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967th BUSINESS MEETING OF THE BOARD OF
EXAMINERS OF ELECTRICAL CONTRACTORS
(PUBLIC SESSION) - - - MAY 11, 2022

CALL TO ORDER

Due to the current state of emergency, the May 11, 2022 meeting of the Board of Examiners of Electrical Contractors was not held at 124 Halsey Street, but remotely. Pursuant to OPMA, N.J.S.A. 10:4-9.1, notice was provided electronically within 48 hours of the scheduled meeting. The meeting began at 9:00 and was accessed by the public via the below (now inactive) link:

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The agenda was provided to the extent known at the time of this notice. The meeting was limited to urgent matters and those related to the COVID-19 pandemic.

Any public comments were submitted by 2:00 P.M. on May 10, 2022 by e-mailing Philameana L. Tucker, Executive Director, at tuckerp@dca.njoag.gov. The Board made its best efforts to read any comments received during the meeting.

ROLL CALL

- Mr. Joseph P. Schooley, Chairman
- Mr. Constantinos Papademas
- Mr. Gino Pasqualone
- Mr. Anthony L. Anzelone
- Mr. James H. Flaherty

Also in attendance:

Joseph Donofrio, Deputy Attorney General, Division of Law
Philameana L. Tucker, Executive Director
Lycette Nelson, Regulatory Analyst
Kathleen Moran, Administrative Assistant

There were also four (4) guests in attendance.

The Board saluted the Flag.

Motion made by Mr. Anthony L. Anzelone and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve the Minutes of the 965 Open Session Business Meeting held March 23, 2022.

Motion made by Mr. Anthony L. Anzelone and seconded by Mr. Constantinos Papademas, and unanimously passed to approve the Minutes of the 966th Open Session Business Meeting held April 13, 2022.

May 11, 2022, License and Business Permit lists.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Anthony L. Anzelone, and unanimously passed, to approve (10) Initial Licenses which will expire on March 31, 2024.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Gino Pasqualone, and unanimously passed, to approve (11) Initial Business Permits which will expire on March 31, 2024.

Motion made by Mr. James H. Flaherty and seconded by Mr. Anthony L. Anzelone, and unanimously passed, to approve (1) Initial Business Permit Previously Expired effective May 11, 2022 to March 31, 2024. (#1, #3 #4, and #5 are being held in abeyance pending further review).

Motion made by Mr. James H. Flaherty and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve (4) Change in Business Permits effective May 11, 2022 to March 31, 2024.

April 13, 2022 License and Business Permit lists.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Anthony L. Anzelone, and unanimously passed, to approve (3) Initial Licenses which will expire on March 31, 2024.

Motion made by Mr. Constantinos Papademas and seconded by Mr. James H. Flaherty, and unanimously passed, to approve (7) Initial Business Permits which will expire on March 31, 2024.

Motion made by Mr. James H. Flaherty and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve (1) Initial Business Permit Previously Expired effective April 13, 2022 to March 31, 2024. (#1, #3 #4, #5 and #6 are being held in abeyance pending further review).

Motion made by Mr. Constantinos Papademas and seconded by Mr. James H. Flaherty, and unanimously passed, to approve (4) Change in Business Permits effective April 13, 2022 to March 31, 2024. (#3, #5, and #7 are being held in abeyance pending further review).

Cashier's Check in the amount of \$150.00 received from Kevin R. Lyle, License #16297, as the third installment of a civil penalty in the amount of \$4,000.00 for violation of N.J.A.C. 13:31-3.3 (c) (1). Payments started December 2, 2021 and the balance due is \$3,550.00.

The Board accepted the payment.

Check in the amount of \$6,000.00 received from Robert F. Ford, License #13758, as the first and final payment of a civil penalty in the amount of \$6,000.00 for violation of N.J.A.C. 13:31-3.3 (c) (1).

The Board accepted the payment.

Check in the amount of \$150.00 received from Albert G. Hoesly, III, License #13598, t/a Albert G. Hoesly Jr. & Son, Inc., as the fifth installment of a civil penalty in the amount of \$4,000.00 for violation of N.J.A.C. 13:31-3.3 (c) (1). Payments started February 20, 2020, and the balance due is \$1,750.00.

The Board accepted the payment.

Check in the amount of \$150.00 received from Steven T. Scotti, License #16987, as the second installment of a civil penalty in the amount of \$3,000.00 for violation of N.J.A.C. 13:31-3.3 (c) (1). Payments started March 29, 2022 and the balance due is \$2,700.00.

The Board accepted the payment.

Check in the amount of \$150.00 received from Frank Berkey, License #14261, as the first installment of a civil penalty in the amount of \$6,000.00 for violation of N.J.A.C. 13:31-3.3 (c) (1). The balance due is \$5,850.00.

The Board accepted the payment.

Check in the amount of \$6,000.00 received from Frank Dominquez, License #11929, as the first and final payment of a civil penalty in the amount of \$6,000.00 for violation of N.J.A.C. 13:31-3.3 (c) (1).

The Board accepted the payment.

