

*Prepared March 13, 2017  
Rosemarie S. Baccile, Acting Executive Director*

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

Meeting # 46 - Tuesday, March 7, 2017 - Public Meeting - Minutes

The Minutes of the Board meeting held on March 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 March 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 March 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 (Resigned March 8, 2017)

William C. Barham – Master HVACR Contractor 2

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

Board Complement: (9):

As of this meeting date, one (1) vacancy remains for a Public Member with the resignation of Mr. Griffith.  
A vacancy is available with the resignation of Kevin S. Clark, Master HVACR Contractor 1, effective  
March 8, 2017

Attendees:

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

Public Session Visitors: Chick Dougherty, United Supply, Al Suhr, Local 68; Scott Bishop, Hudson Meridian, Eric DeGesero FMANJ, Dave Castner Local 222, Frank Yorke, Claremont, Joanne Oppermann. Court Reporter, Gustavo Malagow, Ed Turener AMJAL Apprenticeship

1. CALL TO ORDER
2. ROLL CALL
3. Licensed Master HVACR Contractors to date: 19HC00863900  
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.

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 FEBRUARY 7, 2017 MINUTES**

A motion was made by Dominic D. Demico, Jr. and seconded by William C. Barham to approve the February 7, 2017 minutes. 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. John Blankley, Service/Training Manager, P&N Distribution Inc.**

933 Cornell Avenue  
Drexel Hill, PA 19026  
jblankley@pndistribution.com  
(609)-571-8749

**CE SPONSOR REQUEST**

On March 7, 2017, John Blankley was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Kevin S. Clark and seconded by Thomas C. Pitcherello to approve John Blankley as a CE Sponsor. Mr. John Blankley advised that he will be teaching in the Burlington, NJ, area. A vote was taken and the motion unanimously passed.

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**C. Paul Flor, Assistant Professor, Raritan Valley Community College**

12 Brill Road, Stewartsville, NJ 08886  
[Paul.flor@raritanval.edu](mailto:Paul.flor@raritanval.edu)  
(908)-202-5392  
CE SPONSOR REQUEST

**POSTPONED**

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**D. Albert A. Suhr, HVACR Supervisor, Harrah's Casino Hotel**

7600 Strand Avenue  
Mays Landing, NJ 08330  
suhrmotorsports@verizon.net  
(609)442-2201  
CE SPONSOR REQUEST

On March 7, 2017, Albert A. Suhr was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Thomas C. Pitcherello and seconded by William C. Barham, to approve Albert A. Suhr as a CE Sponsor. A vote was taken and the motion unanimously passed.

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**E. Thomas McGonigle, Plumbing Official- City of Absecon-Part Time, Plumbing Inspector- Atlantic City- Part Time**

625 Sunset Avenue  
Maple Shade, NJ 08052  
[TMcGonigle@cityofatlanticcity.org](mailto:TMcGonigle@cityofatlanticcity.org)  
CE SPONSOR REQUEST

On March 7, 2017, Thomas McGonigle was in attendance and reviewed his resume with the Board toward approval as a CE Sponsor. Mr. McGonigle advised that he will be teaching in South Jersey, Atlantic County. A motion was made by Kevin S. Clark and seconded by Paul J. Mitchell to approve Mr. McGonigle as a CE Sponsor. A vote was taken and the motion unanimously passed.

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## 6. CONTINUING EDUCATION

### APPROVAL OF COURSE OUTLINES FOR APPROVED CONTINUING EDUCATION SPONSORS

The below approved Continuing Education Sponsors are now submitting their CE courses for Board approval. All have paid the \$100 sponsor fee.

| Name                     | Sponsor # |  |
|--------------------------|-----------|--|
| A. Jeffrey Berger        | 19        |  |
| B. Joseph W. Crilley     | 42        |  |
| C. Charles Dougherty Sr. | 28        |  |
| D. Francis D. Glynn      | 5         |  |
| E. John E. Glynn         | 4         |  |
| F. Edward Janowiak       | 25        |  |
| G. Donald M. Jones       | 18        | ..... His course must include Propane* |
| H. Michael Kaiser        | 39        |  |
| I. Bradford T. Kowhan    | 34        |  |
| J. David K. McGowan      | 29        |  |
| K. Thomas Pitcherello    | 17        |  |
| L. Edward J. Peterson    | 44        |  |
| M. Stephen C. Rodzinak   | 1         |  |
| N. Brian P. Saber        | 40        |  |
| O. Frank Taverna         | 31        |  |
| P. Thomas F. Walsh       | 2         |  |

On March 7, 2017, Thomas C. Pitcherello recused himself from participation.

A motion was made by Paul J. Mitchell and seconded by William C. Barham that all instructors should be advised that their course must include a competency test in the propane teaching; Mr. Jones should be informed that his course must include the one (1) hour of propane and corresponding competency test, all in compliance with:

***N.J.A.C. 13:32A-4.3 REQUIRED COURSE TOPICS***

*d) During the biennial renewal period beginning July 1, 2016 and ending on June 30, 2018, sponsors of continuing education courses shall include **one hour of education in propane services** which includes substantially the same information covered in either the *Fundamentals of LP manual, 2007 edition* or the *Gas Installation for UA Journeyworkers and Apprentices manual, 2003 edition*.*

*e) After completion of the education in propane services required by (d) above, sponsors of continuing education courses shall administer a competency evaluation examination, which tests a licensed master HVACR contractor's understanding of the information provided on propane services.*

A vote was taken and the motion unanimously passed.

