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FILED
FIRE ALARM, BURGLAR ALARM AND
LOCKSMITH ADVISORY COMMITTEE
George De Juan
6/15/2010

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY FIRE ALARM, BURGLAR ALARM
AND LOCKSMITH ADVISORY COMMITTEE

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

MICHAEL S. SINGER
Burglar Alarm License No. 34BA00144900
Fire Alarm License No. 34FA00155100
Locksmith License No. 34LS00042300

TO PRACTICE AS A BURGLAR ALARM, FIRE
ALARM AND LOCKSMITH LICENSEE IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey Fire Alarm, Burglar Alarm and Locksmith Advisory Committee ("the Committee") upon receipt of information which the Committee has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Michael S. Singer ("respondent") is a licensed burglar alarm installer, fire alarm installer and locksmith in the State of New Jersey and had been a licensee at all times relevant hereto.

2. Respondent was arrested on October 2, 2006 by the New Jersey State Police, Bloomfield, and eventually indicted and charged with three counts of Sexual Assault, pursuant to N.J.S.A. 2C:14-2b, N.J.S.A. 2C:14-2c(4) and N.J.S.A. 2C:14-2c(3)c; two counts of Criminal Sexual Contact, pursuant to N.J.S.A. 2C:14-2c, 14-3b; one count of Aggravated Sexual Assault, pursuant to N.J.S.A. 2C:14-2a(2)c; one count of Aggravated Criminal Sexual Contact, pursuant to N.J.S.A. 2C:14-3a, and three counts of Endangering the Welfare of a Child, pursuant to N.J.S.A. 2C:24-4a.

3. On January 12, 2009, respondent pled guilty in Sussex County Superior Court to one count of Lewdness, pursuant to N.J.S.A. 2C:14-4a, and one count of Child Abuse, pursuant to N.J.S.A. 9:6-3. As a result, respondent was sentenced on March 20, 2009 to serve 270 days in the Sussex County Jail. Respondent was additionally sentenced to a 3 year term of probation; required to submit to psycho-sexual evaluation and follow all recommendations; take any and all prescribed medications; attend/complete counseling and have no unsupervised contact with minors under the age of 18 except for his own immediate family.

4. The Committee sent respondent a letter, dated March 27, 2009, requesting that respondent appear before the Committee to answer questions concerning the arrest and conviction. In response, respondent sent a letter to the Committee dated April 10, 2009. In the letter, respondent explained that he was unable to attend the inquiry due his incarceration on the charges. Respondent acknowledged he pled guilty to the charges, although he denied any wrongdoing. Respondent claimed the victim made false accusations against him.

CONCLUSIONS OF LAW

Respondent's conviction for Lewdness, pursuant to N.J.S.A. 2C:14-4A, and for Child Abuse, pursuant to N.J.S.A. 9:6-3, are crimes involving moral turpitude and which relate adversely to the activity regulated by the Committee, pursuant to N.J.S.A. 45:1-21(f)

DISCUSSION

Based on the foregoing preliminary findings and conclusions, a Provisional Order of Discipline was entered on July 28, 2009. A copy of the Order was forwarded to respondent's address of record by certified and regular mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following its entry unless respondent requested a modification or dismissal of the above Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal, setting forth in writing any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

In response to the Provisional Order, counsel for respondent, James M. Doyle, Esq. provided the Board with a certification from respondent, as well as numerous letters of reference. In his certification, respondent argued it was "inappropriate" to suspend his licenses. Respondent contends that N.J.A.C. 13:31A-1.9(a)(6) only permits a suspension if he was convicted of a crime of the first, second or third degree or if the offense relates adversely to the professions.

Respondent argued he was convicted of a fourth degree offense and the conviction did not relate adversely to the profession, therefore a suspension was inappropriate.

The Committee reviewed respondent's argument and found it to be misplaced. The Provisional Order of discipline sought to suspend respondent's licenses pursuant to N.J.S.A. 45:1-21(f), not N.J.A.C. 13:31A-19(a)(6). N.J.S.A. 45:1-21(f) allows for a suspension if the licensee has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to the activity regulated by the Committee.

The Committee finds that respondent's fourth degree conviction for child abuse, and his disorderly persons conviction for lewdness, are crimes and acts involving moral turpitude and also relate adversely to the profession. Locksmiths and alarm installers, as part of their professional functions, are required to enter homes. They are entrusted with the security and safeguarding of persons and property. Consumers must be assured that licensed professionals who enter their homes are of good moral character and can be trusted. Furthermore, the particular crime respondent was convicted of involved a child. Children are a most vulnerable class of consumer. The Committee is entrusted with the obligation of protecting consumers. Therefore, respondent's convictions provide a sufficient legal basis for the Committee to take disciplinary action.

Respondent also presented arguments, and provided documentation, in support of a request for a mitigation of the one (1) year suspension of his licenses. Respondent provided numerous letters from customers, and other professional relationships, attesting to his good character. According to respondent, a one year suspension would impose a severe financial hardship on his family. Respondent states that his business suffered during the six month period that he was incarcerated.

The committee believes that disciplinary action is warranted in the form of a suspension of his professional licenses. However, the Committee has considered respondent's submission as it relates to a mitigation of the penalty and will therefore reduce the period of active suspension. The Committee recognizes that respondent was unable to engage in the alarm or locksmith business during his period of incarceration. The Committee is also cognizant of the financial impact an active suspension will have on respondent and his family. The Committee will therefore accept respondent's two hundred and seventy (270) days of prior incarceration as the period of active suspension of his licenses. The remaining ninety-five (95) days shall be stayed and served as a

probationary period effective upon the entry date of this final order.

ACCORDINGLY, IT IS, on this 15th day of June, 2010

HEREBY ORDERED THAT:

1. Respondent's licenses to practice as a burglar alarm installer, fire alarm installer and locksmith in the State of New Jersey are hereby suspended for a one year period. Two hundred and seventy (270) days of the suspension are active and are retroactive to respondent's two hundred and seventy (270) days of incarceration. The remaining ninety five (95) days shall be stayed and served as a probationary period. The stayed suspension shall begin upon the entry date of this final order. The stayed suspension shall become active upon the Committee's receipt of any information, which the Committee in its sole discretion deems reliable, demonstrating that respondent has violated the terms of his criminal probation or violated a regulation or statute of the Committee.

2. The stayed suspension shall continue past the ninety-five (95) days until respondent requests reinstatement without restrictions and appears before the Committee in order to demonstrate his fitness to resume practice, absent restrictions, and also demonstrates that he has been compliant with criminal probation and with all court ordered requirements.

NEW JERSEY FIRE ALARM, BURGLAR ALARM
& LOCKSMITH ADVISORY COMMITTEE

By: 

Charles Okun
Board Chairman