Check in the amount of \$150.00 received from Thomas S. Ferrie, License #16931, as the first installment of a civil penalty in the amount of \$5,000.00 for violation of N.J.A.C. 13:31-3.3 (c) (1).

The Board accepted the payment.

Two Money Orders in the amount of \$1,000.00 each received from Albiero Loaiza, License #17893, as the first and second (final) payment of a civil penalty in the amount of \$2,000.00 for violation of N.J.A.C. 13:31-3.3 (c) (1).

The Board accepted the payment.

Lycette Nelson, Regulatory Analyst, Division of Consumer Affairs, appeared before the Board concerning the draft adoption notice for the amendments to the Continuing Education requirements and to discuss the amended language under N.J.A.C. 13:31-1.4.

Ms. Nelson stated that the committee met and drafted responses to the comments received concerning the continuing education requirements. Ms. Nelson also stated that these changes will not require another rule proposal.

Ms. Nelson further stated that one commenter objected to the Board's use of the term "OSHA-approved online safety course" because OSHA does not approve courses. Courses by OSHA are "authorized".

Ms. Nelson stated that the Board agrees and will amend the language to read "Successful completion of a United States Department of Labor Occupational Safety and Health Administration online safety course up to a maximum of eight (8) credits per triennial registration period".

Ms. Nelson stated a commenter suggested that the Board limit the amount of OSHA courses and allow ten credits.

Ms. Nelson also stated that the Board believes that licenses would benefit from any amount of OSHA courses for the safety of the licensee and others at a work site. Additionally, the Board encourages licensees to take other courses beyond those for which they will receive credit. Furthermore, licensees may be required to take additional courses as required by employers or local permitting laws. Therefore, it is not necessary to specify which OSHA courses the Board would accept or to change the maximum number of credits.

Ms. Nelson stated that the commenter objected to a proposed regulation which would allow a licensee to obtain up to 24 credits per triennial period for successful completion of an education program approved pursuant to N.J.A.C. 13:40-13 by the State Board of Professional Engineers and Land Surveyors. The commenter states that there are many topics included in continuing education for professional engineers that are beyond the scope of practice of electrical contractors.

Ms. Nelson stated that the Board's response will be that it agrees with the commenter and will amend N.J.A.C. 13:31-1.7(d) (6) to read "successful completion of an education program in Electrical

Engineering approved pursuant to N.J.A.C. 13:40-13 by the State Board of Professional Engineer and Land Surveyors, provided the licensee obtains a certificate of completion from the course sponsor and the program subject matter is consistent with (c) 1 through 5, and provided that a licensee may earn a maximum of 24 credits per triennial registration period pursuant to (e) 6. The Board notes that 13:31-1.7 (c) 5 requires that credits for any subject matter beyond the 10 credits is mandatory subject areas in (c) 1 - 4 must be "relevant to electrical contracting or electrical construction". Since it is within the Board's authority to determine what courses it will accept for continuing education credits, the Board does not agree with the commenter that the manner in which courses are approved or authorized by another board limits its ability to accept credits for courses approved by that board for its licensees.

Ms. Nelson stated another commenter suggested that the Board delay implementation of 13:31-1.7(d)7 allowing a licensee to earn a maximum of two credits per triennial registration period for successful completion of a program in the installation of natural or manufactured gas piping relevant to installing or repairing electrical generators approved by the Board until the Board of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors adopts a proposed rule amendment specifying what credits an electrical contractor is required to obtain to be eligible to be exempted from its licensing requirements to perform gas pipe installation related to installing or repairing electrical generators.

Ms. Nelson stated the response will be that the Board is proposing an amendment to the statute governing the Board of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors that allows electrical contractors to engage in the installation, maintenance, and repair of natural or manufactured gas piping while installing or repairing electric generators as long as they have demonstrated as part of licensure continuing education in the installation of gas piping relevant to installing or repairing electric generators. There is no reason to delay adoption of this rule. The Board is not determining how many credits an electrical contractor would need to be eligible for the gas piping exemption, but how many credits it will accept as part of its continuing education requirements.

Motion made by Mr. James H. Flaherty and seconded by Mr. Gino Pasqualone, and unanimously passed, to approve the changes as discussed and the proposed regulations under N.J.A.C. 13:31-1.4.

Ms. Nelson stated that a question has arisen regarding the proposed amendment to N.J.A.C. 13:31.1.4. The Board proposed to amend the language to include entities exempt pursuant to N.J.A.C. 13:31-4.1 and 4.2 shall comply with all general and special Federal, State, and municipal laws, ordinances and regulations pertaining to the business of electrical contracting and those employed or engaged in electrical contracting.

Ms. Nelson stated because the Board does not license the entities exempt under the telecommunication wiring exemption or well drillers/pump installers and has no authority to take disciplinary action against them, except to revoke a telecommunications wiring exemption, it is beyond the Board's authority to include well drillers/pump installers.

DAG Donofrio stated that he has taken the legal position that in regards to telecommunication contractors, the Board has the authority, and we have in the past, taken disciplinary action against an exempt person. The Board created the telecommunications exemption and it has defined what work they can perform. The Well Drillers are regulated by a separate agency, therefore, the Board does not have the authority to take disciplinary action. However, if the well drillers perform work beyond the exemption, the Board can then take action.

