

**769 BUSINESS MEETING
OF THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
(PUBLIC SESSION) - - - JANUARY 7, 2004**

The Board Minutes of January 7, 2004, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of February 4, 2004. All requirements of the "Open Public Meeting Act" have been complied with according to N.J.S.A.10:4-6.

The notice of the meeting has been mailed to the Newark Star Ledger, Camden Courier Post, and the Trenton Times, and also notice has been posted on the Bulletin Board at the office of the Secretary of State, Trenton, New Jersey.

Meeting of January 7, 2004, was called to order at 9:00 A.M. The following members were present:

Mr. Joseph P. Schooley, Chairman
Mr. Joseph F. Cantalupo
Mr. Robert A. McCullough
Mrs. Connie F. Calisti
Mr. Mitchell R. Malec
Mrs. Pushpavati Amin
Mr. James H. Flaherty

Mrs. Gail Best was absent.

Barbara A. Cook, Executive Director, was present from 9:00 A.M. until the close of the meeting.

Marian Fiore, Sr. Management Assistant, was present from 9:00 A.M. until the close of the meeting.

Kathleen Moran, Secretarial Assistant, III, was present from 9:00 A.M. until the close of the meeting.

Susan Carboni, Deputy Attorney General, Division of Law, was present from 9:00 A.M. until the close of the meeting.

Also in attendance was Mr. James Bibbo, Central Jersey Electrical League.

The Board saluted the Flag.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. James H. Flaherty, and unanimously passed, to approve the Minutes of the 768 Meeting held December 3, 2003.

Motion made by Mr. Joseph F. Cantalupo, and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (17) Initial Licenses effective January 7, 2004 to March 31, 2006.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (16) Initial Business Permits effective January 7, 2004 to March 31, 2006.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (9) Initial Business Permits Previously Expired effective January 7, 2004 to March 31, 2006.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (4) Changes in Business Permits effective January 7, 2004 to March 31, 2006.

Check in the amount of \$25.00 received from Frank D'Arpa, License #8778, as the thirteenth installment of a civil penalty in the amount of \$2,500.00 for violation of N.J.S.A. 45:5A-9 and N.J.S.A. 56:8-1 et seq. Payments started September 25, 2002 and the balance due is \$2,175.00.

The Board accepted the payment.

Checks in the amount of \$100.00 each received from Tom Iaione, License #9256, as the seventh, eighth, ninth, and tenth installment of a civil penalty in the amount of \$1,200.00 for violation of N.J.A.C. 13:45C-1.2. Payments started August 11, 2003 and the balance due is \$200.00.

The Board accepted the payment.

Postal Money Order in the amount of \$250.00 received from Leo Anselmo, Unlicensed, as the fifth installment of a civil penalty in the amount of \$3,000.00 for violation of N.J.S.A. 45:5A-9 and N.J.S.A. 56:8-1 et seq. Payments started July 25, 2003 and the balance due is \$1,250.00.

The Board accepted the payment. Letter dated December 15, 2003, received from Warren C. Koman, Jr., requesting a continuance of business under permit #4372. The licensee Warren C. Koman, License #4372 died on December 3, 2002.

Mr. Koman's second extension will expire on January 16, 2004.

Mr. Koman is requesting this additional few months extension as he passed the November 10, 2003 examination and needs time to prepare the business permit paperwork for approval by the Board.

Mr. Koman's request for a second extension is no longer required as Mr. Koman has forwarded his paperwork for a license and business permit which has received Board approval on this date.

Letter dated December 11, 2003, received from Thomas Pollock, President, Trinity Heating and Air, Inc., requesting a six-month continuance of business under permit #3563. The licensee, William T. Somers, died on August 10, 2003.

Mr. Pollock stated that Joseph Michalski, License #13498, will be taking over the business of Trinity Heating and Air, Inc.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that a letter be sent to Mr. Michalski advising him that the Board has granted the firm of Trinity Heating and Air, Inc. a six-month continuance of Business Permit #3563 according to N.J.S.A. 45:5A-14. Mr. Michalski will be advised that the six month extension will start in October 2003 as this was the first time that Mr. Pollock advised

the Board that Mr. Somers died. Mr. Pollock failed to immediately notify the Board of the name of the individual who shall qualify the business entity during the interim period pursuant to N.J.A.C. 13:31-3.3.

