

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 #34EI01020800  
d/b/a Statewide Electrical Contractors  
  
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. Temple Gibbs ("respondent") is a licensed electrical contractor and holds a business permit under the name of Statewide Electrical Contractors, Inc. in the State of New Jersey and has been a licensee at all times relevant hereto.

2. The Board received a complaint from consumer Ed Lu alleging that respondent contracted to perform electrical work at 256 Hornblower Avenue, Belleville, New Jersey on May 24, 2007. Mr. Lu stated that the work was never done. According to the complaint, Mr. Lu paid respondent \$1,250.00 as a deposit.

3. The Board sent a letter to respondent, dated October 10, 2007, requesting that respondent provide a written reply to the complaint received from Mr. Lu. The letter also offered respondent the opportunity to return the \$1,250.00 deposit received from Mr. Lu. In response to the Board's letter, respondent faxed a letter to the Board on October 30, 2007. In the letter, respondent acknowledged that he contracted with Mr. Lu to do the job

and received a deposit of \$1,250.00. Respondent stated there was a "miscommunication" concerning the start of the job. Respondent indicated that he would return the deposit to Mr. Lu in monthly payments.

4. In response to receipt of respondent's faxed letter, the Board sent a letter to respondent dated November 12, 2007. In the letter, the Board advised that they agreed to accept respondent's request to pay the restitution owed to Mr. Lu in installments. According to the letter, the first installment was to be due the first week in December 2007.

5. Respondent failed to provide a response to the Board's November 12, 2007 letter, nor did respondent provide any restitution to Mr. Lu. As a result, the Board sent respondent a letter, dated December 27, 2007. The letter noted respondent's failure to respond to the Board's November 12, 2007 letter. The letter also reminded respondent of his duty to cooperate with the Board and the penalties that can result from his failure to cooperate. The letter was sent to respondent's address on record with the Board, via regular and certified mail. The certified mail was returned to the Board marked "unclaimed". The regular mail was not returned.

6. The Board received a complaint from consumer Anthony Gresham, dated January 29, 2008, alleging that respondent contracted to perform electrical work at 296 Revere Avenue, Union, New Jersey on October 27, 2006. Mr. Gresham stated that the work was never done. According to the complaint, Mr. Gresham paid respondent \$400.00 as a deposit.

7. The Board received a complaint from consumer Albert Levulis, dated February 22, 2008, alleging that respondent contracted to perform electrical work at 208 South 6<sup>th</sup> Street, Newark, New Jersey on October 17, 2006. Mr. Levulis stated that the work was never done. According to the complaint, Mr. Levulis paid respondent \$1,600.00 as a deposit.

8. The Board sent respondent a Settlement Letter, dated April 9, 2008. The

Settlement Letter offered respondent the opportunity to resolve the three outstanding consumer complaints against him by providing restitution to each consumer. Specifically, respondent would be required to provide consumer Ed Lu \$1,250.00 in restitution, consumer Anthony Gresham \$400.00 in restitution, and consumer Albert Levulis \$1,600.00 in restitution. The Settlement Letter also included a \$500 penalty.

9. In response to the Board's April 9, 2008 Settlement Letter, respondent faxed a letter to the Board on May 23, 2009. In the letter, respondent requested that he be permitted to provide restitution to the three consumers in payments over a two year period.

10. In response to respondent's faxed letter, the Board sent a revised Settlement Letter to respondent, dated October 9, 2008. According to the terms of the Settlement Letter, respondent could opt to make monthly payments of not less than \$156.25. Respondent would agree to serve a probationary term to coincide with the two-year period during which he would make monthly payments to the Board. Respondent would remain on probation unless and until all of the restitution and civil penalty money was paid. Finally, respondent would agree to pay statutory interest of five (5%) per cent calculated for the twenty-four month period totaling \$178.75. In the event that respondent did not accept the monthly payment schedule, the Settlement Letter afforded respondent the opportunity to pay the restitution in full within six months of the date of the letter.

11. The October 9, 2008 Settlement Letter was sent to respondent's address on record with the Board, via certified and regular mail. The certified letter was returned to the Board marked "unclaimed." The regular mail was not returned. Respondent failed to provide a response to the October 9, 2008 settlement offer.

