

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

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Administrative Action

JOSEPH PRAVATO
License No. 8771

FINAL ORDER
OF DISCIPLINE

TO PRACTICE ELECTRICAL
CONTRACTING IN THE
STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Examiners of Electrical Contractors 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 July 12, 1996, respondent was convicted of the crime of mail fraud in United States District Court, Eastern District of New York. Specifically:

Respondent was found guilty of 14 counts of mail fraud in violation of 18 U.S.C. §1341. The fraud consisted of respondent's having knowingly and intentionally devised a scheme to defraud and obtain money from insurance companies by causing false claims for no-fault insurance benefits to be filed with insurance companies. Respondent, who operated Bay Health Care Medical Center in Brooklyn, also had claimants visit Bay Health for medical treatment; caused the execution and filing of assignment of benefit forms so that insurance benefits would be paid to Bay Health; and indicated that claimants had been treated at Bay Health on days when they had not been treated at Bay

Health. Respondent caused bills to be sent to insurance companies for medical treatments and tests that were not furnished, or were not necessary.

The case has been under appeal. The Board acceded to respondent's request to defer action upon the conviction until a decision was reached on respondent's appeal. Respondent informed the Board in a communication dated July 10, 2000 that his appeal has been denied.

(Copy of Indictment, Judgment of Conviction and attachments, and Notice of Appeal annexed hereto and made a part hereof)

3. The following sentence was ordered: a total of 30 months imprisonment, followed by two years of supervised release; \$700.00 in monetary penalties and restitution of \$29,469.63.

CONCLUSIONS OF LAW

1. The above conviction provides grounds for the revocation of the license of respondent to practice electrical contracting in New Jersey pursuant to N.J.S.A. 45:1-21(b), in that it demonstrates that he has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense; and pursuant to N.J.S.A. 45:1-21(f), in that the crime of which respondent was convicted is one of moral turpitude.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on August 16, 2000 revoking respondent's license to practice electrical contracting in the State of New Jersey, and directing that respondent forward his pressure seal to the Board. A copy of the Order was forwarded to respondent's last known address by means of both regular and certified mail. 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.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the Board considered the matter, determined further proceedings were not necessary, and that the Provisional Order should be mde final.

ACCORDINGLY, IT IS on this *7th* day of *Feb*, 2001,

ORDERED that:

1. Respondent's license to practice electrical contracting in the State of New Jersey be and hereby is revoked. Respondent is to return the pressure seal issued to Colony Electric Co., Inc. to the Board, forwarding it to the attention of Barbara Cook, Executive Director, Board of Examiners of Electrical Contractors, P.O. Box 45006, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101 within fifteen days following the filing of this Order.

NEW JERSEY STATE BOARD OF
EXAMINERS OF ELECTRICAL CONTRACTORS

By: 
Joseph R Schooley
Board Chairman

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<u>COUNT</u>	<u>SENT TO:</u>	<u>APPROXIMATE DATE OF MAILING</u>	<u>TYPE OF MAILING</u>
SEVEN	Prudential Property and Casualty Insurance Co. 350 Broad Hollow Road Melville, New York	9/6/94	false bill
EIGHT	Providence Washington Insurance Co. 377 Oak Street Garden City, New York	9/6/94	false bill
NINE	Colonial Penn Insurance Co. P.O. Box 1990 Valley Forge, Pennsylvania	9/28/94	false bill
TEN	New York Central Mutual Fire Insurance Co. P.O. Box 737 Sherburne, New York	9/29/94	false bill
ELEVEN	Royal Insurance Co. 2 Jericho Plaza Jericho, New York	10/12/94	false bill
TWELVE	Worldwide Insurance Group P.O. Box 11 Malvern, Pennsylvania	10/19/94	false bill
THIRTEEN	Allstate Insurance Co. One Allstate Drive Farmingdale, New York	10/24/94	false bill
FOURTEEN	Liberty Mutual Insurance Co. 560 White Plains Road Tarrytown, New York	10/31/94	no-fault application
FIFTEEN	HCM Claim Management Corp. 225 Brae Boulevard Park Ridge, New Jersey	10/31/94	false bill
SIXTEEN	Eagle Insurance Co./ Robert Plan Corp. 8 Freer Street Lynbrook, New York	12/29/94	false bill