Letter dated December 10, 2003, received from Steven M. Ripley, Executive Director, New Jersey Electrical Contractors Association, requesting that Kenneth Verbos be approved to teach the previously approved course "Understanding the UCC". Mr. Ripley stated that Mr. Verbos is the Construction Official from the Department of Community Affairs in Trenton. Mr. Mitchell R. Malec, was originally approved to teach this course.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, that a letter be sent to Mr. Ripley advising him that Mr. Verbos is approved to teach the previously approved course upon receipt of a curriculum vitae for Mr. Verbos.

The sub-committee reviewed the application for Continuing Education Course/Seminar Approval received from Andre R. Cartal requesting approval of courses already approved under International Association of Electrical Inspectors.

Mr. Robert A. McCullough abstained from the motion.

Motion made by Mr. James H. Flaherty and seconded by Mrs. Connie Calisti, and passed, that a letter be sent to Mr. Cartal advising him that after making certain corrections in the packet of information submitted, the courses and instructors, are approved.

The sub-committee reviewed the application for Continuing Education Course/Seminar Approval received from Harry E. McLellan, III, Esq., requesting approval of pre-approved courses.

Motion made by Mr. Mitchell R. Malec and seconded by Mr. Robert A. McCullough, and unanimously passed, that a letter be sent to Mr. McLellan advising him that the courses, and instructors, are approved as submitted.

Letter received December 29, 2003, from Richard Napier providing the Board with a more detailed course outline for his four hour and eight hour courses. Additionally, Mr. Napier clarified the length of certain courses.

Mr. Napier is requesting approval of new courses.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously approved, that a letter be sent to Mr. Napier advising him that the courses, and instructors are approved. Mr. Napier will be reminded that a quiz or examination may not be calculated as part of the hours of instruction.

The Board reviewed a memorandum dated December 22, 2003, received from Darlene Kane, Budget Officer, Division of Consumer Affairs, stating that for the first quarter of Fiscal Year 2004, the Electrical Board/Committee was directly billed for 105 hours of Deputy Attorney General/Paralegal services totaling \$9,488.29.

The Board reviewed the draft Agenda and Approved Minutes for the Department of Community Affairs Code Advisory Board meetings. Mr. McCullough stated that the members of the Code Advisory Board have decided to

remove from its Old Business the Electrical Contractor's draft revisions of the home owner's exemption because of the slow progress of any action taken by the Electrical Board.

Letter dated November 25, 2003, received from Marcy Silvestro, Administrative Assistant, National Federation of Independent Business-New Jersey, requesting the Board's assistance regarding work performed pursuant to N.J.S.A. 45:5A-18.

The Board reviewed and discussed this letter and a response will be sent to Ms. Silvestro.

Maryann Sheehan, Regulatory Analyst, Division of Consumer Affairs, discussed with the Board the comments received concerning the proposed new rule, N.J.A.C. 13:31-4.3 "Testing, Servicing or Repairing of Electrical Equipment or Apparatus".

Mrs. Sheehan stated that the Board has received four comments. The first comment was received from Thomas P. Thackston, Senior Attorney, Public Service Electric & Gas Company, stating that PSE&G does not oppose the proposal because the new rule does not apply to work that is exempt from the Board's jurisdiction pursuant to N.J.S.A. 45:5A-18.

Mrs. Sheehan stated that the Board will thank Mr. Thackston for his comment.

Mrs. Sheehan also stated that the second comment was received from Roger M. Schwarz, New Jersey State Electrical Workers Association, stating that the Association supports the new rule which clarifies that the replacement of ballasts does not fall under the servicing and repairing of electrical equipment exemption.

Mrs. Sheehan stated that the Board will thank Mr. Schwarz for his comment.

Mrs. Sheehan stated that the third comment was received from Mr. Scott Shauger, President, Custom Media Controls Electrical Contracting, stating that the new rule will help to offer the public clear and meaningful definitions, thereby ensuring them that electrical work is performed in compliance with recognized safety standards and specifically that replacing a ballast should be performed by a licensed electrical contractor and not by a person who is unlicensed. Mrs. Sheehan also stated that Mr. Shauger stated in his letter that he is confused about the section covering the language under N.J.S.A. 45:5A-18(b) as it appears to reiterate the exemption set forth under N.J.S.A. 45:5A-18(c), but does not clearly state who is exempt from these requirements.

