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**FILED**  
**FIRE ALARM, BURGLAR ALARM AND**  
**LOCKSMITH ADVISORY COMMITTEE**  
*Laurenca DeMayo*  
**01-28-09**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
FIRE ALARM, BURGLAR ALARM & LOCKSMITH  
ADVISORY COMMITTEE

IN THE MATTER OF THE  
APPLICATION OF

DAGOBERTO PEREZ

FOR BURGLAR & FIRE ALARM  
LICENSE IN THE STATE OF  
NEW JERSEY

Administrative Action

FINAL ORDER  
OF DENIAL OF LICENSURE

This matter was opened to the New Jersey Fire Alarm, Burglar Alarm & Locksmith Advisory Committee ("the Committee") upon receipt of information which the Committee has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Dagoberto Perez ("respondent") submitted applications to the Committee for a Burglar and Fire Alarm license in the State of New Jersey.
2. As part of the application process, the New Jersey Office of Attorney General, Division of Consumer Affairs, Criminal History Review Unit obtained a Criminal History Summary regarding respondent's arrest and conviction history.
3. The criminal history summary revealed that on October 21, 2002, respondent was arrested by the North Bergen Township Police Department and charged with one count of burglary

(N.J.S.A. 2C:18-2), one count of theft (N.J.S.A. 2C:20-2), two counts of criminal attempt theft (N.J.S.A. 2C:5-1, N.J.S.A. 2C:20-2), and one count of criminal attempt burglar's tools (N.J.S.A. 2C:5-1, N.J.S.A. 2C:5-5.) Respondent entered a twelve-month diversionary program through the Hudson County Superior Court on June 20, 2003. The October 21, 2002 charges were dismissed on June 10, 2004, after respondent completed the diversionary program.

4. On January 6, 2006, the Committee sent respondent a Demand for Statement Under Oath, via certified and regular mail, concerning the October 21, 2002 arrest and disposition of charges. The Demand for Statement Under Oath was sent to the respondent's address of record with the Committee. Respondent was required to provide a response by February 16, 2006. The certified postcard was returned to the Committee bearing a signature and indicating a delivery date of January 13<sup>th</sup>. The regular mailing was not returned. Respondent failed to provide a response.

5. The Committee received a subsequent criminal history summary which revealed that on December 17, 2006, respondent was arrested by the North Bergen Township Police Department for assaulting a police officer (N.J.S.A. 2C:12-1(b)(5)(a)), resisting arrest (N.J.S.A. 2C:29-2(a)), and attempting to elude police while operating a motor vehicle (N.J.S.A. 2C:5-1, N.J.S.A. 2C:29-2(b)). On July 30, 2007, respondent was found guilty in Hudson County Superior Court of resisting arrest (N.J.S.A. 2C:29-2) with sentencing scheduled for September 21, 2007.

6. The Committee received a subsequent criminal history summary which revealed that on August 23, 2007, respondent was arrested by the West New York Township Police Department and charged with one count of tampering with physical evidence (N.J.S.A. 2C:28-6), one count of possession of controlled dangerous substance or analog (N.J.S.A. 2C:35-10(a)(1)), and one count of failure to give a controlled dangerous substance to police (N.J.S.A. 2C:35-10(c)). On March 25, 2008, respondent was found guilty of loitering for purpose of illegally using,

possessing, or selling a controlled dangerous substance (N.J.S.A. 2C:33-2.1B) and assessed a fine of \$308.00.

### CONCLUSIONS OF LAW

1. The above preliminary findings of fact provide grounds for denying respondent's applications for a Burglar Alarm and Fire Alarm license in New Jersey, pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional or occupational misconduct by failing to provide a response to the Committee's Demand for Statement Under Oath in violation of N.J.A.C. 13:45C-1.3

2. The above preliminary findings of fact also provide grounds for denying respondent's applications for a Burglar Alarm and Fire Alarm license in New Jersey, pursuant to N.J.S.A. 45:1-21(f), in that respondent's arrests on October 21, 2002 for burglary, theft, criminal attempt theft and criminal attempt burglar's tools, as well as respondent's conviction on July 30, 2007 for resisting arrest and respondent's conviction on March 25, 2008 for loitering for the purpose of illegally using, possessing, or selling a controlled dangerous substance, are convictions of, and acts constituting any crime or offense involving moral turpitude or relating adversely to the activity regulated by the Committee.

### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on September 16, 2008. A copy of the Order was forwarded to respondent's address of record by UPS second day mail. A signed certified mail receipt was received on September 19, 2008 confirming that notice of the Provisional Order of Denial of Licensure was received at the respondent's address of record. The Provisional Order was subject to finalization by the Committee at 5:00 p.m. on the 30<sup>th</sup> business day following its entry unless respondent requested a modification or dismissal of the above 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.

Respondent failed to provide a response to the Provisional Order of Denial of Licensure. The Committee finds that respondent's arrests and convictions (i.e. burglary, theft, resisting arrest and loitering with the purpose of illegally using, possessing or selling a controlled dangerous substance) are convictions and acts which relate adversely to the activity regulated by the Committee. These convictions and acts relate directly to the very essence of the regulated profession of alarm installation. Alarm installation involves entering a consumers private home and property and allows the licensee access to confidential consumer information. The public therefore relies on the Committee to safely issue licenses. As such, the Committee determined that the Provisional Order of Denial of Licensure is to be finalized as written.

IT IS ON THIS *20* DAY OF *January*, 2009,

HEREBY ORDERED THAT:

1. Respondent's applications for a Burglar Alarm and Fire Alarm license in New Jersey is hereby denied.

FIRE ALARM, BURGLAR ALARM AND LOCKSMITH ADVISORY COMMITTEE

By:   
Robert Shoremount  
Committee Chairman