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**FILED** 9/1/15  
State Board of Examiners of Heating, Ventilating,  
Air Conditioning and Refrigeration Contractors  
Rosemarie S. Baccile, Acting Executive Director  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE BOARD OF EXAMINERS  
OF HEATING, VENTILATING, AIR CONDITIONING  
AND REFRIGERATION CONTRACTORS

IN THE MATTER OF THE  
APPLICATION OF

OSIRIS RAFAEL TEJEDA

FOR A HEATING, VENTILATING,  
AIR CONDITIONING AND  
REFRIGERATION CONTRACTING  
LICENSE IN NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR) Contractors ("the Board") upon receipt of an application for licensure as a HVACR contractor from Osiris Refael Tejeda ("applicant"). The applicant indicated on his application that in 2004 he was arrested and charged with Burglary (N.J.S.A. 2C:18-2); two counts of Aggravated Arson (N.J.S.A. 2C:17-1(a)); Arson (N.J.S.A. 2C:17-1(b)); Conspiracy to Commit Aggravated Arson (N.J.S.A. 2C:5-2; 2C:17-1(a)); Conspiracy to Commit Theft By Deception (N.J.S.A. 2C:5-2; 2C:20-4); Risk of Injury/Damage (N.J.S.A. 2C:17-2A); and Aggravated Assault (N.J.S.A. 2C:12-1(b)(8)).

On January 9, 2006, the applicant pled guilty in Bergen County Superior Court to two (2) counts of Aggravated Arson (N.J.S.A. 2C:17-1(a)) and one (1) count of Aggravated Assault (N.J.S.A. 2C:12-1(b)(8)). The remaining charges were dismissed. Mr. Tejada was sentenced to five (5) years in prison, a three (3) year period of parole supervision, and aggregate restitution payments of \$80,076.28.

On March 3, 2015, the applicant appeared before the Board for an Investigative Inquiry. He explained that he had set fire to the roof of a building which he was leasing for business purposes in an attempt to escape a financially burdensome investment. Mr. Tejada described that he acted out of desperation. He had five children to support. He spent 4 1/2 years in prison, followed by three years on parole which he completed without incident. The applicant stated he is complying with the requirement to pay \$200 per month toward satisfaction of the restitution. The applicant expressed his remorse for the occurrence and has had no other criminal arrests or convictions.

Having considered all of the available information, including numerous letters of recommendation and customer reviews submitted by the applicant, the Board has determined that he may be licensed subject to the conditions outlined in this Order. The applicant appears to be doing well at this time. However, the Board is keenly aware of his criminal history. Therefore, any deviation from the terms of this order will result in immediate suspension of license. The parties having agreed to the resolution of this matter without formal proceedings, and the applicant having agreed and given his voluntary consent to the within Order and waiving any right to a hearing in this matter, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown;

IT IS THEREFORE ON THIS 1<sup>st</sup> DAY OF September, 2015,

HEREBY ORDERED AND AGREED THAT:

1. Prior to the issuance of a license, the applicant shall submit to, and cooperate fully with, a psychological evaluation by a licensed mental health professional, at his own

expense. The mental health professional shall be pre-approved by the Board. The applicant shall fully cooperate in the evaluation process and agree in advance to permit the mental health professional to release any and all documents to the Board for use in any licensing proceeding and agree to comply with all recommendations. The applicant shall notify the Board of the mental health professional selected so that the Board may forward information from its files to the mental health professional prior to the evaluation. Upon completion of the evaluation, the mental health professional shall forward a full report to the Board, consisting of a psychological evaluation and including, but not limited to, the mental health professional's conclusions relating to the applicant's fitness to perform HVACR work, and including any recommendations by the mental health professional as to treatment or counseling that may be warranted. By signing this order, Mr. Tejada agrees in advance that he will comply with the recommendations of the psychological evaluation as a condition of being granted a HVACR license.

2. The Board reserves the right to enter a subsequent order, with additional restrictions, based on the report and recommendations of the psychological evaluation. The applicant agrees by his signature on this order to comply with all Board orders and all recommendations of the mental health professional for treatment and therapy, and limitations, conditions or restrictions on license as a condition to his licensure as a HVACR contractor.

3. Prior to the issuance of a license, the applicant shall provide documentary proof to the Board indicating that he successfully completed and has been discharged from his parole requirements. The documentary proof shall be provided to Rosemarie Baccile, Acting Executive Director of the Board, 124 Halsey Street, Sixth Floor, Newark, NJ 07101.

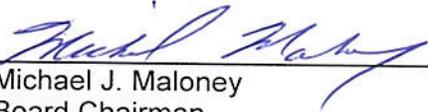
4. The applicant shall obey all of the laws of the State of New Jersey, the United States and their political subdivisions, as well as all regulations, rules or laws pertaining to the practice of HVACR contracting in this State or any other State in which he practices.

5. The applicant hereby consents to the entry of an order of automatic suspension of his a license as a HVACR contractor, without prior notice, upon the Board's receipt of any

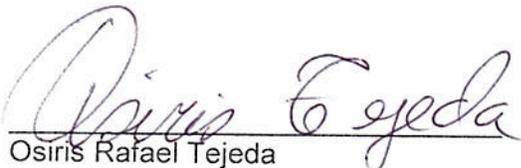
information which the Board in its sole discretion deems reliable demonstrating that the applicant has violated this order or has engaged in acts constituting, or has been convicted of, any petty disorderly person's offense, disorderly person's offense or crime whether in the State of New Jersey or elsewhere.

6. The applicant shall have the right to apply for a hearing regarding removal of the automatic suspension on five (5) days' notice, but in such event shall be limited to a showing that he has not violated this order or did not that he engage in acts constituting or has been convicted of, any offense or crime of moral turpitude or one relating aversely to HVACR practice in the State of New Jersey, the United States or any other jurisdiction.

NEW JERSEY STATE BOARD OF EXAMINERS OF  
HEATING, VENTILATING, AIR CONDITIONING AND  
REFRIGERATION CONTRACTORS

By:   
Michael J. Maloney  
Board Chairman

I have read and I understand  
this Consent Order and agree  
to be bound by its terms. I consent  
to the entry of this order by the Board

  
Osiris Rafael Tejeda

8/24/15  
Date

STATE BOARD OF  
EXAMINERS OF HVACR  
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