Mr. Schooley stated the Committee should have further discussion regarding this matter and appointed Mr. Flaherty and Mr. Pasqualone to serve on the committee.

The Board reviewed application to Reinstate an Expired Electrical Contractors License received from Monica E. Merel, License #15260.

Office files reflect that Ms. Merel's License #15260 expired on March 31, 2021 and Business Permit #15260 expired on March 31, 2018.

Office files also reflect that the pressure seal issued to Clean Energy Electric & Solar, LLC was returned to the Board office on April 25, 2022.

Motion made by Mr. James H. Flaherty and seconded by Mr. Constantinos Papademas, and unanimously passed, that this matter be discussed in Closed Session.

The Board reviewed an application to Reinstate an Expired Electrical Contractors License received from Christopher P. Arnhold, License #16468.

Office files reflect that Mr. Arnhold's License and Business Permit #14568 expired on March 31, 2021. Pressure seal issued to Arnco Electric, LLC was not returned to the Board office.

Motion made by Mr. James H. Flaherty and seconded by Mr. Constantinos Papademas, and unanimously passed, that this matter be discussed in Closed Session.

The Board reviewed an application to Reinstate an Expired Electrical Contractors License received from Edward D. McKeon, License #12494.

Office files reflect that Mr. McKeon's License #12494 expired on March 31, 2009. Mr. McKeon never held a business permit.

Motion made by Mr. James H. Flaherty and seconded by Mr. Constantinos Papademas, and unanimously passed, to reinstate Mr. McKeon's License #12494 as he has demonstrated to the Board's satisfaction that he meets the requirement for reinstatement.

The Board reviewed an application to Reinstate an Expired Electrical Contractors License received from Kyle J. Shurack, License #17854.

Office files reflect Mr. Shurack's License and Business Permit #17854 expired on March 31, 2018. Pressure seal issued to KJS Electric, LLC has not been returned to the Board office.

Motion made by Mr. James H. Flaherty and seconded by Mr. Anthony L. Anzelone, and unanimously passed, that this matter be discussed in Closed Session.

The Board reviewed an application to Reinstate an Expired Electrical Contractors License received from Brian J. Inskeep, License #16714.

Application to Reactivate Business Permit #16714 also received from Mr. Inskeep.

Office files reflect Mr. Inskeep's License and Business Permit #16714 expired on March 31, 2021. Pressure seal issued to InPwr, Inc. not returned.

Motion made by Mr. James H. Flaherty and seconded by Mr. Anthony L. Anzelone, and unanimously passed, that this matter be discussed in Closed Session.

The Board reviewed an application to Reactivate an Inactive Electrical Contractors License received from Frank Montgomery, License #16454.

Office files reflect Mr. Montgomery chose Inactive status for his License #16454 on July 26, 2021. Office files also reflect that Business Permit #16454 expired on March 31, 2019 and the pressure seal issued to FMJ Electrical Contracting, Inc. has not been returned.

Motion made by Mr. James H. Flaherty and seconded by Mr. Anthony L. Anzelone, and unanimously passed, that this matter be discussed in Closed Session.

Mrs. Tucker advised the Board that she received an e-mail from an electrical inspector regarding the replacement of a boiler. The inspector stated when performing the electrical inspection, he found a new disconnect switch, junction box and red plate; new wire from disconnect to boiler or controller, new wiring to circulation pumps not prewired whips that come with some boilers, and new wiring from controller to boiler.

The inspector would like to know how he can determine if the wiring terminations and grounding inside junction boxes, pumps, controllers, boilers and disconnect switches are done according to the NEC. The inspector also asks where in the UCC it indicates the plumber is allowed to replace and wire 120 volts.

Mr. Flaherty stated that HVAC contractors are exempt from replacing an old component. However, the HVAC contractor cannot replace the wire from the equipment to the panel, but is allowed to reconnect the wiring that was existing. The HVAC contractor is allowed to do any work after the disconnect; however, they cannot change the size of the wiring, the branch wiring, or the panel board.

Mr. Papademas stated that he would like the Board to further discuss this matter.

Mr. Flaherty thanked Mr. Papademas for the information reflected in his e-mail and his comments regarding this matter are to the point.

Mr. Papademas stated that it can be very challenging for the subcode official as the statutes and regulations are unclear.

DAG Donofrio stated that this exemption does not fall under the Board's jurisdiction; it is an HVAC exemption. Therefore, because the Board does not have the ability to regulate, this matter should be referred to the HVACR Board as the inspector's questions fall within their statutes.

Mr. Schooley stated that he would like to further discuss this matter before referring the e-mail to the HVAC Board.

Motion made by Mr. Anthony L. Anzelone and seconded by Mr. Constantinos Papademas, and unanimously passed, to 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 Zoom Appointment and Business Meeting is scheduled for Wednesday, June 8, 2022 at 9:00 A.M.

Respectfully submitted,

Philameana L. Tucker
Executive Director