

FILED
FIRE ALARM, BURGLAR ALARM AND
LOCKSMITH ADVISORY COMMITTEE
10/17/12
AD

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

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

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSES OF	:	
	:	Administrative Action
	:	
Walter J. Przybylowski Burglar Alarm License No. 34BA00170300 Fire Alarm License No. 34FA00134300	:	PROVISIONAL ORDER OF DISCIPLINE
	:	
	:	
TO PRACTICE AS A BURGLAR ALARM & FIRE ALARM LICENSEE IN NEW JERSEY	:	

This matter was opened to the New Jersey Fire Alarm, Burglar Alarm and Locksmith Advisory Committee ("the Committee") upon receipt of information which the Committee has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Walter J. Przybylowski ("respondent") is licensed to practice as a burglar alarm installer and a fire alarm installer in the State of New Jersey and has been at all times relevant hereto. Respondent failed to renew his burglar alarm license and his fire alarm license prior to their expiration on August 31, 2007. As a result, respondent's burglar alarm license and fire

alarm license are suspended, pursuant to law, specifically N.J.S.A. 45:1-7.1(b), for failing to renew both licenses within 30 days of their expiration date. (Exhibit A, Certification of George De Luca, Administrative Analyst, attached).

2. The Committee received a complaint referral from the Middlesex County Office of Consumer Affairs. The complaint concerned the installation of an electronic security system for consumers R.F. and I.F. According to the information received, in 2010, respondent, through his company "On Guard Home Integrators", installed an electronic security system for R.F. and I.F. According the consumers, the system failed to operate adequately. (Exhibit B, letter from respondent to R.F. and I.F., dated February 15, 2010, attached). (Exhibit C, copy of proposal from "On Guard Home Integrators" to R.F. and I.F., dated April 8, 2010, attached).

3. According to the Committee's records, "On Guard Home Integrators" has never been issued a fire alarm business license or a burglar alarm business license in the State of New Jersey. (Exhibit A, Certification of George De Luca, Administrative Analyst, attached).

4. R.F. and I.F. also complained that they attempted to contact respondent in order to address the failures of the electronic security system. However, respondent failed to reply. (Exhibit D, copies of e-mails from I.F. to respondent, attached).

5. The Committee sent a letter to respondent dated December 23, 2011. The letter requested that respondent provide

the Committee with information concerning the complaint received from R.F. and I.F., as well as an explanation concerning respondent's failure to renew his burglar alarm and fire alarm licenses. The letter also asked respondent to explain why he is operating "On Guard Home Integrators" without a business license. The letter was sent to respondent's address of record, via regular and certified mail. The certified mail was received, as evidenced by the return of the certified postcard bearing a signature and indicating a date of delivery of January 5, 2012. The regular mail was not returned. Respondent failed to provide a response to the December 23, 2011 letter. (Exhibit E, copy of letter dated December 23, 2011 sent to respondent's address of record, via regular and certified mail, attached).(Exhibit F, copy of certified post card bearing a signature and indicating date of delivery of January 5, 2012, attached). (Exhibit A, Certification of George De Luca, Administrative Analyst, attached).

CONCLUSIONS OF LAW

The above preliminary findings of fact provide grounds for the imposition of civil penalties, pursuant to N.J.S.A. 45:5A-25, which prohibits any person from advertising that he is authorized to engage in, or engage in the alarm business or otherwise engages in the installation, service or maintenance of burglar alarm, fire alarm or electronic security systems unless he satisfies the requirements of N.J.S.A. 45:5A-23 et seq.

Additionally, the above preliminary findings of fact provide grounds for the imposition of civil penalties, pursuant to N.J.S.A. 56:8-1 et seq., the Consumer Fraud Act, in that respondent engaged in conduct that implicitly demonstrated authorization that does not exist, which would constitute the employment of deception, fraud, false pretense, false promise, and/or misrepresentation within the intendment of N.J.S.A. 56:8-2.

Finally, the above preliminary findings of fact provide grounds for the imposition of civil penalties, pursuant to N.J.A.C. 13:45C-1.2 & 1.3., in that respondent's failure to respond to the Committee's request for information constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e).