Mrs. Sheehan further stated that the Board will respond to Mr. Shauger stating that it is unable to appropriately respond as the Board is unclear of the meaning of his comment. N.J.S.A. 45:5A-18(b) concerns the connection of portable electrical appliances to suitable permanently installed receptacles.

Mrs. Sheehan stated that the fourth comment was received from Joseph Matone, President, New Jersey Electrical Contractors Association, stating that the Association supports the Board's efforts as reflected by the proposal, as the rule will help to offer the public clear and meaningful definitions ensuring that the electrical work is performed in compliance with recognized safety standards and that ballasts must be performed by a licensed electrical contractor. Mr. Matone also states that the Association is confused about section N.J.A.C. 13:31-4.3(b) as this section reiterates the statutory exemption set forth in N.J.S.A. 45:5A-18(c), but does not clearly state who is exempt from these requirements or who needs to secure a license and business permit to perform this work.

Mrs. Sheehan stated that the Board will respond stating that although the exemption provided that anyone can perform the testing or servicing of electrical equipment or apparatus, the Board felt it was necessary to provide a rule to clarify that certain equipment, specifically ballasts, will not fall under the scope of this rule and must be performed by a licensed electrical contractor.

DAG Carboni asked Mrs. Sheehan to change the wording "licensure and permitting" to "license and business permit" in her response to Mr. Schwarz.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, that the Board approves the adoption of N.J.A.C. 13:31-4.3 "Testing, Servicing or Repairing of Electrical Equipment or Apparatus" to include the changes as discussed.

Mrs. Sheehan reviewed with the Board Assembly Bill A-3963 which provides that anyone working on a job or holding himself out as a qualified journeyman electrician must be registered as such with the Board of Examiners of Electrical Contractors and be in possession of a registration card.

The bill also limits the business permit exemption for a public electrical utility to perform electrical work or construction done up to the service point. Service point is defined as the point of connection between the utility facility and the customer's premises. This bill does, however, permit a public utility to continue its work in the installation, replacement or repair of electric related appliance, the installation or maintenance of underground or overhead fixtures and emergency safety related repair or restoration activities necessitated by or caused by an Act of God or which is the result of equipment failure however occurring.

Mr. Malec stated that the bill seems to imply that utilities are allowed to perform electrical work. This is an erroneous statement.

The Board is opposed to this Bill for the same reasons they opposed the distribution regulation proposed by the utilities that would have allowed individuals to perform electrical work on the customer's side.

Mrs. Sheehan stated that the language proposed in Senate Bill S-1844 which deals with the registering of qualified journeyman electricians is still not resolved. The question of who should be registered; all journeyman or those working under N.J.S.A. 45:5A-18(k), has still not been answered.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that the Board opposes Senate Bill S-1844 in its present form. The Board is concerned that the intent of the Bill is unclear. It is the opinion of the Board that persons working pursuant to N.J.S.A. 45:5A-18(k) should be the individuals made to register to ensure that these individuals are qualified to perform the exempt work. The Board would like the language to reflect that any person who works or holds himself out as a journeyman pursuant to N.J.S.A. 45:5A-18(k) should register with the Board.

Mr. Schooley thanked Mrs. Sheehan for all of the hard work she has done for the Electrical Board.

Signed cease and desist agreements were received from Jorge Contreras, Plainfield, New Jersey; James Smith, Belleville, New Jersey; and Piero Meloni, Pennsauken, New Jersey.

The Board accepted the signed cease and desist agreements.

The Board reviewed applications for the written examination to be administered by Experior Assessments, LLC. Twenty-eight (28) applications were approved.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed,

that the Board go into Executive Closed Session to consider and to review consumer complaints, investigative reports and other information received pursuant to the Board's investigative authority in order to determine whether violations of the law, including Board regulations have occurred. The results of the deliberations will be made known when and if the Board determines to initiate disciplinary action or other law enforcement action.

Meeting adjourned at 2:00 P.M.

A Business Meeting is scheduled for February 4, 2004, at 9:00 A.M.

Respectfully submitted,

Barbara A. Cook
Executive Director

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