

**739 BUSINESS MEETING OF THE
BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
JULY 11, 2001**

The Board Minutes of July 11, 2001, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of August 1, 2001. All requirements of the "Open Public Meetings Act" have been complied with according to N.J. 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 July 11, 2001, 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. Gail Best
Mr. Mitchell R. Malec
Mrs. Pushpavati Amin

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

Marion 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, was present from 9:00 A.M. until the close of the meeting.

Also in attendance were Mr. Casey Hoff, New Jersey Electrical Contractors Association; Mr. James Bibbo, Central Jersey Electrical League; Mr. Steven Ripley, Executive Director, New Jersey Electrical Contractors Association; Robert Byrnes, Continuing Education Instructor #55.

Motion made by Mrs. Pushpavati Amin and seconded by Mr. Mitchell R. Malec, and unanimously passed, to approve the Minutes of the 738 Meeting held June 6, 2001.

Motion made by Mrs. Gail Best and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (16) Initial Licenses effective July 11, 2001 to March 31, 2003, as per attached list.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, to approve (8) Initial Business Permits effective July 11, 2001 to March 31, 2003, as per attached list.

Motion made by Mrs. Gail Best and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (9) Initial Business Permits Previously Expired effective July 11, 2001 to March 31, 2003, as per attached list.

Motion made by Mrs. Gail Best and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (8) Changes in Business Permits effective July 11, 2001 to March 31 2003, as per attached list.

The Board elected a Chairman for the year July 11, 2001 to June 30, 2002, pursuant to N.J.S.A. 45:5A-5.

Mr. Robert A. McCullough nominated Mr. Joseph P. Schooley, and was seconded by Mrs. Pushpavati Amin.

Mr. Joseph P. Schooley was unanimously elected Chairman for the year 2001 to 2002.

Let the record reflect that Mr. Schooley has been elected Chairman of the Board from this date until the June 2002 meeting.

Mr. Robert A. McCullough nominated Barbara A. Cook Executive Secretary/Director, and was seconded by Mr. Joseph F. Cantalupo.

Barbara A. Cook was unanimously elected Executive Secretary/Director for the year 2001 to 2002.

Check in the amount of \$400.00 received from Robert C. Colclough, License #3833, as the fourth and final installment of a civil penalty in the amount of \$1,000.00 for violation of N.J.S.A. 45:5A-9.

The Board accepted the payment.

Letter dated June 12, 2001, received from Steven A. Di Donato requesting reinstatement of his license #13756 which he failed to renew for the 1997 to 2000 and 2000 to 2003 triennial renewal periods.

Mr. Di Donato stated that he has been doing freelance research for various dot com companies from his home because he was unable to perform the duties of an electrical contractor due to an accident that left him with a severely bruised spinal cord. Mr. Di Donato also stated that at the time of renewal he was in physical therapy to regain the strength in his legs. Mr. Di Donato further stated that he is now able to perform electrical contracting work.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, that a letter be sent to Mr. Di Donato advising him that the Board has voted to renew his license #13756 with the payment of the proper fees; copies of his 1996 and 1999 Continuing Education Code Course Certificates; and a letter from Mr. Di Donato's doctor concerning his illness.

Letter dated April 9, 2001, received from Jose Vasquez requesting reinstatement of his license #10917 which he failed to renew for the renewal periods of 1997 to 2000 and 2000 to 2003.

Letter dated June 28, 2001, received from Mr. Vasquez stating that he has been employed by Homedica-Osteonics since 1991 starting out as a facilities mechanic/electrician. Three years later he was transferred to the project group unit to work as lead electrician, and remained in that capacity until last July when he began working as a supervisor. Mr. Vasquez also stated that his job duties include the installation and maintenance of electrical systems and machinery.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that a Work Experience Certification be sent to Homedica-Osteonics requesting that they certify Mr. Vasquez's duties. This matter is being held in abeyance.

Letter dated June 26, 2001, received from Caster Vivona, Jr., requesting reinstatement of his license #4298 which he failed to renew for the renewal periods of 1997 to 2000 and 2000 to 2003.

Mr. Vivona stated that he was unable to attend the 1996 and 1999 Continuing Education Code Courses as he had fallen 26 feet; was hospitalized for six months; and could not walk for almost one year. Mr. Vivona also stated that he has been working for his father-in-law.

Mr. Vivona stated that he will be taking the Continuing Education Code Courses with Mr. Byrnes.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mrs. Gail Best, and unanimously passed, that a letter be sent to Mr. Vivona advising him that the Board has voted to renew his license #4298 with the payment of the proper fees; copies of his 1996 and 1999 Continuing Education Code Course Certificates; and a letter from Mr. Vivona's doctor concerning his illness.

The Board reviewed the Continuing Education Code Course outlines submitted by Joseph Portela, Electrical Training Center, Inc.

Mr. Portela had previously sent in a request to teach Continuing Education Code Courses which the Board held in abeyance pending clarification of which courses Mr. Portela was requesting approval for and the names of the instructors teaching each particular course.

Motion made by Mr. Robert S. McCullough and seconded by Mr. Joseph F. Cantalupo, and passed, to approve the following course outlines (7 hours in length) submitted by Mr. Portela.

"One & Two Family Dwellings"

"Grounding & Bonding"

"Code Changes"

"Running Your Business Efficiently"

Mr. Portela will be advised that 60 minutes of class instruction must be taught, not 50 minutes. Mr. Portela will also be advised that the course entitled "Code Changes" which is seven hours in length, will not count as part of the nine hours of code changes which instructors are not allowed to teach until the year 2002. Mr. Portela will be asked to inform licensees when advertising this course so as not to confuse the licensee who may think this course is approved for the required nine hours of code changes.

Mr. Mitchell R. Malec opposed the motion.

