

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 Board of Examiners of Electrical Contractors

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

GREGORY MARTELLI  
t/a GJM ELECTRIC, LLC  
License and Business Permit # 15048

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 ("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. Gregory Martelli, ("respondent") is licensed as an electrical contractor in the State of New Jersey and has been a licensee at all times relevant hereto. Respondent has been issued business permit # 15048 under the name "GJM Electric, LLC" and has been engaging in the practice of electrical contracting under that business permit at all times relevant hereto.

2. The Board received a complaint concerning Pellco Construction ("Pellco"). Pellco does not hold a business permit with the Board to engage in the practice of electrical contracting in the State of New Jersey. The complaint alleges Pellco is using inexperienced illegal aliens to perform electrical contracting work. The complaint also alleged that Pellco has been using licensed

electrical contractors to stamp permits, and then using unlicensed persons to perform the work, without the knowledge of the electrical contractors

3. The complaint also alleged that Pellco has three different jobs in different locations in New Jersey where unlicensed personnel are being used. One of the locations cited was a four story building located in South Amboy, New Jersey.

4. In response to the complaint, Pellco provided the Board with information concerning the address and the electrical work performed at the South Amboy location. The electrical work was performed at 2097 Route 35, South Amboy New Jersey. According to Pellco, Mr. Martelli's company was one of the electrical contractors who performed electrical work at the location. Pellco submitted documentation to establish that respondent's company performed the electrical work.

5. The Board sent a letter to Mr. Martelli requesting a response to the complaint. In response, respondent submitted a letter dated July 7, 2010. In the letter, respondent stated his company, GJM Electric, LLC, may have pulled a permit to allow Pellco to get their "folder submitted." However, respondent stated his company did not perform any of the electrical work.

6. The Board sent a certified letter to respondent, dated August 10, 2010, to respondent's address of record. The letter requested that respondent appear before the Board for an investigative inquiry on September 1, 2010. The certified letter was returned to the Board office indicating "Returned to Sender", "Unclaimed", "Unable to Forward". Respondent failed to appear for the scheduled inquiry on September 1, 2010.

#### CONCLUSIONS OF LAW

1. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional or occupational misconduct by failing to cooperate with an investigation of the Board in that he failed to appear for the investigative inquiry scheduled for September 1, 2010, in violation of N.J.A.C. 13:45C-1.3.

2. The above preliminary findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(e), in that respondent has engaged in professional or occupational misconduct by failing to provide the Board with timely notice of any change of address from that which appears on the licensee's most recent license renewal or application.

## DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 1, 2011. The Provisional Order imposed a \$1,000.00 civil penalty for engaging in professional and occupational misconduct by failing to appear for the Board's scheduled September 1, 2010 investigative inquiry, in violation of N.J.A.C. 13:45C-1.3. Additionally, the Provisional Order suspended respondent's license and business permit to practice electrical contracting until such time as he appears before the Board to cooperate fully with the Board's investigation and answer questions concerning the complaint.

The Provisional Order was forwarded to respondent's last known address on file with the Board by certified and regular mail. 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 Finding 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 not be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Respondent appeared before the Board to answer the complaint on July 6, 2011. During the inquiry, respondent was reminded of the filed Provisional Order, and was instructed to provide a written response explaining why he failed to appear for the September 1, 2010 inquiry. Additionally, respondent was instructed to provide certain documentation pertaining to the complaint.

Respondent provided the Board with a letter dated June 5, 2012. The letter addressed the documentation pertaining to the complaint, but was silent regarding respondent's failure to appear for the September 1, 2010 inquiry.

On September 5, 2012, the Board considered respondent's letter dated June 5, 2012. The Board finds that respondent has appeared before the Board and is now cooperating with the Board's investigation of the complaint and therefore no suspension of his license or business permit will issue. However, respondent failed to provide any explanation concerning his failure to appear for the Board's scheduled September 1, 2010 inquiry. Therefore, the Board finds that respondent has not provided any evidence which would warrant a modification or dismissal of the findings of fact or conclusions of law pertaining to respondent engaging in professional and occupational misconduct by failing to appear for the September 1, 2010 inquiry.

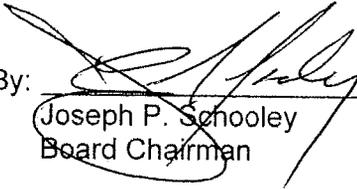
ACCORDINGLY, IT IS on this 3 day of Oct, 2012,  
HEREBY ORDERED that:

1. Respondent is hereby assessed a civil penalty in the amount of one thousand dollars (\$1,000.00), pursuant to N.J.S.A. 45:1-21(e), for failing to appear for the Board's scheduled September 1, 2010 investigative inquiry, in violation of N.J.A.C. 13:45C-1.3. The penalty shall be paid by money order or certified check made out to the State of New Jersey and delivered to the Board of Examiners of Electrical Contractors, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, simultaneous with the 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.

2. Nothing in this final order precludes the Board from taking disciplinary action against respondent's license based on the underlying complaint.

NEW JERSEY BOARD OF EXAMINERS  
OF ELECTRICAL CONTRACTORS

By:

  
\_\_\_\_\_  
Joseph P. Schooley  
Board Chairman