ACCORDINGLY, IT IS, on this *16th* day of *October*, 2012,

PROVISIONALLY ORDERED that:

1. Respondent's licenses, #34BA00170300 & #34FA00134300, both of which are currently suspended by application of N.J.S.A. 45:1-7.1(c), shall be suspended as a disciplinary action until such time as respondent applies for reinstatement, appears before the Committee to discuss the complaint received from consumers R.F. and I.F., as well as respondent engaging in the alarm business and providing alarm services with a suspended license, satisfies all the requirements and qualifications for reinstatement, and has fully satisfied all of the penalties assessed within this Order.

2. Respondent is hereby provisionally reprimanded, pursuant to N.J.S.A. 45:1-22(a), for violation of N.J.S.A. 45:5A-25, N.J.S.A. 56:8-1 et seq. and N.J.S.A. 45:1-21(e).

3. Respondent shall pay a civil penalty in the amount of \$2,000.00 for violation of N.J.S.A. 45:5A-25 and N.J.S.A. 56:8-1 et seq., and pay an additional civil penalty in the amount of \$500.00 for violation of N.J.S.A. 45:1-21(e), for a total of \$2,500.00.

4. Respondent shall cease and desist from engaging in the unlicensed practice of offering fire alarm and burglar alarm services in violation of N.J.S.A. 45:5A-23 et seq.

5. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to David Freed, Executive Director, New Jersey Fire Alarm, Burglar Alarm and Locksmith Advisory Committee, 124 Halsey Street, Sixth Floor, P.O. Box 45042, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

6. Any submissions will be reviewed by the Committee and the Committee will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Committee is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

7. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Committee shall not be limited to the findings, conclusions and sanctions stated herein.

8. Nothing in this order precludes the Board from taking disciplinary action regarding the complaint received from consumers R.F. and I.F.

NEW JERSEY STATE FIRE ALARM, BURGLAR ALARM,
& LOCKSMITH ADVISORY COMMITTEE

By: _____


Charles Okun
Committee Chairman

EXHIBIT A

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

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

Administrative Action

Walter J. Przybylowski
Burglar Alarm License
No. 34BA00170300
Fire Alarm License
No. 34FA00134300

Certification of
George De Luca

TO PRACTICE AS A BURGLAR ALARM &
FIRE ALARM LICENSEE IN NEW JERSEY

I, George De Luca, being of full age, hereby certify:

1. I am an Administrative Analyst with the New Jersey Fire Alarm, Burglar Alarm & Locksmith Advisory Committee, Division of Consumer Affairs, Department of Law and Public Safety. As such, I am the custodian of the records for the Committee. Additionally, I am responsible for communicating and corresponding with licensees in order to obtain their responses to criminal matters and consumer complaints.

2. Walter J. Przybylowski was initially licensed as a burglar alarm installer on December 27, 2006 and was assigned license number 34BA00170300. Mr. Przybylowski was initially licensed as a fire alarm installer on December 27, 2006 and was assigned license number 34FA00134300.

3. A review of the Committee's records indicates that Mr. Przybylowski did not renew his burglar alarm license or his fire alarm license for the renewal period 2007-2010 and has not sought to reinstate either license since that time. As a result, Mr. Przybylowski's burglar alarm license, and his fire alarm license, have both been administratively suspended.

4. Additionally, a review of the Committee's records indicates that "On Guard Home Integrators" has never been issued a burglar alarm business license, or a fire alarm business license, in order to provide burglar alarm or fire alarm services in the State of New Jersey.