The Board reviewed the Continuing Education Code Course outlines submitted by Won Kim.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, that a letter be sent to Mr. Kim advising him that his request is being held in abeyance pending receipt of a more detailed course outline for each two hour session.

The Board reviewed the Continuing Education Code Course outlines submitted by William T. Harris.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that a letter be sent to Mr. Harris advising him that his request is being held in abeyance pending clarification how these seminars will be conducted. Based on the documentation submitted by Mr. Harris, it appears that he is requesting the approval of a video seminar which the Board does not allow.

The Board reviewed the Continuing Education Code Course outlines submitted by Melvin K. Sanders.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, that a letter be sent to Mr. Sanders advising him that his request is denied at this time. The 2002 Ten Hours of Continuing Education Code Courses (9 hours of code changes and one hour of law, rules, and regulations) will not be authorized until January, 2002.

The Board reviewed the Continuing Education Code Course outline submitted by Anthony T. Urbanik.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, that a letter be sent to Mr. Urbanik advising him that his request is denied as the course submitted does not meet the Board's criteria.

Letter dated June 28, 2001, received from Joseph P. Dunne requesting approval to change the hours of previously approved Continuing Education Code Courses from ten hours to eight hours.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, to approve Mr. Dunne's request to decrease the length of the courses entitled "Review of Hazardous Locations" and "Review of Article 250 Grounding & Bonding" to eight hours. The Board will request that Mr. Dunne submit a revised outline.

Letter dated June 8, 2001, received from William Wachter, Superintendent of Plant Maintenance, Elizabethtown Water

Company. Mr. Wachter stated that if the "maintenance" to be performed is electrical in nature there is no question that a licensed electrician/journeyman must perform the maintenance work. However, what if the maintenance to be performed is non-electrical in nature such as an oil change or pump repair? Mr. Wachter also stated that OSHA deems an "authorized trained" employee qualified to shut off a breaker or disconnect, follow all the steps for lockout, and test the equipment to ensure it is de-energized before performing non-electrical maintenance. Does the State of New Jersey take a different position from OSHA under these circumstances?

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that Susan Carboni, Deputy Attorney General, Division of Law, draft a letter to be sent to Mr. Wachter advising him that it is not necessary to be a licensed electrical contractor in order to shut off a breaker or a disconnect. Mr. Wachter will also be advised that the Electrical Board does not regulate Federal Laws.

Signed cease and desist agreements were received from the following individuals:

Frank Fuhr, Barnegat Light, New Jersey 08006; Vincent Specht, Harvey Cedars, New Jersey 08008; Stephen Schwerdtfeyer, Nutley, New Jersey.

The Board accepted the signed cease and desist agreements.

Mr. Schooley stated that the rules for the 34 hours of Continuing Education were placed in the register for comment. Based on the language in the Register, it would appear that licensees will only have to attend ten hours of Continuing Education (9 hours of Code Changes and One Hour of Laws, Rules, and Regulations) in order to renew for the 2003 to 2006 renewal period. Mr. Schooley also stated that the Board has consistently advised that even though the Bill was signed into law, the rules and regulations were not adopted; therefore, the Board did not know how many hours licensees would have to take, if any. Mr. Schooley further stated that licensees who have attended up to eight hours of education may carry those eight hours over to the next renewal period.

Mr. McCullough stated that the Board is not pleased with the length of time that it took for the regulations to be placed in the register; however, this Board has no control over what happens once the rules are drafted.

Santiago Garrido, License #5845, has failed to respond to the Administrative Action Provisional Order of Discipline filed on April 11, 2001. The Order was mailed to Mr. Garrido certified and regular mail. The certified mail was returned "Unclaimed", regular mail was not returned.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that Deputy Attorney General Susan Carboni finalize the Provisional Order of Discipline and issue a Final Order of Discipline ordering that Mr. Garrido pay a civil penalty in the amount of \$2,500.00 for violation of N.J.S.A. 45:5A-9 and \$1,000.00 for violation of N.J.A.C. 13:45C1.2. Mr. Garrido's license and business permit #5845 is suspended, therefore, he must return his pressure seal issued to Garrido Electrical Contractor.

Donald Johnson, License #10298 (Expired), has failed to respond to the Administrative Action Provisional Order of Discipline filed on March 9, 2001. The Order was mailed to Mr. Johnson certified and regular mail. The certified mail was returned "Unclaimed", regular mail was not returned.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mrs. Gail Best, and unanimously passed, that Deputy Attorney General Susan Carboni finalize the Provisional Order of Discipline and issue a Final Order of Discipline ordering that Mr. Johnson pay a civil penalty in the amount of \$10,000.00 for violation of N.J.S.A. 45:5A-9. Mr. Johnson's license and business permit #10298 is suspended, therefore, he must return his pressure seal issued to Dtech Electric.

In the matter of the Provisional Order of Discipline filed against Dennis Horvath, License #12534, the following motion was made:

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Pushpavati Amin, and unanimously passed, that the Provision Order of Discipline filed against Dennis Horvath, License #123534, is withdrawn without prejudice in order

for the Board to conduct further investigation concerning Mr. Horvath and regarding the application that is now pending before the Board for Dennis Horvath.

The Board reviewed applications for the written examination administered by Experior Assessments, LLC. Thirty (30) applications were approved.

Mr. Joseph P. Schooley asked Mr. Joseph F. Cantalupo to attend the meeting of the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee which will be held on July 17, 2001.

Mr. Cantalupo stated that he will attend this meeting.

Motion made by Mrs. Gail Best 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 Wednesday, August 1, 2001, at 9:00 A.M.

An Appointment Meeting is scheduled for Wednesday, August 15, 2001, at 9:00 A.M.

Respectfully submitted,

Barbara A. Cook
Executive Director

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