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HVACR
Rosemarie S. Baccile
Executive Director
Acting
Rosemarie S. Baccile

MONITORING
lic # 19 ncoo 8318 00

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

THOMAS R. MCNALLY

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

Administrative Action

CONSENT ORDER

(app ID # 187 2808 (LB))

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 master HVACR contractor from Thomas R. McNally ("applicant"). As part of his application, the applicant provided a sworn statement concerning his arrest history. The applicant indicated that on July 23, 2012 he was driving while intoxicated and was pulled over by the Colts Neck, New Jersey Police Department. He was charged with driving while intoxicated, went to court, paid associated fines and completed the 48 hour intoxicated driver resource center program. The applicant did not mention any other arrests.

The applicant also provided a copy of his driver's abstract. The abstract indicated that the applicant was also arrested on November 2, 2006 in East Brunswick, New Jersey and charged with

operating a motor vehicle under the influence. The abstract further indicated that the applicant was subsequently convicted of this charge on May 16, 2008.

On November 10, 2015, the applicant appeared before the Board for an investigative inquiry. When asked why he failed to provide a sworn statement concerning the May 16, 2008 conviction for operating a motor vehicle under the influence, the applicant stated the arrest was ten years ago and he knew the information was contained in his provided driver's abstract. On November 2, 2006 he attended a co-worker's barbecue in New Brunswick, New Jersey. It was late at night and he was stopped for speeding. His blood alcohol content was slightly over the legal limit. He was convicted and lost his driving privileges for one (1) year.

The applicant also testified about his July 23, 2012 arrest. He was spending the day at the beach with friends. He does not remember getting into his car to leave. The applicant admitted he "definitely drank too much that day and should not have been driving". He was pulled over and refused to submit to the breathalyzer test. He lost his license for two (2) years and was ordered to attend the Intoxicated Driver Resource Center where he was evaluated. It was determined that the applicant enter into a six week extensive treatment program. The applicant successfully completed the treatment program as evidenced by the reinstatement of his driver's license after the end of the two year suspension. In addition, an interlock device was required to be installed in his vehicle for one (1) year.

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 alcohol abuse history and therefore any deviation from the terms of this order will result in immediate suspension of his 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 12th DAY OF July, 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 alcohol 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.

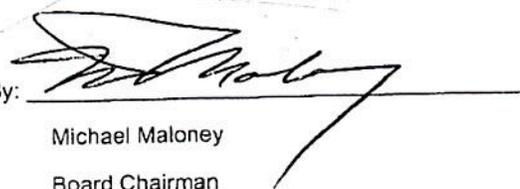
3. The applicant shall submit an official certified copy of his Division of Motor Vehicle abstract, to the Board, two times during a one (1) year period. The first submission will cover the six (6) month period after the entry date of this Consent Order and be due thirty (30) days following.. The second submission will cover the subsequent six (6) month period, and be due thirteen (13) months after the entry date of this Consent Order. Copies of the applicant's official certified Division of Motor Vehicle Abstract 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

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 master 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 alcohol or substance abuse, violated the terms of this Consent Order or has been arrested for, or 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.

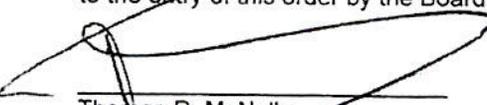
6. The applicant shall have the right to apply for a hearing regarding removal of the automatic suspension on five (5) days' notice, but in such event shall be limited to a showing that he has not violated this order nor engaged in acts constituting, nor has been arrested for or convicted of, any offense 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.

NEW JERSEY STATE BOARD OF EXAMINERS OF
HEATING, VENTILATING, AIR CONDITIONING AND
REFRIGERATION CONTRACTORS

By: 

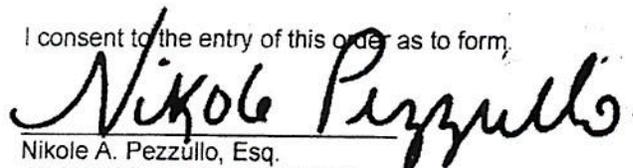
Michael Maloney
Board Chairman

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


Thomas R. McNally

7/7/16
Date

I consent to the entry of this order as to form.


Nikole A. Pezzullo, Esq.
Attorney for Thomas R. McNally