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**DISCUSSION**

**7. BILL ANALYSIS – ASSIGNED ANALYST: RACHEL GLASGOW**

SENATE, NO. 2999  
STATE OF NEW JERSEY  
217<sup>TH</sup> LEGISLATURE  
INTRODUCED FEBRUARY 13, 2017

SPONSORED BY: SENATOR PATRICK J. DIEGNAN, JR., DISTRICT 18 (MIDDLESEX)

**SYNOPSIS**

Removes certain Master HVACR licensing requirements for licensed electrical contractors for 12 months. Board Members submitted individual comments by email to Ms. Glasgow. A formal Board comment and motion were requested by Ms. Glasgow.

A motion was made by Paul J. Mitchell and seconded by William C. Barham that the Board maintains its strong opposition to this legislation as noted in the individual comments sent to the Assigned Analyst, Ms. Glasgow, prior to this agenda. A vote was taken and the motion unanimously passed.

**DISCUSSION- FOR THE INFORMATION OF THE BOARD**

**8. PROPOSAL FOR THE HVACR LICENSE FOR A PERMIT**

COMMUNITY AFFAIRS (a)  
DIVISION OF CODES AND STANDARDS  
UNIFORM CONSTRUCTION CODE  
PROPOSED AMENDMENTS: N.J.A.C. 5:23-2.2, 2.6, 2.7,  
2.14, 2.15, 2.15A, 2.20, 2.23, 2.35, 2.37, 3.2, 3.4,  
3.8, 3.14, 3.15, 3.22, 4.26, 5.3, and 12.8

NEW JERSEY REGISTER, FEBRUARY 21, 2017

On March 7, 2017, Thomas C. Pitcherello clarified for Members that this proposal was published in the New Jersey Register on February 21, 2017, and a corresponding comment period will end on April 22, 2017. Once adopted, a Master HVACR Contractor's license is required to obtain a permit for HVACR tasks.

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## DISCUSSION

### 9. BILL ANALYSIS - ASSIGNED ANALYST CHARLES MANNING

ASSEMBLY, NO. 4459 - STATE OF NEW JERSEY  
217<sup>TH</sup> LEGISLATURE - INTRODUCED JANUARY 10, 2017

SPONSORED BY:  
ASSEMBLYMAN ANTHONY M. BUCCO  
DISTRICT 25 (MORRIS AND SOMERSET)

SYNOPSIS  
REQUIRES ATTORNEY GENERAL PROVIDE ACTIVE SUPERVISION OF CERTAIN  
OCCUPATIONAL AND PROFESSIONAL LICENSING BOARDS

On March 7, 2017, the Board agreed in a motion made by Thomas C. Pitcherello and seconded by Dominic D. Demico that Members are in favor of the intent of this legislation. No other comments were made. A vote was taken and the motion unanimously passed.

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### 10. INQUIRY

EMAIL: JANUARY 23, 2017  
FROM: GARY LEWIS, CONSTRUCTION OFFICIAL, CITY OF SUMMIT NJ

Is an installer of natural gas-fired decorative fireplaces and gas piping exempt from the new HVACR licensing regulations? It is clearly not HVACR work.

On March 7, 2017, the Board responded and stated “No”, the installer of natural gas-fired decorative fireplaces and gas piping are not exempt from the new HVACR licensing regulations. This work is regarded as gas and fuel piping, and remains with the scope of practice of a Licensed Master Plumber or a Master HVACR Contractor.

A motion was made by Dominic D. Demico, Jr., and seconded by Paul J. Mitchell to advise Mr. Lewis accordingly. A vote was taken and the motion unanimously passed.

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**11. INQUIRY**  
**LETTER: JANUARY 29, 2017**  
**FROM: SERVICE CONTRACTORS' ALLIANCE (SCA)**

Is Home Serve USA in compliance with New Jersey HVACR licensing, physical location and Bona Fide Representation requirements to advertise and offer HVACR service contracts in New Jersey?

On March 7, 2017, the Board agreed that based on the limited information provided regarding the entity known as Home Serve USA, Members are unable to render a determination as to the compliance of the entity with New Jersey HVACR Statutes or Regulations.

A motion was made by Paul J. Mitchell and seconded by Thomas C. Pitcherello, to correspond with Home Serve USA and request details from them as to their license, location and any registration by them as a bona fide representative legally able to provide HVACR service contracts in the State of New Jersey.

A vote was taken and the motion unanimously passed.

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**12. INQUIRY**  
**EMAIL: FEBRUARY 17, 2017**  
**FROM: GORDON LEWIS**

Is a licensed HVACR Contractor required to provide you "up front" with their hourly labor rate if requested? I am working with an HVACR Contractor who will only give me a flat charge for a repair and will not provide parts and labor costs.

