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State Board of Examiners of HVACR
Acting Executive Director

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

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| IN THE MATTER OF THE APPLICATION OF<br><br>ANDREW A. ZAGULA<br><br>FOR A HEATING, VENTILATING, AIR CONDITIONING AND REFRIGERATION CONTRACTING LICENSE IN NEW JERSEY<br><br>applicant ID 183-1230 | Administrative Action<br><br>CONSENT ORDER |

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 Andrew A. Zagula ("applicant"). The applicant indicated on his application that on July 25, 2003, he was convicted in Bergen County Superior Court of one count of Conspiracy to Obtain CDS by Fraud, a 3rd degree offense.. He was sentenced to two years of probation, which included random drug testing and counseling. He was also ordered to attend Narcotics Anonymous meetings.

The applicant was also convicted on December 5, 2003, in Bergen County Superior Court of one count of Theft of Movable Property, a 3rd degree offense, in violation of N.J.S.A. 2C:20-3a. He was sentenced to three years of probation to run concurrent with the July 25, 2003 conviction. He

was ordered to follow the recommendations of his drug treatment program at "High Focus Centers" which he completed in June 2003. He was also required to maintain full employment and undergo random urine monitoring.

The applicant provided documentation as well as a letter of explanation concerning both convictions. The applicant explained he was working for a company that serviced water coolers. He was servicing a water cooler in a doctor's office, removed prescription blanks from the office, and used them to obtain Percocet from a pharmacy for the applicant's personal use. The applicant acknowledged he had an addiction at that time which was "spiraling out of control."

The applicant was arrested and entered into a drug treatment program. He learned about the disease of addiction and was introduced to Narcotics Anonymous. He provided a letter from "High Focus Centers" which documented his participation in their intensive outpatient chemical dependency treatment program. The applicant is currently a member of Narcotics Anonymous and holds a treasury position with the organization. He has been sober for over seven years. The applicant expressed regret for his incorrect decisions in the past, and indicated he learned from his mistakes.

According to the applicant, both convictions were related to the same incident, which is confirmed by the documentation. The July 25, 2003 conviction for Conspiracy to Obtain CDS by Fraud related to the applicant's attempt to obtain the Percocet from the pharmacy through use of a fraudulent prescription. The December 5, 2003 conviction for Theft of Movable Property related to the applicant's theft of the prescription blanks from the doctor's office.

Having reviewed the entire record, the Board has determined the applicant may be granted a license subject to the conditions outlined in this order. The applicant, by his own account, 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 Narcotics Anonymous a minimum of one meeting per week. Prior to and subsequent to his licensure, the applicant shall provide proof of attendance at Narcotics Anonymous (i.e. copies of sign in sheets or a certification from the applicant's sponsor confirming such attendance). 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 Narcotics 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 his Narcotics 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 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 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

_____
Andrew A. Zagula

2/8/16
Date