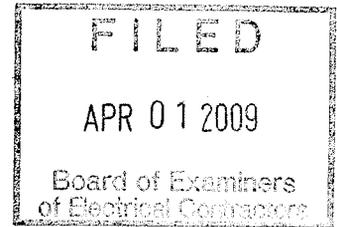


ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
5th Floor
P.O. Box 45029
Newark, New Jersey 07101



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF ELECTRICAL
CONTRACTORS

IN THE MATTER OF

Robert Bonica

License No. 34EI01326500

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 ("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. Robert Bonica ("respondent") is an electrical contractor licensed in the State of New Jersey and has been a licensee at all times relevant hereto.
2. Pursuant to N.J.S.A. 45:5A-13.1, all licensees are required to complete 34 credits of continuing education requirements as a condition for triennial license renewal which shall include a 10-hour course of study relating to the most recent edition of the National Electrical Code, nine hours of which shall pertain to the code, and one hour of

which shall pertain to applicable State statutes and regulations; and 24 hours of instruction approved by the Board covering various electrical related subjects.

3. Respondent indicated on his 2006-2009 triennial renewal that he will have completed his continuing education requirement for the 2006-2009 triennial renewal period by June 30, 2006.

4. On or about March 18, 2008, the Board conducted a continuing education random audit involving approximately ten percent of its licensees pursuant to N.J.A.C. 12:31-1.7(f). Respondent was selected for the audit.

5. The Board sent a letter to respondent by regular mail, dated March 18, 2008, to respondent's address of record with the Board. In the letter, the Board required respondent to furnish a copy of his continuing education certificates for the 2006-2009 biennial renewal period. The letter required respondent to submit a written explanation to the Board in the event he failed to complete his 2006-2009 continuing education requirement. A response was to be submitted to the Board office within ten (10) business days.

6. In response to that letter, respondent provided the documents which were received by the Board on or about March 27, 2008.

7. The documents provided indicate that respondent took the required ten (10) hours of code and law but failed to retain or provide copies of certificates for the 24 hours of continuing education courses in electrical related subjects.

DISCUSSION

Based on the foregoing Findings of Fact, a Provisional Order of Discipline was entered on February 6, 2009, and a copy was forwarded by certified and regular mail to

the respondent's address of record. The Order provisionally imposed a civil penalty totaling \$4,750.00 for violations of, N.J.S.A. 45:5A-13.1 et seq., N.J.A.C. 13:31-1.7(a), (b) and (c) et seq., and N.J.S.A. 45:1-21a. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a 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 the reasons therefore.

Within the thirty (30) day period, the Board received a response from respondent, requesting modification of the Findings of Fact and Conclusions of Law. Respondent stated that he "did not realize all seminars had to be board certified" and that he "believed that the 24 hours requirements could be met by reasonable trade related educational seminars." Respondent apologized for his ignorance in the matter and advised the Board that he planned "on joining a trade organization to keep better informed." Respondent did state in response to the audit letter that he attended 36 hours of NEC code seminars and a 4-hour seminar held by the NYC Home Builders Association on the NEC but did not provide any certificates.

The Board reviewed respondent's response indicating that he made a mistake in assuming that "reasonable trade related educational seminars" would count towards his continuing educational requirements. The Board acknowledged that respondent has indicated that he will take steps to alleviate this problem in the future; however, the Board determined that there was not a sufficient basis to dismiss and/or modify its decision to sanction respondent for failing to complete all of the continuing educational

requirements and for falsely stating that he had completed the hours when in fact he had not. Based on its review of all of the information provided by respondent, the Board believes that no further proceedings are necessary.

CONCLUSIONS OF LAW

Respondent's failure to comply with the provisions of an act or regulation administered by the Board, specifically, N.J.S.A. 45:5A-13.1 et seq., and N.J.A.C. 13:31-1.7(a), (b) and (c) et seq., in that respondent failed to successfully complete 10 (9+1) credits of code and laws, 24 credits of continuing education and falsified his renewal application by stating that all continuing education requirements were completed in violation of N.J.S.A. 45:1-21a, provide grounds for disciplinary action subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-22.

ACCORDINGLY, IT IS on this *1st* day of *April*, 2009,
ORDERED that:

1. A public reprimand is hereby imposed upon respondent, pursuant to N.J.S.A. 45:1-22, for the violation of N.J.S.A. 1-21a, N.J.S.A. 45:5A-13.1 et seq, and N.J.A.C. 13:1-1.7(a), (b), (c) and (f).
2. A civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$62.50 for each hour of continuing education that respondent has failed to complete for the 2006-2009 triennial period by June 30, 2006, in violation of N.J.S.A. 45:5A-13.1 and N.J.A.C. 13:1-1.7(b) and (c) for a total of \$1,500.00 is hereby imposed upon respondent.
3. A civil penalty pursuant to N.J.S.A. 45:1-22, in the amount of \$100.00 is hereby imposed upon respondent for failing to retain or provide required course documentation for the 2006-2009 triennial period in violation of N.J.A.C. 13:31-1.7(f).

4. A civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$2,500.00 is hereby imposed upon respondent for falsely stating that the required continuing education requirement was complete for the 2006-2009 triennial period by June 30, 2006, in violation of N.J.A.C. 13:31-1.7(a).

5. The aggregate penalty totaling \$4,100.00 shall be paid by money order or certified check made payable to the State of New Jersey and delivered to the Board of Examiners of Electrical Contractors, P.O. Box 45006, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, no later than ten (10) days after entry of this Final Order of Discipline in this matter. In the event respondent fails to make a timely payment, a certificate of debt shall be filed and the Board may take such further action as it deems appropriate.

6. Within six (6) months from the date of this Order, respondent is hereby required to submit the appropriate documentation demonstrating, to the satisfaction of the Board, that he has completed all missing course hours, pursuant to N.J.S.A. 45:1-22. Failure to comply shall result in the automatic and immediate suspension of respondent's license to practice electrical contracting in New Jersey without further order until such time as respondent submits satisfactory proof of completion of all required hours of continuing education.

7. No later than ten (10) days after the entry of this Final Order of Discipline in this matter, respondent is hereby required to submit all documentation of continuing education courses taken to date for the 2009-2012 cycle, pursuant to N.J.S.A. 45:1-22.

NEW JERSEY STATE BOARD OF
EXAMINERS OF ELECTRICAL CONTRACTORS

By:



Joseph P. Schooley
Board Chairman

March 10, 2009 (12:35pm)