5

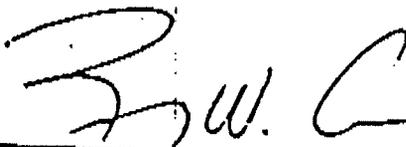
<u>COUNT</u>	<u>SENT TO:</u>	<u>APPROXIMATE DATE OF MAILING</u>	<u>TYPE OF MAILING</u>
SEVENTEEN	Utica National Insurance Co. P.O. Box 6530 Utica, New York	1/30/95	false bill
<u>COUNT</u>	<u>SENT FROM:</u>	<u>APPROXIMATE DATE OF MAILING</u>	<u>TYPE OF MAILING</u>
EIGHTEEN	Colonial Penn Insurance Co. P.O. Box 1990 Valley Forge, Pennsylvania	8/15/94	check
NINETEEN	Royal Insurance Co. 9300 Arrowpoint Boulevard Charlotte, North Carolina	9/9/94	check
TWENTY	New York Central Mutual Fire Insurance Co. P.O. Box 737 Sherburne, New York	9/13/94	check
TWENTY- ONE	GEICO Insurance Co. P.O. Box 10 Woodbury Road Woodbury, New York	9/20/94	check
TWENTY- TWO	Kemper National Insurance Co. P.O. Box 1780 Binghamton, New York	9/30/94	check
TWENTY- THREE	Providence Washington Insurance Co. 377 Oak Street Garden City, New York	10/15/94	check
TWENTY- FOUR	Prudential Property and Casualty Insurance Co. 2101 Welsh Place Dresler, Pennsylvania	10/27/94	check
TWENTY- FIVE	Continental Loss Adjustment Continental Insurance Co. P.O. Box 1710 Piscataway, New Jersey	11/21/94	check
TWENTY- SIX	State Farm Insurance Co. 141-07 20th Avenue Whitestone, New York	11/28/94	check

<u>COUNT</u>	<u>SENT FROM:</u>	<u>APPROXIMATE DATE OF MAILING</u>	<u>TYPE OF MAILING</u>
TWENTY-SEVEN	Worldwide Insurance Group P.O. Box 11 Malvern, Pennsylvania	1/3/95	check
TWENTY-EIGHT	HCM Claim Management Corp. 225 Brae Boulevard Park Ridge, New Jersey	1/18/95	check
TWENTY-NINE	Utica National Insurance Co. P.O. Box 6530 Utica, New York	2/15/95	check
THIRTY	Eagle Insurance Co./ Robert Plan Corp. 8 Freer Street Lynbrook, New York	3/15/95	check

(Title 18, United States Code, Sections 1341, 2 and 3551 et seq.)

A TRUE BILL

FOREPERSON



ZACHARY W. CARTER
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

600151

United States District Court

EASTERN

District of NEW YORK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

(For Offenses Committed On or After November 1, 1987)

JOSEPH PRAVATO

Case Number: CR95-00981-01 (CBA)

BRUCE MAFFEO, ESQ.
41 MADISON AVE
NY, NY 10010-2202

Defendant's Attorney
AUSA MARTIN COFFEY

THE DEFENDANT:

- pleaded guilty to count(s) _____
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) 2-7, 10, 14, 15, 20, 24-26 & 28 after a plea of not guilty.

