

Prepared February 22, 2017  
Rosemarie S. Baccile, Acting Executive Director

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)  
Contractors

Meeting # 45 - Tuesday, February 7, 2017 - Public Meeting - Minutes

The Minutes of the Board meeting held on February 7, 2017 have not been formally approved and are subject to change or modification by the Public Body at its next scheduled meeting.

The notice of the February 7, 2017 meeting has been mailed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers, and has also been posted on the Bulletin Board at the Office of the Secretary of State, Trenton, New Jersey.

The Board meeting of February 7, 2017 was called to order at 9:00 am with the following Members in attendance:

Michael K. Maloney, Chairman, Mechanical Inspector 2

Dominic D. Demico, Jr. - Mechanical Inspector 1

Paul J. Mitchell - Master HVACR Contractor 3 - Board Secretary

Mary Pranzatelli - Public Member 2

Thomas C. Pitcherello  
Executive Branch of State Government Representative

Kevin S. Clark - Master HVACR Contractor 1

William C. Barham – Master HVACR Contractor 2

Daniel G. Danko, Jr. - HVACR Journeyperson - Vice-Chairman

Board Complement: (9):

As of this meeting date, one (1) vacancy remains for a Public Member with the resignation of Mr. Griffith.

Attendees:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)  
Rosemarie Baccile, Acting Executive Director,  
Jamie Hall, Agency Services Representative

Public Session Visitors:

Scott Bishop  
Ernie Tedesco  
Chick Dougherty, United Supply  
Brian Kamp  
Frank Yorke  
Edward Osoliniec, PE

1. CALL TO ORDER
2. ROLL CALL
3. Licensed Master HVACR Contractors to date: 19HC00861700  
Licensing and processing continues on a daily basis.

A “Reinstatement” application is available at the Board Office for those who failed to renew for the 2016-2018 biennial. This application will be posted to the Internet once approved by the Division.

All “Grandfathered” applications have been reviewed by the Board, and deficiency notices sent to all applicants, either those not qualified, or those missing supporting documentation.

Rejection Notices are sent daily to those applicants who do not meet the qualifications for examination by HVACR regulations.

The Board will continue to review the applications submitted in the “Reciprocity” category by considering the licensure standards of the other States. The Board must insure that those licensure standards are equal to, or comparable with, those of New Jersey, in compliance with N.J.A.C. 13:32A-2.5. This review is scheduled with DAG Donofrio and Regulatory Analyst Charles Manning.

“Reciprocity” applications were received from the States of Delaware, Pennsylvania, New York, Florida, Ohio, Maryland, Tennessee, Texas, Illinois, and Alabama.

The Board also continues its review of criminal history files for HVACR applicants and Licensees who have reported crimes on their recent 2016-2018 biennial renewal.

The HVACR Website has been updated to include all approved Sponsors at <http://www.njconsumeraffairs.gov/hvacr/Pages/continuingeducation.aspx>

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4. APPROVAL OF THE JANUARY 3, 2017 MINUTES

A motion was made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr. to approve the minutes of the January 3, 2017 meeting. The Board approved all recommendations made by the Committee on January 3, 2017. A vote was taken and the motion unanimously passed.

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5. CONTINUING EDUCATION  
WELCOMING CONTINUING EDUCATION SPONSORS

All Licensed Master HVACR Contractors were exempt from the Continuing Education (5) five hour requirement for their first biennial renewal of July 1, 2016 to June 30, 2018, according to N.J.A.C 13:32A-4.1 License Renewal; Continuing Education Requirement.

Licensed Master HVACR Contractors must complete the (5) five hour requirement CE requirement for their second biennial renewal:

July 1, 2018 to June 30, 2020

This requirement must be met before the next renewal date of July 1, 2018.

