

JEFFREY S. CHIESA
ATTORNEY GENERAL OF NEW JERSEY
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the New Jersey Fire Alarm,
Burglar Alarm and Locksmith Advisory Committee

By: Joseph Donofrio
Deputy Attorney General
Tel. (973) 648-2436

ELECTRICAL CONTRACT...

2012 SEP 6

6 PM 1:40
FILED
FIRE ALARM, BURGLAR ALARM AND
LOCKSMITH ADVISORY COMMITTEE
9/19/12

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

IN THE MATTER OF THE
APPLICATION OF

FIDEL MUNOZ

TO BE LICENSED TO ENGAGE IN THE
BURGLAR ALARM BUSINESS IN THE
STATE OF NEW JERSEY

Administrative Action
CONSENT ORDER

This matter was opened to the New Jersey Fire Alarm, Burglar Alarm and Locksmith Advisory Committee ("the Committee") upon receipt of an application from Fidel Munoz ("respondent") to be licensed to engage in the burglar alarm business. Respondent indicated on his application that he had previous criminal convictions.

Respondent provided a letter to the Committee explaining his criminal arrest and conviction history. Respondent also appeared before the Committee on February 21, 2012. According to the information provided to the Committee, respondent was arrested on February 22, 1985 in Sayreville, New Jersey for marijuana possession, N.J.S.A. 24:21-20A4. Respondent pled guilty to that charge, and was sentenced to 14 days of community service. On September 5, 1995, respondent was arrested for simple assault in Fern Ridge Blakeslee, Pennsylvania. Respondent had been performing work at a volunteer firehouse when a husband and wife became involved in an altercation. Respondent and another witness broke up the fight and escorted the couple out of the building. There was a physical confrontation. The couple pressed charges against

respondent and the other witness for assault. Respondent pled guilty to one count of harassment, and paid a \$265.00 fine.

Respondent was again arrested on April 29, 1997, this time by the Drug Enforcement Administration in Harrisburg, Pennsylvania, for Conspiracy to Distribute Marijuana, the equivalent of N.J.S.A. 2C:5-2. On June 26, 1997, respondent failed a drug test, while out on bail awaiting his trial for the conspiracy charges stemming from his April 29, 1997 arrest. Respondent claimed the failed test was the result of drug use before his April 29th arrest. Because he was an everyday user of marijuana prior to his incarceration, respondent contends this is the reason trace amounts were detected in his system. Respondent was ordered to take a drug and alcohol class. Respondent was found guilty of conspiracy to distribute marijuana after a trial and was initially sentenced to 235 months of imprisonment. That sentence was later reduced, and respondent served more than 11 years and 10 months of incarceration.

Respondent was incarcerated until December 18th, 2008, at which time he was released with conditions as part of a five year supervised release program. To date, respondent has been compliant with the conditions of his supervised release and anticipates successfully completing the program sometime during the middle of 2013.

Respondent acknowledges he made mistakes when he was younger. He used to work in the alarm business, at one point even owning his own business in Bethlehem, Pennsylvania. Respondent is currently employed as a plant manager and is engaged to be married. It was determined after respondent's release from prison that substance abuse treatment was not needed. Respondent has successfully passed all drug tests required as part of his supervised release.

Having reviewed the entire record, including the testimony of respondent, the Committee has determined that respondent has demonstrated sufficient rehabilitation such that he may be permitted to sit for the examination for licensure, and upon proof of passage of the examination, will be granted a license subject to the conditions outlined in this order. Respondent appears to be doing well in recovery at this time. However, the Committee is keenly aware of respondent's

criminal and substance abuse history and therefore any deviation from the terms of this order will result in immediate suspension of license. The Committee finds that such a provision, coupled with the restrictions placed on respondent's license by this order, are adequate to protect the health, safety, and welfare of the public, and that good cause exists for entry of this Order.

IT IS THEREFORE ON THIS *18th* DAY OF *September* 2012,

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall be permitted to sit for the examination for licensure contingent upon the receipt of proof of all application requirements. Upon the Board's receipt of proof of passage of the examination, and satisfaction of the payment of all fees, respondent shall be granted a license subject to the conditions and restrictions in this order.

2. Respondent shall continue his participation in the supervised release program as required by United States District Court, Middle District of Pennsylvania. Respondent shall provide this Board with quarterly reports from respondent's Federal Probation Officer, attesting to his successful and ongoing compliance with any and all terms of the supervised release program. Respondent shall supply a waiver of confidentiality to his Probation Officer and the Committee sufficient to permit the Probation Officer to provide full quarterly reports and immediate reports of any violations of respondent's supervised release program to the Committee. The next quarterly report shall be due on August 30, 2012 for the months of May, June and July of 2012, and then quarterly thereafter. If respondent violates the terms of his supervised release he shall be deemed in violation of this order. Respondent shall have the right to petition the Committee for relief from the requirements of this paragraph upon a showing that respondent has successfully completed, and has been released from the requirements of the supervised release program. The Committee, in its sole discretion, will thereby determine whether respondent can be released from the requirements of this paragraph.

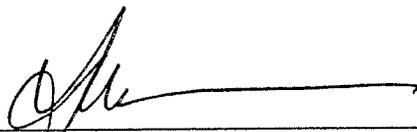
3. Respondent shall provide any and all releases to any and all parties who are participating in the monitoring, treatment or other program he participates in, or may be required to participate in as part of his supervised release, in order that all reports, records, and other

pertinent information may be provided to the Committee in a timely manner. Via his signature on this order, respondent agrees that the Committee may utilize any information received in connection with any proceeding regarding licensure.

4. Respondent hereby consents to the entry of an order of automatic suspension of license without notice, upon the Committee's receipt of information, which the Committee in its sole discretion deems reliable, demonstrating that respondent has had a relapse or recurrence of drug abuse; an arrest or conviction for any crime or offense of moral turpitude or which relates adversely to the practice of the burglar alarm business; has violated the terms of supervised release; is not capable of carrying out the functions of a licensee consistent with the public health, safety, or welfare; or that respondent failed to comply with any of the conditions set forth in this Consent Order.

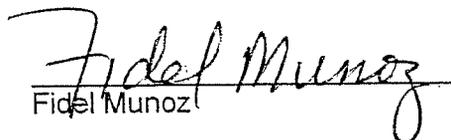
5. Respondent shall have the right to apply for removal of the automatic suspension on five (5) days notice but in such event shall be limited to a showing that the evidence of a relapse or recurrence of substance abuse or other information submitted was materially false.

NEW JERSEY FIRE ALARM, BURGLAR ALARM
AND LOCKSMITH ADVISORY COMMITTEE

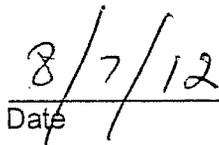
By: 

Charles Okun
Committee Chairman

I have read and understand the
within Consent Order and agree
to be bound by its terms. Consent
is hereby given to the Board to
enter this Order.



Fidel Munoz



Date