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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

FREDERICK J. MAGEE
t/a FJM ELECTRICAL CONTRACTORS
Individual License #34EI01462200
Business Permit # 34EB01462200

FINAL ORDER
OF DISCIPLINE

TO PRACTICE ELECTRICAL
CONTRACTING IN THE STATE OF
NEW JERSEY

This matter was opened to the New Jersey 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. Frederick J. Magee, ("respondent") is licensed as an electrical contractor in the State of New Jersey having been issued individual license #34EI01462200 on December 1, 1999. Respondent was issued business permit #34EB01462200 under the name "FJM Electrical Contractors" on August 6, 2003. According to the Board's records, respondent failed to renew his individual license and his business permit prior to their expiration on March 31, 2012. As a result, respondent's individual license # 34EI01462200, as well as his business permit #34EB01462200 under the name "FMJ Electrical Contractors", became suspended by application of N.J.S.A. 45:1-7.1(b).

2. The Board received a complaint from consumer C.D. dated April 23, 2013. Complainant alleges C.D. hired respondent to perform electrical work in her home. C.D. gave respondent an initial deposit of \$1,867.50 and respondent commenced work on April 16, 2012. On

April 27, 2012, C.D. gave respondent a second check in the amount of \$1,442.00. Respondent never returned to complete the work. C.D. subsequently learned that respondent's license expired on March 31, 2012. C.D. also alleges that respondent never obtained the necessary permits from the town prior to commencing the work. Respondent left live wires exposed in an uncovered electrical panel. C.D. hired another electrical contractor to complete the work.

3. The Board sent a letter to respondent's address of record, dated July 30, 2013, via regular mail. The letter requested that respondent provide a written response to the Board concerning the complaint received from C.D. The regular mail was not returned to the Board. Respondent failed to provide the requested written response to the Board.

4. The Board sent a second letter to respondent's address of record, dated September 16, 2013, via certified and regular mail. The letter again requested that respondent provide a written response to the Board concerning the complaint received from C.D. The certified mail was returned to the Board indicating "Unclaimed." The regular mail was not returned. Respondent failed to provide the requested written response to the Board.

5. Respondent called the Board office on November 26, 2013 advising that he intended to respond in writing to the Board's request for a response to the complaint received from C.D. To date, respondent has failed to provide a written response to the complaint received from C.D.

CONCLUSIONS OF LAW

1. The above findings of fact provide grounds for disciplinary action against respondent's license, pursuant to N.J.S.A. 45:1-21(h), in that respondent has violated and failed to comply with the provisions of an act and regulation administered by the Board. Specifically, respondent advertised, entered into, engaged in and worked as an electrical contractor, without an individual license and without securing a business permit, in violation of N.J.S.A. 45:5A-9(a) and N.J.A.C. 13:31-1.5(e). Additionally, the above 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 engaged in professional or occupational misconduct by failing to cooperate with the Board's request for a written response to the complaint from consumer C.D in violation of N.J.A.C. 13:45C-1.3.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was filed on January 7, 2015. On March 2, 2015, an investigator with the Enforcement Bureau of the New Jersey Division of Consumer Affairs, served a copy of the Provisional Order of Discipline upon

respondent. Respondent accepted service by signing and dating a copy of the Provisional Order of Discipline. The Provisional Order of Discipline was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings 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 be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for considerations and reasons therefor.

Respondent failed to provide a response to the Provisional Order of Discipline. Since the Provisional Order of Discipline was served personally upon respondent, the Board deems service to have been effected. Accordingly, it was determined that further proceedings were not necessary and that the Provisional Order of Discipline should be made final.

ACCORDINGLY, IT IS on this 4th day of November, 2015,
HEREBY ORDERED that:

1. Respondent is hereby reprimanded for his violations of N.J.S.A. 45:1-21(h), as well as his violation of N.J.S.A. 45:1-21(e), as stated above.

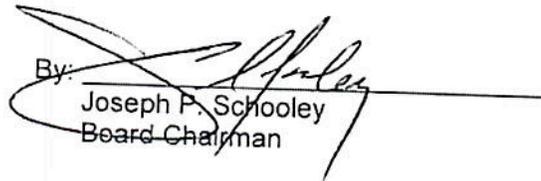
2. Respondent is hereby assessed a civil penalty in the amount of one thousand dollars (\$1,000.00), for violating and failing to comply with the provisions of an act and regulation administered by the Board, in violation of N.J.S.A. 45:1-21(h), by advertising, entering into, engaging in and working as an electrical contractor, without securing an individual license and a business permit. Additionally, respondent is hereby assessed a civil penalty in the amount of one thousand dollars (\$1,000.00) for failing to cooperate with the Board, in violation of N.J.S.A. 45:1-21(e), by failing to provide a written response to the Board's request for a response to the complaint from consumer C.D. Payment of the civil penalty totaling two thousand dollars (\$2,000.00) shall be paid by certified check or money order made out to the "State of New Jersey", or by wire transfer, direct deposit, or credit card payment delivered or mailed to Francine Widrich, Acting Executive Director, New Jersey Board of Examiners of Electrical Contractors, 124 Halsey Street, P.O. Box 45006, Sixth Floor, Newark, NJ 07101, no later than fifteen (15) days after entry of this Final Order of Discipline. In the event respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent shall reimburse consumer C.D. in the amount of three thousand, three hundred, nine dollars and fifty cents (\$3,309.50). Payment of the restitution to C.D. shall be made no later than fifteen (15) days after entry of this Final Order of Discipline. Payment shall be by certified check or money order made payable to C.D. in the amount of \$3,309.50 and sent to Francine Widrich, Acting Executive Director, Board of Examiners of Electrical Contractors, 124 Halsey Street, P.O. Box 45006, Sixth Floor, Newark, New Jersey, 07101.

4. Respondent's individual electrical contractors license, #34EI01462200, which is currently suspended by application of N.J.S.A. 45:1-7.1(b), shall hereby remain suspended until such time as respondent appears before the Board to respond to the complaint from consumer C.D. and has fully satisfied the penalties and restitution assessed within this Order. Additionally, respondent's business permit for "FMJ Electrical Contractors", #34EB01462200, which is currently suspended by application of N.J.S.A. 45:1-7.1(b), shall hereby remain suspended until such time as respondent appears before the Board to respond to the complaint from consumer C.D. and has fully satisfied the penalties and restitution assessed within this Order.

5. It is acknowledged that respondent previously surrendered the pressure seal issued to "FMJ Electrical", Business Permit #34EB01462200, to the Enforcement Bureau.

BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

By: 
Joseph P. Schooley
Board Chairman