To assist Master HVACR Contractors with meeting the (5) hour Continuing Education requirement, the Board will continue to approve CE Sponsors and courses. Approved CE sponsors are now posted at the HVACR website:

<http://www.njconsumeraffairs.gov/hvacr/Pages/default.aspx>

The following individuals have submitted their requests and resumes for consideration to teach HVACR continuing education:

A. Edward J. Osoliniec, Professional Engineer

29 Sneider Road, Warren, NJ 07059  
[mr.ed@pobox.com](mailto:mr.ed@pobox.com)

(908)-347-9088  
CE SPONSOR REQUEST

On February 7, 2017, Edward J. Osoliniec was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Daniel G. Danko, Jr. and seconded by Thomas C. Pitcherello to approve Edward J. Osoliniec as a CE Sponsor. Mr. Edward J. Osoliniec advised that he will be teaching in Warren Township. A vote was taken and the motion unanimously passed.

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B. Ernest Tedesco, Plumbing Subcode Official

298 Rifle Camp Road  
Woodland Park, NJ 07424  
[etedesco@cliftonnj.org](mailto:etedesco@cliftonnj.org)

(973)-470-5812  
CE SPONSOR REQUEST

On February 7, 2017, Ernest Tedesco was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Daniel G. Danko, Jr. and seconded by Kevin S. Clark, to approve Ernest Tedesco as a CE Sponsor. Mr. Ernest Tedesco advised that he will be teaching in Passaic County. A vote was taken and the motion unanimously passed.

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C. Vincent B. Spiezio, President, Mid-Atlantic Mechanical Inc.

1500 Rike Drive, P.O. Box 249, Millstone Township, NJ 08535  
[vince@mamnj.com](mailto:vince@mamnj.com) - (732)-896-470-5812

CE SPONSOR REQUEST

On February 7, 2017, Vincent B. Spiezio was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr., to approve Vincent B. Spiezio as a CE Sponsor. Mr. Vincent B. Spiezio advised that he will be teaching in Middlesex, Mercer, and Monmouth Counties. A vote was taken and the motion unanimously passed.

- D. Joshua Purvis, Academic Dean, Home Prep - A division of Stautzenberger College  
(Seeking approval to provide online continuing education for HVACR licensees)

900 E. Hill Ave, Suite 380, Knoxville, TN 37915

[www.athomeprep.com](http://www.athomeprep.com)

1-800-952-0910

CE SPONSOR REQUEST

On February 7, 2017 the Board did not approve this program for CE; however, Members tabled the matter for discussion at a subsequent agenda in Executive Closed Session. A motion was made by Dominic D. Demico, Jr. and seconded by William C. Barham. A vote was taken and the motion unanimously passed.

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## DISCUSSION

### 6. REGULATION ADOPTION

LAW AND PUBLIC SAFETY  
STATE BOARD OF EXAMINERS OF HEATING,  
VENTILATING, AIRCONDITIONING, AND  
REFRIGERATION CONTRACTORS

Renewal of License; License Reactivation; License Reinstatement  
Adopted Amendment: N.J.A.C. 13:32A-3.1  
Adopted New Rules: N.J.A.C. 13:32A-3.2 and 3.3

Proposed: January 19, 2016, at 48 N.J.R. 116(a).  
Adopted: May 3, 2016, by State Board of Examiners of Heating,  
Ventilating, Air Conditioning, and Refrigeration Contractors,  
Michael Maloney, President.

Filed: December 13, 2016, as R.2017 d.013, without change.  
Authority: N.J.S.A. 45:16A-4.

Effective Date: January 17, 2017  
Expiration Date: April 15, 2020

On February 7, 2017 the Board acknowledged the adoption of this regulation, without comment.

DISCIPLINARY ACTIONS

7. ADMINISTRATIVE ACTION – CONSENT ORDER

IN THE MATTER OF THE APPLICATION OF  
KAFIL EL-TORRES  
APPLICANT # 1851947

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

FILED NOVEMBER 1, 2016  
BY ROSEMARIE S. BACCILE  
ACTING EXECUTIVE DIRECTOR

Based on the terms of his Consent Order, the applicant agrees to a psychosexual evaluation. Credentials of his intended evaluator are submitted for Board consideration.

The Board reserves the right to proceed into Executive Closed Session to discuss the credentials of the evaluator intended to conduct the psychiatric evaluation of the applicant in consideration of an HVACR license.

On February 7, 2017, a motion was made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr., as follows, that the Board considered the credentials of this evaluator and agreed to permit this evaluation of KAFIL EL-TORRES to begin. All reports from the evaluator must be reviewed by the full Board and Deputy Attorney General. A vote was taken and the motion unanimously passed.

