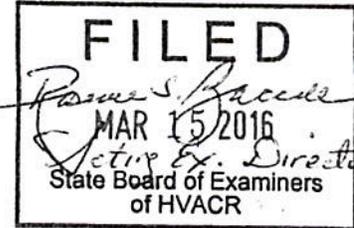


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF EXAMINERS
OF HEATING, VENTILATING, AIR CONDITIONING
AND REFRIGERATION CONTRACTORS

IN THE MATTER OF THE
APPLICATION OF

MICHAEL W. AVATO

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

Administrative Action

CONSENT ORDER

Applicant ID # 186 7562

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 Michael W. Avato ("applicant"). The applicant indicated on his application that on February 9, 2008 he was driving while intoxicated and became involved in an accident. Two passengers in the vehicle were injured. He was subsequently charged with two counts of 4th degree Assault by Auto; one count of the disorderly person's offense of possession of less than 50 grams of marijuana and one count of the disorderly person's offense of Use of Drug Paraphernalia. On June 28, 2010, the applicant pled guilty to the two counts of 4th degree Assault by Auto and the other charges were dropped. The

applicant was sentenced on October 15, 2010 to a four year term of probation. As a condition of probation, the applicant was required to continue participation in NA/AA or another approved substance abuse treatment program, maintain a sponsor, and provide proof of attendance. Additionally, the applicant was required to submit to random urine screens and his driving privileges were suspended for one year. According to the Judgment of conviction, the applicant's blood alcohol content at the time of the accident was .23%.

On September 1, 2015, the applicant appeared before the Board for an Investigative Inquiry. He testified that the accident which resulted in his arrest made him aware that his drinking was a problem that not only affected him, but was now affecting others. He continues to attend Alcoholics Anonymous meetings two nights per week. He has been sober for seven years and seven months, but realizes his recovery is a lifelong commitment.

Having reviewed the entire record, including the testimony of the applicant, the Board has determined the applicant may be granted a license subject to the conditions outlined in this order. The applicant seems to be doing well at this time. However, the Board is keenly aware of the applicant's criminal and substance abuse history and therefore any deviation from the terms of this order will result in immediate suspension of license. The applicant waiving any right he may have to a hearing in this matter, and the Board finding that such a provision, coupled with the restrictions placed on the applicant's license by this order, are adequate to protect the health, safety, and welfare of the public, and that good cause exists for entry of this Order;

IT IS THEREFORE ON THIS 15th DAY OF March, 2016,

HEREBY ORDERED AND AGREED THAT:

1. The applicant shall be granted a license subject to the conditions and restrictions in this order.
2. The applicant shall abstain from any and all mood altering or intoxicating substances, including, but not limited to, alcohol, as well as any controlled dangerous substance except pursuant to a bona fide prescription written by a physician, dentist or other prescriber for

good medical or dental cause in his own treatment. In addition, the applicant shall advise any and all treating prescribers of his history of substance abuse. The applicant shall cause any physician or dentist who prescribes medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided no later than seven (7) days subsequent to the prescription and shall be sent to Rosemarie Baccile, Acting Executive Director, New Jersey State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors, 124 Halsey Street, 6th Floor, Newark, New Jersey, 07101.

3. The applicant shall continue to attend Alcoholics Anonymous a minimum of one meeting per week. Prior to receiving his license, and within ten (10) days of the filing date of this Consent Order, the applicant shall provide proof of attendance at Alcoholics Anonymous (i.e. copies of sign in sheets or a certification from the applicant's sponsor confirming such attendance). Subsequent to the receipt of his license, the applicant shall continue to provide proof of attendance at Alcoholics Anonymous. This information shall be provided directly to the Board on a quarterly basis. For purposes of this order, the first submitted quarterly proofs of attendance shall be due on April 1, 2016 for Alcoholics Anonymous meetings for the months of January, February and March of 2016 and then quarterly thereafter. The quarterly proofs shall be sent to the address outlined in paragraph #2. If the applicant discontinues participation with Alcoholics Anonymous without first obtaining approval of the Board, he shall be deemed in violation of this order.

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.

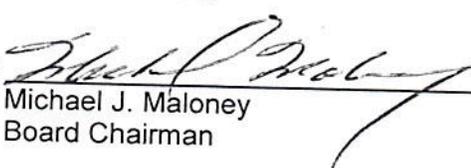
5. The applicant hereby consents to the entry of an order of automatic suspension of his a license as a HVACR contractor, without prior notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable demonstrating that the

applicant has relapsed into substance abuse, 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 nor engaged in acts constituting nor has been convicted of, any offense or crime in the State of New Jersey, the United States or their political subdivisions which involves controlled dangerous substances, alcohol, or other mind altering substances or a crime of moral turpitude or one relating adversely to HVACR practice in the State of New Jersey or any other jurisdiction.

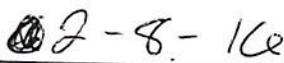
7. The applicant may apply for a modification or the termination of the requirements contained in this order no sooner than one (1) year from the entry date of this order.

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


Michael W. Avato


Date