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Sept 24, 2015
FILED
HVACR
Rosemarie S. Baccile
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 PETER O'REILLY 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 ("Board") upon receipt of an application for licensure as a HVACR contractor from Peter O' Reilly ("applicant"). The applicant indicated on his application he had been convicted of criminal offenses. Mr. O'Reilly provided information and documentation concerning his criminal history.

Specifically, the applicant was arrested on September 1, 2001 and charged with N.J.S.A. 39:4-50 (Driving While Intoxicated) and N.J.S.A. 39:4-50.2 (Breathalyzer Refusal). The applicant pled guilty on September 11, 2001 to the Driving While Intoxicated charge. The Breathalyzer Refusal charge was dismissed. The applicant's driving privileges were suspended for eighteen (18) months.

The applicant was also arrested on March 8, 2014 and charged with N.J.S.A. 2C:33-2 (Disorderly Conduct) and N.J.S.A. 2C:29-2 (Resisting Arrest/Eluding). According to the police report,

Mr. O'Reilly was intoxicated, inside a diner, acting belligerent. The applicant's behavior continued after he exited the diner at the request of the police. When the police attempted to arrest him, the applicant began "flailing his arms in a manner to obstruct the officer from executing arrest." The applicant ultimately pled guilty to a town ordinance violation and paid a fine.

Mr. O'Reilly appeared at an investigative inquiry into the matter held by the Board and provided testimony relating to his arrests. Regarding the September 1, 2001 arrest, the applicant explained he was celebrating his birthday and made a bad decision to drive after he had been drinking and struck a guard rail. Regarding the March 8, 2014 arrest, the applicant explained that he entered the diner after he had been drinking. Respondent did not recollect many details of that night but did not dispute the details contained in the police report. Respondent denied that he has an alcohol or substance abuse problem and states he is not in need of counseling. The applicant expressed remorse and embarrassment and stated several times he was "not proud" of his behavior.

Having considered all of the available information, including the testimony of the applicant during the investigative inquiry, the Board has determined that the applicant 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 applicant's history and 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 24th DAY OF September, 2015,

HEREBY ORDERED AND AGREED THAT:

1. The applicant shall be granted a HVACR license subject to the conditions and restrictions in this order.

2. 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 in this State or any other State.

3. The applicant hereby consents to the entry of an order of automatic suspension of his 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 offense or crime whether in the State of New Jersey or elsewhere.

4. The applicant shall have the right to apply for a hearing regarding removal of the automatic suspension on five (5) day's notice, but in such event shall be limited to a showing that he has not violated this order or did not engage in acts constituting nor has been convicted of, any offense or crime of moral turpitude or one relating adversely to HVACR practice in the State of New Jersey or any other jurisdiction.

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

By: _____
Michael 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.

_____
Peter O'Reilly

9-12-15
_____
Date