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8. INQUIRY

EMAIL: JANUARY 11, 2017  
FROM: DEZHI YANG

Does an Absorption Chiller Service business need a HVACR license?

On February 7, 2017, the Board discussed this matter and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Domenic D. Demico, Jr. that “chillers” are within the Scope of Practice of the Master HVACR Contractor; therefore, the HVACR license is required for these tasks and for this business. A vote was taken and the motion unanimously passed.

9. INQUIRY  
EMAIL: DECEMBER 23, 2016  
FROM: DAVE CASTNER

Is it appropriate to use Gypsum Board shaft walls as return duct in commercial buildings?

- My concern is that by using this material it increases the chances of contaminating the HVAC system with bacteria, molds, and other unwanted hazards including vermin.

On February 7, 2017, the Board discussed this issue and noted that the International Mechanical Code for 2015 includes a section for “gypsum ducts.” An agreement was reached whereby Member Thomas C. Pitcherello will investigate the code and return to the Board with his findings.

A vote was taken and the motion unanimously passed.

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10. INQUIRY  
EMAIL: JANUARY 3, 2017  
FROM: MICHAEL WILSON  
LICENSED MASTER PLUMBER NUMBER # 12615  
LICENSED MASTER HVACR CONTRACTOR # 3552

Is it factual that as an HVACR contractor I have to give a one year warranty with every job I complete?

Is this actually a law? If so, where can I find the actual written statute that states this?

On February 7, 2017 the Board agreed in a motion made by Daniel G. Danko, Jr. and seconded by Paul J. Mitchell, that the existing New Jersey HVACR Regulations and Statutes do not contain any reference to a one year warranty– or any warranty– with respect to jobs completed by licensees for consumers. The licensee may consider researching other State or Federal regulations to rule out the possibility of other requirements. A vote was taken and the motion unanimously passed.

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11. INQUIRY  
EMAIL: DECEMBER 28, 2016  
FROM: LARRY PATERNO- SELF-EMPLOYED APPLIANCE REPAIR TECHNICIAN

- A. Is an HVACR license required for the repair of refrigerators?

I have been in the technical field for thirty years and in the appliance repair business for the last fifteen years. I repair refrigerators, washers, dryers, microwaves and ovens. I do not work on sealed refrigerant systems.

- B. If I go to school, acquire the relevant qualifications and pass the licensing test, do I have to work for another company for a period of time in order to be licensed? Or will my years of experience count for the hours needed in order to be accepted for licensing?

On February 7, 2017, the Board discussed this matter and concluded in a motion made by Paul J. Mitchell and seconded by Domenic D. Demico, Jr., as follows:

- A. Is an HVACR license required for the repair of refrigerators?  
Response: Yes

- B. With respect to qualifications for a Master HVACR License, the Board referred Mr. Paterno to existing New Jersey HVACR Statutes and Regulations, for the qualifications, via the below link to the HVACR Home Page:

<http://www.njconsumeraffairs.gov/hvacr/Pages/default.aspx>  
Statutes and Regulations, Under Regulations  
13:32A-2.2 EDUCATION REQUIREMENTS, Page 10

A vote was taken and the motion unanimously passed.

12. INQUIRY - EMAIL: JANUARY 3, 2017  
FROM: ALISON K. EVANS, ATTORNEY AT LAW

I would like to clarify whether cryogenic systems, used outside the scope of medical gas piping, fall within the definition of “hydronic piping” for purposes of N.J.A.C. 13:31-1.4(e)(4). According to this regulation, this installation, service and maintenance of gas and hydronic piping may be performed by both licensed Master Plumbers and individuals who are not licensed Master Plumbers.



CONTINUED:

12. INQUIRY - EMAIL: JANUARY 3, 2017

FROM: ALISON K. EVANS, ATTORNEY AT LAW

If the definition of “hydronic piping” for purposes of N.J.A.C. 13:31-1.4(e)(4) includes cryogenic piping systems, am I correct in saying that according to the language of this regulation, that an individual who is not a licensed Master Plumber may install, service and perform maintenance of such systems?

