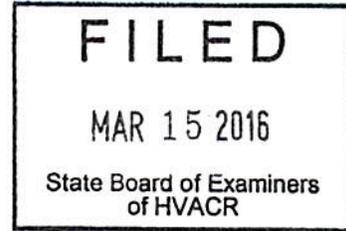


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE BOARD OF EXAMINERS
OF HEATING, VENTILATING, AIR CONDITIONING
AND REFRIGERATION CONTRACTORS

IN THE MATTER OF THE
APPLICATION OF

JAMES L. BARRY

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

Administrative Action

CONSENT ORDER

Applicant ID # 186 3995

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 James L. Barry ("applicant"). The applicant indicated on his application that on April 19, 2013, he was charged in Ocean County New Jersey with one count of 3rd degree Possession of a Controlled Dangerous Substance (cocaine) with the Intent to Distribute in a School Zone, and one count of 3rd degree Conspiracy to Possess a Controlled Dangerous Substance (cocaine) with the Intent to Distribute. On September 9, 2013, the applicant pled guilty to one count of Possession with Intent to Distribute. On October 25, 2013, the applicant was placed on probation for a two year period.

On March 3, 2015, the applicant appeared before the Board for an Investigative Inquiry. Regarding his arrest, the applicant explained that a friend asked him to obtain cocaine. He claimed he was not a "drug dealer", but acknowledged he had a contact from which he purchased drugs. The applicant testified he had addiction issues and purchased cocaine for his personal use in the past. The applicant's friend was cooperating with the police, and as a result, the applicant was arrested. The applicant received six months in county jail followed by two years of probation. He was subject to random urine screens during probation and never tested positive. As a result, the applicant was discharged from probation after only one year.

The applicant acknowledged a substance abuse history dating back to "probably when I was a teenager." In 2010, the applicant was hurt in a work-related accident and became addicted to pain killers. He went to an in-patient treatment program, for twenty-four days, prior to his 2013 arrest. He currently attends Narcotics Anonymous meetings, although he does not have a sponsor.

Having considered all of the available information, 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 the applicant's criminal and substance abuse 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 15th DAY OF March, 2016,
HEREBY ORDERED AND AGREED THAT:

1. Prior to the issuance of a license, the applicant shall submit to, and cooperate fully with, a substance abuse evaluation with a program or evaluator pre-approved by the Board. The applicant shall follow all of the recommendations for treatment and counseling, including, but not limited to, attending support groups, including NA or AA, and urine screen monitoring. The applicant

shall fully cooperate in the evaluation process and agree in advance to comply with all recommendations. The applicant shall notify the Board of the evaluator selected so that the Board may forward information from its files to the evaluator prior to the evaluation. The applicant shall supply a waiver of confidentiality to the evaluator and the Board sufficient to permit the evaluator to provide a full report to the Board. The applicant agrees by his signature on this order that the evaluator may communicate all of his/her review and conclusions to the Board both orally and in writing and that the Board may utilize any information and reports from the evaluator in any licensing proceedings. Upon completion of the evaluation, the evaluator shall forward a full report to the Board, consisting of, but not limited to, the evaluator's conclusions relating to the applicant's fitness to practice heating, ventilating, air conditioning and refrigeration, and including any recommendations by the evaluator as to any treatment that may be warranted. The Board shall determine whether to issue a license to the applicant based upon a review of the evaluation report. The Board reserves the right to enter a subsequent order, with additional restrictions, based on the report and recommendations of the evaluation.

2. The applicant agrees by his signature on this order to comply with all Board orders and all recommendations of the evaluator for treatment and therapy, and limitations, conditions or restrictions on license as a condition to his licensure as a HVACR contractor.

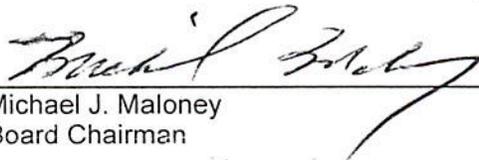
3. The applicant shall abstain from any and all mood altering or intoxicating substances, including, but not limited to, alcohol, as well as any controlled dangerous substance except pursuant to a bona fide prescription written by a physician, dentist or other prescriber for good medical or dental cause 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 two (2) days subsequent to the prescription.

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 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 a term of this order, has had a relapse or recurrence of substance abuse or is not capable of carrying out the functions of a licensee consistent with the public health, safety, or welfare.

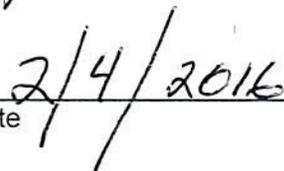
6. The applicant shall have the right to apply for a hearing regarding removal of the automatic suspension on five (5) days' notice, but in such event shall be limited to a showing that he has not violated this order nor engaged in acts constituting nor has been convicted of, any offense or crime in the State of New Jersey, the United States or their political subdivisions which involves controlled dangerous substance, alcohol, or other mind altering substances, that he did not engage in such acts or was not convicted as applicable.

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


James L. Barry


Date