5. On December 23, 2011, I sent a letter to Mr. Przbylowski, via regular and certified mail, to his address on record with the Committee. The letter requested information related to the complaint filed by Richard and Isabella Flamio, as well as an explanation concerning Mr. Przbylowski's failure to renew his burglar alarm license and his fire alarm license. The certified mail was received, as evidenced by the return of the certified postcard bearing a signature and indicating a date of delivery of January 5, 2012. The regular mail was not returned. To date, Mr. Przbylowski has failed to provide the requested response.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

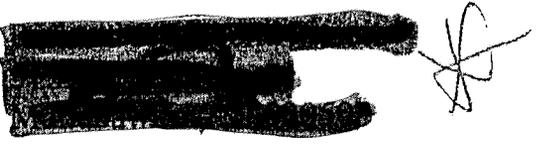

George De Luca

OCTOBER 1, 2012
Dated

EXHIBIT B

From: On Guard Home Integrators [onguard@comcast.net]
Sent: Monday, February 15, 2010 2:26 PM
To: [REDACTED]
Subject: Alarm Customer Welcome Letter

On Guard Home Integrators
4 Cypress Drive
Monroe Twp., NJ 08831



2/15/2010

Dear [REDACTED]

Thank you for choosing On Guard Home Integrators as your alarm company! We just wanted to take this opportunity to welcome you as a new customer. We hope you feel secure, confident in the fact that you've chosen the areas finest security company to protect your Home.

At On Guard Home Integrators we will always strive to give you the best possible service. If you are pleased with the work we have done please tell a friend. If there is anything we can do to assist you please don't hesitate to call us at (908)229-0342.

We were also able to connect you to Central Station today. We will fax info to Central Station and you will be on line tomorrow 2/16.10

Thank you,
Walter Przybylowski

Customer Service
On Guard Home Integrators

EXHIBIT C

From:
Sent:
To:
Subject:

On Guard Home Integrators [onguard@comcast.net]
Sunday, April 11, 2010 6:22 PM
[REDACTED]
proposal

908 2290342

On Guard Home Integrators
4 Cypress Drive
Monroe Twp., NJ 08831

Proposal

Date of Proposal: 04/08/10

Proposal Number:

Customer Number: 1197

Premise Phone: [REDACTED]

The terms of this proposal are valid
for 30 days from the date shown above.

On Guard Home Integrators

Hereby Submits Specification and Estimate for:

1197 [REDACTED]

<u>Quantity</u>	<u>Description</u>	<u>Amount</u>
1	* 8 Channel DVR 240fps 500 gig hard drive & DVDRW	
1	PIR Motion Detectors with Pinhole Camera built in	
1	19" LCD Flat SScreen Monitor	
1	8 Position Power Supply for Cameras	
1	Wire & BNC Fittings for Cameras	
1	Connection to Internet	
4	* Outdoor IR Eyeball Cameras	
1	Total Parts & Labor	2280.00
1	Extend & move transformer for panels across garage to other outlet & move cable box up high (no charge)	
1	Escort remote phone module allows you to access your alarm remotely on any touchtone phone	235.00
	Taxes at 7.0 %	176.05

INSIDE

[REDACTED]
This is the new quote for 4 outdoor 1 indoor camera
upgraded to 8 channel DVR. If you would like us to
install it we could this week Wednesday

Final payment \$1175 check # 846 v₁ [REDACTED]

\$2350
50% Deposit w/ \$1175
Bal: 1175

EXHIBIT D

Subject [REDACTED]
From [REDACTED]
Date Wednesday, November 9, 2011 8:36 am
To [REDACTED]
Cc onguard@comcast.net

'Valter, are you still in business??? Isabella'

----- Original Message -----

[REDACTED]
Date: Thursday, July 28, 2011 10:56 am
[REDACTED]
Cc: onguard@comcast.net

> Walt, It is Thursday, July 28th. If I do not hear from you by
> 4:00 today, I will be contacting the alarm company as well as
> the Better Business Bureau because of your lack of customer
> service in servicing the alarm system you installed and were
> fully paid for. [REDACTED]

> ----- Original Message -----

> From:
> Date: Friday, July 22, 2011 12:09 am
> Subject: [REDACTED]
> To: onguard@comcast.net,

> > Hi Walt, it's [REDACTED] It 12:10 and I have been waiting since
> > 8:30 for you to arrive. You told me that you would be here
> > Friday morning and you confirmed with [REDACTED] that you were
> > coming
> > on Friday. I keep trying to call you, but I am only getting
> > your
> > voicemail. I need to run errands before 4:00. Please let me
> > know exactly what time you will be here. However, if you can
> > no
> > longer service us, please refer someone else. I believe that I
> > have been extremely patient. [REDACTED]
> >
> >

