005, advising that he was sub-contracted by another contractor to assist in installing a fence at the Swans and promised \$1,000 upon completion. He was never paid the \$1,000.

5. On or about January 9, 2006, the Board sent a letter by certified and first class mail to Karina Auriemma at the same address on record with the Board for Charles Auriemma, reminding her that restitution amounts were owed to three consumers. The certified letter was returned as unclaimed but the copy sent by first class mail was not returned.

6. On or about February 7, 2006, the Board sent a letter by certified and first class mail to Karina Auriemma at the same address on record with the Board for Charles Auriemma, advising that it had received no response to the January 9, 2006 letter and would take further action if no response was forthcoming within seven (7) days. The certified letter was returned as unclaimed but the copy sent by first class mail was not returned.

7. On or about February 14, 2007, a copy of the Board's January 9, 2006 letter was received by the Board office with handwriting on the bottom indicating that restitution was sent to two of the three consumers but that she was "willing to negotiate a fee of reimbursement" for the third consumer (the Swans). That letter appears to be

signed by Karina Auriemma.

8. On or about April 28, 2006, the Board office sent a letter addressed to Karina Auriemma by certified & first class mail advising that since a judgment was awarded to the Swans, the Board was unwilling to negotiate on the amount and would schedule an appearance for respondent to explain the work he performed and his charges.

9. On or about June 12, 2006, the Board office sent a letter by certified and first class mail addressed to Karina Auriemma that it had not received any response to its April 28, 2006 letter.

10. On or about August 1, 2006, the Board's counsel sent a Demand for Statement In Writing Under Oath by certified and first class mail addressed to Karina Auriemma. No response was received and the certified mail was returned as unclaimed, but the copy sent by first class mail was not returned.

11. On or about September 5, 2006, the Board office sent a letter via certified and first class mail to respondent in care of Karina Auriemma at the address of record reminding respondent of the duty to "cooperate in any inquiry, inspection, or investigation conducted by, or on behalf of, a board..." and that failure to do so "may be deemed...to constitute professional or occupational misconduct...and thus subject a licensee to disciplinary action pursuant to N.J.S.A. 45:1-21(h)[.]" The certified mail was returned as "unclaimed unable to forward" but the copy sent by first class mail was not returned. No response was received.

CONCLUSIONS OF LAW

1. Respondent's failure to reply to the Board communications requesting

information and documentation constitutes a failure to cooperate with a Board investigation, in violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting 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 was entered on August 1, 2007, provisionally imposing a public reprimand upon respondent, as well as a civil penalty in the amount of \$2,000.00, as well as suspending respondent's license and business permit until such time as he provided the Board with a full and complete response to the Demand for Statement Under Oath. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record. 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.

Respondent replied to the Provisional Order, seeking consideration. Respondent explained that he had moved to Florida in 2004 to obtain medical treatment, and had entrusted his affairs to his wife. He noted the complaints that were the subject of the Board's inquiries were the first complaints in his career that the Board had received, and he indicated that the delay in responding was attributable to his medical problems, and the fact that his wife had been placed in charge of his affairs. For these reasons, he requested consideration. The Board determined that further proceedings were not

necessary, in that no material discrepancies had been raised with respect to the findings of fact and conclusions of law, and that the Provisional Order should be made final. Inasmuch as respondent had furnished a complete response to the Board's inquiries, the Board determined that the suspension imposed by the Provisional Order was no longer applicable. The Board further determined that in light of respondent's having resolved the consumer complaints received by the Board, the civil penalty of \$2,000.00 should be reduced to \$1,000.00. However, the Board noted that the Demand For Statement in Writing Under Oath was sent on August 1, 2006, and that the initial complaint dated from May 21, 2004. Respondent's delay in attending to the Board's inquiries resulted in significant delay and inconvenience to the public and to the Board. The Board cannot perform its regulatory function with any efficacy if its licensees do not promptly cooperate with requests for information. Accordingly, the Board determined that the public reprimand, and a \$1,000.00 civil penalty were an appropriate sanction in this matter.

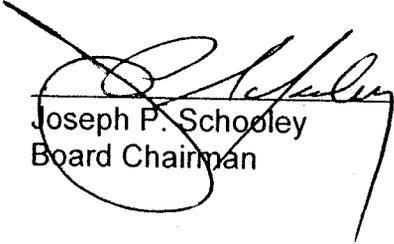
ACCORDINGLY, IT IS on this 9th day of January, 2008

ORDERED that:

1. A public reprimand is hereby imposed upon respondent for his violation of N.J.A.C. 13:45C-1.2.
2. A civil penalty in the amount of \$1,000.00 is hereby imposed upon respondent for the violation of N.J.A.C. 13:45C-1.2. Payment shall be made in the form of a certified check or money order made payable to the State of New Jersey, and sent within twenty one (21) days following the filing of this order to the attention of Barbara A. Cook, Executive Director, Board of Examiners of Electrical Contractors, P.O. Box

45006, 124 Halsey Street, 6th Floor, Newark, NJ 07101.

STATE BOARD OF EXAMINERS
OF ELECTRICAL CONTRACTORS



Joseph P. Schooley
Board Chairman