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:1341	MAIL FRAUD, CLASS D FELONY.	07/25/94	2
"	"	07/30/94	3
"	"	08/01/94	4
"	"	08/22/94	5
"	"	08/23/94	6
"	"	09/06/94	7
"	"	09/29/94	10
"	"	10/31/94	14 & 15
"	"	09/13/94	20

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 091-42-0451

Defendant's Date of Birth: 09/28/51

Defendant's USM No.: _____

Defendant's Residence Address:

59 RODERICK AVE

SI, NY 10312

Defendant's Mailing Address:

SAME AS ABOVE

JULY 12, 1996

Date of Imposition of Judgment

Carol Bagley Amon
Signature of Judicial Officer

CAROL BAGLEY AMON, U.S.D.J.

Name & Title of Judicial Officer

1 TRUE COPY
 ATTEST: 7/13/96
 JULY 13 1996
 ROBERT W. REINEMANN
 CLERK
 BY [Signature]
 DEPUTY CLERK

United States District Court

_____ District of _____

UNITED STATES OF AMERICA
v.
JOSEPH PRAVATO

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)
Case Number: CR95-00981-01 (CBA)

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) _____
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:1341	MAIL FRAUD, CLASS D FELONY.	10/27/94	24
"	"	11/21/94	25
"	"	11/28/94	26
"	"	01/03/95	28

The defendant is sentenced as provided in pages 2 through _____ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ (is)(are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's USM No.: _____

Defendant's Residence Address: _____

Defendant's Mailing Address: _____

Date of Imposition of Judgment

Signature of Judicial Officer

Name & Title of Judicial Officer

Date

DEFENDANT: JOSEPH PRAVATO
CASE NUMBER: CR95-00981-01 (CBA)

Judgment Page 3 of 7

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of *THIRTY (30) MONTHS AS TO COUNT TWO (2); THIRTY (30) MONTHS AS TO COUNTS THREE (3) THROUGH SEVEN (7), TEN (10), FOURTEEN (14) & FIFTEEN (15), TWENTY (20), TWENTY-FOUR (24) THROUGH TWENTY-SIX (26) & TWENTY-EIGHT (28) TO RUN CONCURRENTLY WITH EACH OTHER & WITH THE SENTENCE IMPOSED IN COUNT TWO (2).

*THE EXECUTION OF SENTENCE IS STAYED PENDING APPEAL.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m./p.m. on _____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

DEFENDANT: JOSEPH PRAVATO
CASE NUMBER: CR95-00981-01 (CBA)

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of TWO (2) YEARS AS TO COUNT TWO; TWO (2) YEARS AS TO COUNTS THREE (3) THROUGH SEVEN (7), TEN (10), FOURTEEN (14) & FIFTEEN (15), TWENTY (20), TWENTY-FOUR (24) THROUGH TWENTY-SIX (26) & TWENTY-EIGHT (28) TO RUN CONCURRENTLY WITH EACH OTHER & WITH SUPERVISED RELEASE IMPOSED IN COUNT TWO (2).

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to a drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: JOSEPH PRAVATO
Case Number: CR95-00981-01 (CBA)

Page 5a of 7

The defendant shall make restitution to the following payees in the amounts listed below:

<u>NAME OF PAYEE</u>	<u>AMOUNT OF RESTITUTION</u>	
State Farm Insurance Co. 141-07 20th Ave Whitestone, NY	\$4,455.84	(COUNT 3)
Continental Loss Adjustment Continental Insurance Co. PO Box 1710 Piscataway, NJ	\$2,656.73	(COUNT 6)
Prudential Property & Casualty Insurance Co. 550 Broad Hollow Rd. Melville, NY	\$2,497.61	(COUNT 7)
New York Central Mutual Fire Insurance Co. PO Box 737 Sherburen, NY	\$1,679.27	(COUNT 10)
HMC Claim Managment Corp. 225 Brae Blvd. Park Ridge, NJ	\$1,973.60	(COUNT 15)
New York Central Mutual Fire Insurance Co. PO Box 737 Sherburne, NY	\$2,611.68	(COUNT 20)
Prudential Property & Casualty 2101 Welsh Pl Dressler, PA	\$2,970.24	(COUNT 24)
Continental Los Adjustment Continental Insurance Co. PO Box 1710 Piscataway, NJ	\$2,569.43	(COUNT 25)
State Farm Insurance Co. 141-07 20th Ave. Whitestone, NY	\$6,081.73	(COUNT 26)
HCM Claim Management Corp. 225 Brae Blvd. Park Ridge, NJ	\$1,973.60	(COUNT 28)

The defendant is directed to pay the above restitution over the two (2) year term of supervised release.