Subject [REDACTED]
From [REDACTED]
Date Tuesday, July 12, 2011 9:09 am
To [REDACTED]

FYI
Sent via BlackBerry by AT&T

—Original Message—

From: [REDACTED]
Date: Tue, 12 Jul 2011 13:09:19
To: Walt (Alarm) <onguard@comcast.net>
Reply-To: [REDACTED]
Subject: [REDACTED]

Hello Walt, Maybe you are on vacation. When you get a chance give me a call. [REDACTED] *

Sent via BlackBerry by AT&T

EXHIBIT E



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Fire Alarm, Burglar Alarm and Locksmith Advisory Committee
124 Halsey Street, 6th Floor, Newark, NJ 07102

www.njconsumeraffairs.gov/fbi

8-A



PAULA T. DOW
Attorney General

THOMAS R. CALCAGNI
Director

Mailing Address:
P.O. Box 45042
Newark, NJ 07101
(973) 504-6245

By Regular and Certified Mail

December 23, 2011

Walter Przbylowski
On Guard Home Integrators
4 Cypress Drive
Monroe, NJ 08831

Re: Complaint, [REDACTED] vs. On Guard Home Integrators
[REDACTED]

Unlicensed Provision Of Alarm Services Or Electronic Security Systems

Dear Mr. Przbylowski:

The Advisory Committee has been referred a complaint from the Middlesex County Of Consumer Affairs by [REDACTED]. The complaint is with regard to the installation of an electronic security system at [REDACTED], New Jersey, the failure of the system to operate adequately, and the difficulty encountered by [REDACTED] in his attempt to resolve the matter with you.

Additionally, a review of Advisory Committee records indicates that both your burglar alarm and fire alarm licenses expired on August 31, 2007. It has also been determined that On Guard Home Integrators is not licensed by the Advisory Committee to engage in the installation, service or maintenance of alarm services or electronic security systems.

Therefore, the Advisory Committee requests the following:

- A description of services provided to [REDACTED] and, a copy of the invoice for the work performed;
- Copies of permits which may have been required for the installation of the electronic security system at [REDACTED], New Jersey;
- Your response to the allegations made by Mr. [REDACTED];
- An explanation why you failed to renew your burglar alarm and fire alarm licenses, both which expired on August 31, 2007, and, why you have not obtained a license for your business, On Guard Home Integrators.

Please note, pursuant to N.J.S.A. 45:5A-25, which provides in pertinent part:

(a) No person shall advertise that he is authorized to engage in the alarm business, or otherwise engage in the installation, service or maintenance of burglar alarm, fire alarm or electronic security systems unless he satisfies the requirements of this act.

The Advisory Committee requests that you provide your responses to the complaint as well as an explanation why you failed to renew your burglar alarm and fire alarm licenses, and, why you have not obtained a license for your business, within **fifteen (15) days** of receipt of this correspondence.

The Advisory Committee appreciates your expected cooperation.

Sincerely,



George De Luca
Administrative Analyst

Ref: Complaint No. 83049

c: Howard Pine, Acting Executive Director
Joseph Donofrio, Deputy Attorney General



Certified Mail No. 7008 0500 0000 7967 1404

EXHIBIT F

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Walter Orzbykowski
On Guard Home Integrators
4 Cypress Drive
Monroe, NJ 08831

ELECTRICAL
2012 JAN 10 AM

[Handwritten initials]

COMPLETE THIS SECTION ON DELIVERY

A. Signature:

X *[Handwritten signature]*

Agent

Addressee

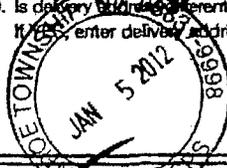
B. Received by (Printed Name)

[Handwritten name]

C. Date of Delivery

[Handwritten date: 1-5-12]

D. Is delivery address different from Item 1? Yes
If Yes, enter delivery address below: No



2. Service:

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label)

7008 0500 0000 7967 1404