

7:3A-9.6 Penalties (a) If, upon investigation, the Board determines that there has been a violation of N.J.A.C. 7:3A-8.1(a), 8.2(a), and/or 8.3(a), the Board may issue civil administrative penalties pursuant to this section. The Board shall determine the amount of the administrative penalty based on the applicable Civil Administrative Base Penalty Matrix below, the type of violation, and whether it is the first, second, third, or subsequent time the business or licensee has incurred that type of violation:

Civil Administrative Base Penalty Matrix Applicable to Businesses			
Type of Violation	First Violation	Second Violation	Third and Each Subsequent Violation
Engaging in the business of providing tree care services for hire in New Jersey without first registering with the Board	\$1,000	\$2,000	\$2,500
Failure to demonstrate that at least one licensee, who may be the employer or an employee engaged in the performance of or in the supervision of employees who provide LTE or LECO services, is assigned to the principal office and to each branch from which tree care services are provided for hire in New Jersey	\$1,000	\$2,000	\$2,500
Failure to comply with the standards of practice and safety requirements set forth at N.J.A.C. 7:3A-8.1(a)	\$1,000	\$2,000	\$2,500
Failure to comply with quarantine restrictions as set forth in N.J.A.C. 7:3A-2.16	\$1,000	\$2,000	\$2,500
Failure to provide instruction and training of employees as required by N.J.A.C. 7:3A-2.14	\$1,000	\$1,000	\$1,000
Failure to ensure the safe operation of all equipment used in the performance of tree care services	\$1,000	\$1,000	\$1,000
Engaging in the use of dishonesty, fraud, deception, misrepresentation, false promise, or false pretense in the course of business, or in obtaining a business registration	\$1,000	\$1,000	\$1,000
Engaging in any form of false or misleading advertising or promotional activities	\$1,000	\$1,000	\$1,000
Failure to maintain records required by the Board	\$500.00	\$1,000	\$2,000
Failure to abide by the canons of professional ethics and/or standards of conduct set forth at N.J.A.C. 7:3A-8.3(a)	\$500.00	\$1,000	\$2,000
Engaging in wrongful conduct in the practice of professional services set forth at N.J.A.C. 7:3A-8.3(c)	\$500.00	\$1,000	\$2,000
Failure to cooperate fully with the Department of Environmental Protection or the Board in an investigation or adjudication of an alleged violation of this chapter	\$1,000	\$2,000	\$2,500

Civil Administrative Base Penalty Matrix Applicable to Licensees			
Type of Violation	First Violation	Second Violation	Third and Each Subsequent

(b) In levying penalties, the Board shall consider each violation to be a separate and distinct violation. If the violation is of a continuing nature, each day during which a violation continues shall be deemed to constitute an additional, separate, and distinct violation and shall subject the violator each day to the penalty amount set forth in the applicable matrix above.

7:3A-9.6 Penalties (a) If, upon investigation, the Board determines that there has been a violation of N.J.A.C. 7:3A-8.1(a), 8.2(a), and/or 8.3(a), the Board may issue civil administrative penalties pursuant to this section. The Board shall determine the amount of the administrative penalty based on the applicable Civil Administrative Base Penalty Matrix below, the type of violation, and whether it is the first, second, third, or subsequent time the business or licensee has incurred that type of violation:

			Violation
Failure to comply with the industry standards of practice and safety requirements set forth at N.J.A.C. 7:3A-8.1(a)	\$500.00	\$1,000	\$2,000
Engaging in the use of dishonesty, fraud, deception, misrepresentation, false promise, or false pretense in the course of business, in obtaining the authority to sit for an examination, or in obtaining a license	\$500.00	\$1,000	\$1,000
Engaging in any form of false or misleading advertising or promotional activities	\$500.00	\$1,000	\$2,000
Failure to maintain records required by the Board	\$100.00	\$250.00	\$500.00
Failure to abide by the canons of professional ethics and/or standards of conduct set forth at N.J.A.C. 7:3A-8.2(a)	\$500.00	\$1,000	\$2,000
Failure to cooperate fully with the Department of Environmental Protection or the Board in an investigation or adjudication of an alleged violation of this chapter	\$500.00	\$1,000	\$2,000
Engaging in wrongful conduct in the practice of professional services set forth at N.J.A.C. 7:3A-8.2(c)	\$500.00	\$1,000	\$2,000
Failure to comply with the requirement to return the license certificate to the Board within 30 days of receipt of written notice of revocation, suspension, or non-renewal of the license	\$500.00	\$1,000	\$2,000
Representing oneself to the public as a licensee without holding a valid license or during a period of suspension or revocation	\$500.00	\$1,000	\$2,000

(b) In levying penalties, the Board shall consider each violation to be a separate and distinct violation. If the violation is of a continuing nature, each day during which a violation continues shall be deemed to constitute an additional, separate, and distinct violation and shall subject the violator each day to the penalty amount set forth in the applicable matrix above.