On March 7, 2017, the Board noted and DAG Donofrio confirmed that there is no existing HVACR Statute or Regulation that governs the manner of pricing, flat versus hourly, or otherwise, charged to a consumer by a licensed Master HVACR Contractor. A regulation does exist with respect to pricing; however, that regulation pertains only to unconscionable pricing, at N.J.A.C. 13:32A-5.8 Unconscionable pricing:

*a) A master HVACR contractor shall not charge an unconscionable price for services. A price is unconscionable when, after review of the facts, a master HVACR contractor of ordinary prudence would be left with a definite and firm conviction that the price is so high as to be manifestly unconscionable or overreaching under the circumstances.*

A motion was made by Paul J. Mitchell and seconded by Kevin S. Clark. A vote was taken and the motion unanimously passed.



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**13. INQUIRY**  
**EMAIL: FEBRUARY 18, 2017**  
**FROM: SCOTT BISHOP- MASTER HVACR CONTRACTOR# 6197**

I wanted clarification on the scope of work that organizations who work without a BFR under the exemptions provided in 13:32 A-1.1 e) & f).

These organizations are not subject to the licensing and BFR requirements of our Profession, because of the way they operate. These exemptions appear to allow only service and maintenance to be performed. Please confirm that these organizations cannot perform replacement or installation work without a BFR registered with the Board. Even though some of their employees may be Master HVACR contractors, this still does not give them the right to perform equipment replacement or new installations of HVACR systems.

On March 7, 2017, Members discussed this matter and concluded in a motion made by Paul J. Mitchell and seconded by William C. Barham, that in this regard, the Board confirmed that these exemptions are limited to those performing service, repair and maintenance work only. The Board noted that Mr. Bishop is correct in his interpretation of this regulation. A vote was taken and the motion unanimously passed.

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**14. DISCUSSION FOR THE INFORMATION OF THE HVACR BOARD:**

**AMENDMENT TO LICENSED MASTER PLUMBERS' SCOPE OF PRACTICE RE GAS AND HYDRONIC PIPING**

**APPROVED AT THE JANUARY 26, 2017 MEETING OF THE BOARD OF MASTER PLUMBERS**

**EMAIL: FEBRUARY 10, 2017**  
**FROM: CHARLES MANNING- REGULATORY ANALYST**

This amendment was provided for the benefit of the HVACR Board to advise that Regulatory Analyst Charles Manning developed this change to the regulations of the State Board of Examiners of Master Plumbers as these tasks pertain to gas and hydronic piping.

The need for this regulatory change was the direct result of the adoption of the HVACR Regulations, Scope of Practice.

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15. DISCUSSION – FOR THE INFORMATION OF THE BOARD

UPDATED LISTS FOR HVACR AND PLUMBING APPRENTICESHIP PROGRAMS  
OFFERED BY  
COUNTY VOCATIONAL SCHOOLS  
EMAIL: FEBRUARY 06, 2017  
FROM: DONNA SCALIA, APPRENTICESHIP AND TRAINING PROGRAM SPECIALIST,  
U.S. DEPARTMENT OF LABOR- OFFICE OF APPRENTICESHIP

Members acknowledged receipt of the above apprenticeship programs and schools.

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16. DISCUSSION  
REQUEST TO BE GRANDFATHERED BASED ON HARDSHIP  
EMAIL: JANUARY 19, 2017  
FROM: DONNA TERKILDTSEN FOR ROBERT TERKILDTSEN

On March 7, 2017, the Board discussed the request of Donna Terkildsen on behalf of Robert Terkildsen, to grandfather for an HVACR license and consider his hardship circumstances.

A motion was made by William C. Barham and seconded by Dominic D. Demico, Jr. that the grandfathering provision was active from March 1, 2014 until September 1, 2014, and there is no statutory provision or exemption to permit anyone to apply to grandfather beyond the end date. A vote was taken and the motion unanimously passed.

The Terkildsens may consider the options available within the HVACR Regulations whereby they may either hire, or partner with, a Master HVACR licensee to serve as a bona fide representative for their company, or, they may subcontract HVACR services to a licensed Master HVACR licensee.

A vote was taken and the motion unanimously passed.

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## DISCIPLINARY ACTIONS

The below action was reported March 7, 2017 in Open Session as a formal action:

17. **ADMINISTRATIVE ACTION – CONSENT ORDER**

IN THE MATTER OF THE APPLICATION OF  
JEFFREY HAYES  
APPLICANT # 1863493

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

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

ADMINISTRATIVE ACTION  
CONSENT ORDER  
**MONITORING WITH AA ATTENDANCE AND URINE SCREENS**

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18. **DISCUSSION**  
**FORMAL RESIGNATION OF HVACR BOARD MEMBER**  
EMAIL: FEBRUARY 9, 2017  
FROM: KEVIN S. CLARK

RESIGNATION EFFECTIVE MARCH 8, 2017

Board Member Kevin S. Clark was presented with a Resolution document which he graciously accepted. This meeting was the final meeting for this Member who officially resigned as of March 8, 2017.

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EXECUTIVE CLOSED SESSION MOTION:

A motion was made by William C. Barham and seconded by Dominic 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