DEFENDANT: JOSEPH PRAVATO
CASE NUMBER: CR95-00981-01 (CBA)

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SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A in full immediately; or (SPECIAL ASSESSMENT)
- B \$ _____ immediately, balance due (in accordance with C, D, or E); or
- C not later than _____; or
- D in installments to commence _____ days after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ year(s) to commence _____ days after the date of this judgment.

The National Fine Center will credit the defendant for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

- The defendant shall pay the cost of prosecution.
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States Courts National Fine Center, Administrative Office of the United States Courts, Washington, DC 20544, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. If the National Fine Center is not operating in this district, all criminal monetary penalty payments are to be made as directed by the court, the probation officer, or the United States attorney.

DEFENDANT: JOSEPH PRAVATO
CASE NUMBER: CR95-00981-01 (CBA)

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STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):
PARAGRAPH TWENTY-FOUR (24) CHANGED FROM EIGHT (8) TO SEVEN (7); AMOUNT OF LOSS BETWEEN \$120,000 TO \$200,000.

Guideline Range Determined by the Court:

Total Offense Level: 19

Criminal History Category: I

Imprisonment Range: 30 to 37 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 7,500 to \$ 75,000

Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \$ _____

Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(d).

For offenses that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A, and 113A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.

Partial restitution is ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range:

upon motion of the government, as a result of defendant's substantial assistance.

for the following specific reason(s):

NOTICE OF APPEAL UNITED STATES DISTRICT COURT

000033
000100
000159

EASTERN District of NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

Docket Number 95 CR 0981

v.

Hon. Carol B. Amon
(District Court Judge)

JOSEPH PRAVATO,
Defendant.

Notice is hereby given that Joseph Pravato, defendant above named,
appeals to the United States Court of Appeals for the Second Circuit from the:

CLERK
U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

Judgment ; order ; other ; _____
(specify)

entered in this action on July 12, 1996.
(date)

Offense occurred after November 1, 1987 Yes No

The appeal concerns. conviction only ; sentence only ; conviction and sentence

J. Bruce Maffeo, Esq. (JEM 8443)
(Counsel for Appellant)

Date July 16, 1996
TO: United States Court of Appeals
for the Second Circuit

Address Bernstein & Maffeo, LLP
41 Madison Avenue, 34th Floor
New York, New York 10010
Telephone Number (212) 685-2200

AUSA Martin Coffey

ADD ADDITIONAL PAGE IF NECESSARY

(TO BE COMPLETED BY ATTORNEY)

TRANSCRIPT INFORMATION - FORM B

QUESTIONNAIRE

TRANSCRIPT ORDER

DESCRIPTION OF PROCEEDINGS FOR WHICH TRANSCRIPT IS REQUIRED (INCLUDE DATE).

I am ordering a transcript
 I am not ordering a transcript
Reason:
 Daily copy is available
 U.S. Attorney has placed order
 Other. Attach explanation
transcript already ordered

Prepare transcript of _____ Date _____
 Pre-trial proceedings
 Trial
 Sentence
 Post-trial proceedings

The ATTORNEY certifies that he will make satisfactory arrangements with the court reporter for payment of the cost of the transcript. (FRAP 10(b)) Method of payment Funds CJA Form 24

ATTORNEY'S signature J. B. Maffeo ss [illegible] DATE 7/17/96

COURT REPORTER ACKNOWLEDGEMENT

To be completed by Court Reporter and forwarded to Court of Appeals.

Date order received	Estimated completion date	Estimated number of pages.
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Date _____ Signature _____
(Court Reporter)