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**FILED** *Oct 6, 2015*  
**HVACR**  
**Rosemarie S. Baccile**  
**Executive Director**  
*Rosemarie S. Baccile*

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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

HERBERT SPICER

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 Herbert Spicer ("applicant"). The applicant indicated on his application he had been convicted of a criminal offense. Mr. Spicer provided information and documentation concerning his criminal history.

Specifically, the applicant was arrested on May 29, 2000 and charged with N.J.S.A. 2C:12-1b(2) (Aggravated Assault with a Deadly Weapon); N.J.S.A. 2C:12-3a (Terroristic Threats of Violence); N.J.S.A. 2C:12-1b (Aggravated Assault); N.J.S.A. 2C:39-50 (Unlawful Possession of a Weapon); and N.J.S.A. 2C:39-40 (Possession of a Weapon for an Unlawful Purpose). On April 19, 2001, the applicant pled guilty in Ocean County Superior Court to one count of second degree Aggravated Assault with a Deadly Weapon (N.J.S.A. 2C:12-1b(2)). The remaining charges were

dismissed. The applicant was sentenced as a third degree offender to three (3) years in prison but was released from custody after serving thirty (30) months, and then served a three (3) year term of parole supervision.

The applicant appeared at an investigative inquiry into the matter held by the Board and provided testimony relating to his arrest and conviction. He explained that he got into an argument with a man who was dating his girlfriend's mother. The man was intoxicated and struck the applicant's girlfriend. The argument escalated to a physical confrontation which resulted in the applicant cutting the man's face with a box knife. The applicant expressed remorse and embarrassment for the offense and he has had no other criminal arrests or convictions. The applicant successfully completed parole without incident.

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 his criminal 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 *6<sup>th</sup>* DAY OF *October*, 2015,

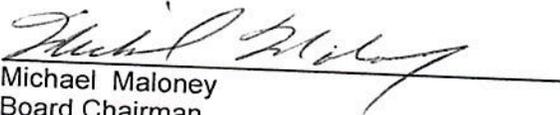
HEREBY ORDERED AND AGREED THAT:

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.

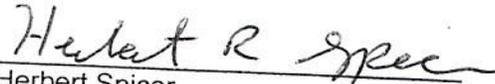
3. The applicant hereby consents to the entry of an order of automatic suspension of his license as a HVACR contractor, without prior notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable demonstrating that the applicant has violated this order or has 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) days' 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.

  
Herbert Spicer

09-21-2015  
Date