12. On May 2, 2008, Investigator Michael Mahasky, of the Enforcement Bureau, Division of Consumer Affairs, personally served a copy of the April 9, 2008 settlement letter on Jacqui Gibbs, the wife of respondent, at respondent's address on record with the

Board.

13. On November 18, 2008, the Board received a faxed copy of the Acknowledgment pertaining to the October 9, 2008 Settlement Letter. The Acknowledgment was signed by respondent and dated November 2, 2008. Respondent checked the section agreeing to pay restitution to all three consumers in monthly payments.

14. Despite respondent's agreement to provide monthly restitution to the consumers, as per his signature on the Acknowledgment, the Board never received a single payment from respondent. As a result, the Board sent a letter to respondent, dated April 2, 2009. The letter indicated that the Board has not received a response to the Acknowledgment signed on November 2, 2008. The letter requested that respondent forward checks to the Board, made payable to the consumers as reflected in the October 9, 2008 Settlement Letter. The letter demanded a response within seven (7) days. The letter was sent to respondent's address on record with the Board, via certified and regular mail. The certified mail was returned to the Board marked "Unclaimed". The regular mail was not returned. To date, there has been no response or payment received from respondent.

#### CONCLUSIONS OF LAW

1. Respondent's failure to comply with the provisions of the settlement agreement, entered into by him on November 2, 2008, constitutes the failure of a licensee to comply with an order duly entered and served upon the licensee and of which the licensee has knowledge, in violation of N.J.A.C. 13:45C-1.4, and is deemed professional or occupational misconduct, pursuant to N.J.S.A. 45:1-21(e).

## DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice as an electrical contractor in the State of New Jersey was entered on January 6, 2010 and a copy was forwarded to respondent at the last known address on file with the Board. 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 considerations and reasons therefor.

Respondent provided the Board with a response to the Provisional Order, dated January 27, 2010. In his response, respondent indicates that he has encountered "great financial difficulty", throughout the last year and a half. Respondent also stated he is in debt to several people and has had difficulty finding work. Finally, respondent requested that he be allowed to pay restitution to the consumers by making monthly payments of \$100.00 per month.

On March 3, 2010, the Board considered respondent's response to the Provisional Order. The Board noted that respondent made previous promises and commitments to provide restitution to the consumers, all of which are outlined in this Final Order. In each instance, respondent failed to honor his commitments. To date, there has not been a single payment received from respondent. Therefore, the Board finds there is no basis to modify the Provisional Order of Discipline based on respondent's previous failures to abide by his commitments and promises to provide restitution, including his failure to abide by the terms of the October 9, 2008 Settlement Letter.

ACCORDINGLY, IT IS on this *1<sup>st</sup>* day of *Dec*, 2010

ORDERED that:

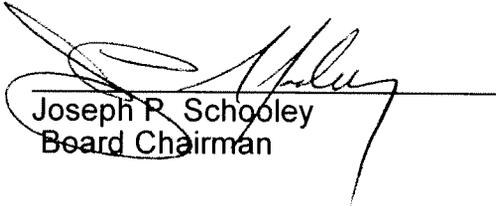
1. A public reprimand is hereby imposed upon respondent for his violation of N.J.A.C. 13:45C-1.4.

2. Respondent's license and business permit are hereby suspended, and shall remain suspended, until such time as respondent provides restitution to consumer Ed Lu in the amount of \$1,250.00; provides restitution to consumer Albert Levulis in the amount of \$1,600.00 and provides restitution to consumer Anthony Gresham in the amount of \$400.00. Payment of restitution to each individual consumer shall be by separate certified check or money order made payable to the individual consumer and shall be sent to Executive Director, New Jersey Board of Examiners of Electrical Contractors, 124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07101.

3. Respondent is assessed a civil penalty in the amount of \$2,500.00 for his violation of N.J.A.C. 13:45C-1.4. Payment of the civil penalty shall be by certified check or money order made payable to the State of New Jersey and shall be sent to Executive Director, New Jersey Board of Examiners of Electrical Contractors, 124 Halsey Street, 6th Floor, Newark, NJ 07101.

4 Upon finalization of this Order, respondent shall forward his pressure seal to the Board within ten (10) days of entering this Final Order of Discipline, as required by N.J.A.C. 13:31-3.3(c).

STATE BOARD OF EXAMINERS  
OF ELECTRICAL CONTRACTORS

  
Joseph P. Schooley  
Board Chairman