On February 7, 2017, the Board discussed this matter and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Thomas C. Pitcherello, that existing regulations [N.J.A.C. 13:31-1.4(e)(4)] do require an amendment since the onset of the HVACR license, HVACR Statutes and Regulations. The task of hydronic piping remains within the scope of practice of the Master HVACR Contractor and the Licensed Master Plumber.

The Board anticipates an amendment will be handled by Charles Manning, Regulatory Analyst.

A vote was taken and the motion unanimously passed.

13. INQUIRY

EMAIL: JANUARY 3, 2017

FROM: MIKE MEADE

If a propane company is installing temporary heat for a building under construction from a bank of 4100lbs tanks, does the contractor connecting the propane gas lines to the heater need an HVACR or a plumbing license?

On February 7, 2017, the Board discussed this inquiry and concluded in a motion made by Daniel G. Danko, Jr. and seconded by William C. Barham, that either the Master HVACR license or the Master Plumber’s license is required for this task— additionally, a person certified by the Department of Community Affairs in propane, may also perform this task.

A vote was taken and the motion unanimously passed.

14. DISCUSSION  
HVACR APPLICATIONS BY RECIPROCITY  
EMAIL: NOVEMBER 22, 2016  
FROM: CHARLES MANNING- REGULATORY ANALYST

On February 7, 2017, Board Members reported that they have each reviewed the qualifications and regulations of the following States, and subsequent to a discussion with DAG Donofrio and Regulatory Analyst, concluded in a motion made by Daniel G. Danko and seconded by Domenic D. Demico, Jr., that none of the following states meet the qualifications for reciprocity pursuant to existing New Jersey HVACR Statutes and Regulations, N.J.A.C. 13:32A-2.5 Reciprocity with other States:

Maryland  
Texas  
Ohio  
Florida  
Tennessee  
Alabama

Below states do not have State-wide licensing and therefore, do not meet reciprocity requirements:

Pennsylvania  
New York  
Illinois

The Board further agreed that each reciprocity application will be reviewed to determine if any of the applicants meet the qualifications for an HVACR license by examination. A vote was taken and the motion unanimously passed.

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15. DISCUSSION  
BACKFLOW PREVENTERS - EMAIL: JANUARY 4, 2017  
FROM: CHARLES MANNING- REGULATORY ANALYST

RECUSAL: MICHAEL MALONEY DID NOT PARTICIPATE IN THIS DISCUSSION.

On February 7, 2017, Charles Manning and DAG Donofrio were present for a discussion with Board Members concerning the scope of practice and task of installing backflow preventers.

Members agreed to delete “residential” and amend the regulation to include “non-testable devices” and in cases of “replacement only.” A motion was made by Thomas C. Pitcherello and seconded by Kevin S. Clark. The motion passed. Paul Mitchell opposed the motion.

16. DISCUSSION  
EMAIL: JANUARY 6, 2017  
FROM: FRANCIS WAY  
RE: REQUEST TO BE GRANDFATHERED BASED ON EXPERIENCE AND CERTIFICATIONS

On February 7, 2017, the Board discussed this inquiry and concluded in a motion made by William C. Barham and seconded by Domenic D. Demico, Jr., that there are no statutory provisions to allow anyone to grandfather at this time beyond the end date of September 1, 2014. A vote was taken and the motion unanimously passed.

17. FOR THE INFORMATION OF THE BOARD  
HVACR WALL CERTIFICATES

The wall certificate “format” approved by the Board on September 6, 2016, was sent to the “Print Production Unit” at the Division. That unit will begin the process of creating wall certificates for all licensed Master HVACR Contractors.

PUBLIC COMMENT:

Chairman Michael Maloney permitted time in Open Session for public comment.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by William C. Barham and seconded by Domenic D. Demico, Jr. to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, and review matters within the attorney-client relationship exception to the Open Public Meetings Act.

The subject of this discussion shall remain confidential until such time as the reasons for having this matter in Executive Closed Session are no longer applicable. A vote was taken and the motion unanimously passed.

Submitted by,

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Rosemarie S. Baccile, Acting Executive Director