

934th BUSINESS MEETING OF THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS (PUBLIC SESSION) - - - NOVEMBER 7, 2018

The Board Minutes of November 7, 2018, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of December 12, 2018, or soon thereafter as it may be considered. All requirements of the "Open Public Meetings 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.

Board meeting of November 7, 2018, was called to order at 9:00 A.M.
The following members were present:

Mr. Joseph P. Schooley, Chairman
Mr. Constantinos Papademas
Mr. Gino Pasqualone

Mr. Joseph F. Cantalupo and Mr. James H. Flaherty were absent.

Philameana L. Tucker, Executive Director, was present from 9:00 A.M. until the close of the meeting.

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

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

Also in attendance were Sam Weinstein, NJESA; Eric DeGesero, NJ Independent Electrical Contractors Association; Kevin Wuelfing; Christopher Gibbons and Julio Rosa.

The Board saluted the Flag.

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Motion made by Mr. Constantinos Papademas and seconded by Mr. Gino Pasqualone, and unanimously passed, to approve (4) Initial Licenses which will expire on March 31, 2021.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Gino Pasqualone, and unanimously passed, to approve (4) Initial Business Permits which will expire on March 31, 2021.

Motion made by Mr. Gino Pasqualone and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve (6) Initial Business Permits Previously Expired effective November 7, 2018 to March 31, 2021.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Gino Pasqualone, and unanimously passed, to approve (3) Changes in Business Permits effective November 7, 2018 to March 31, 2021.

The Minutes of the 933rd Open Session Business Meeting were not ready for approval.

Rachel Glasgow, Regulatory Analyst, appeared before the Board to discuss N.J.S.A. 45:5A-18(n).

The Board also discussed the e-mail dated July 18, 2018, received from Robert S. Austin, Code Specialist, New Jersey Department of Community Affairs, Division of Codes and Standards, asking questions concerning homeowners performing and preparing plans for electrical work in single-family homes in which they reside. Mr. Austin also asks whether or not the law changes if the homeowner does not reside in the single family home, but owns the home. Additionally, does the law change for two-family detached homes, townhouses, and condos/apartments.

Mr. Schooley stated the Board's rules state that the person performing the electrical work on a home must occupy that home for himself or a member of his family. Mr. Schooley also stated the rules governed by the Department of Community Affairs state that the person performing the electrical work must own and occupy the home. Mr. Schooley further stated in the interest of consumer safety, the Board's language should also state "own and occupy".

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Mr. Schooley stated that there have been issues with individuals flipping homes wherein that individual who performs the work does not occupy the home which could be a cause of concern for consumer safety.

DAG Donofrio stated the Board's Statute does not allow that kind of flipping as the home must be occupied by the person performing the work. The person performing the work cannot reside in a home that is being constructed. DAG Donofrio also stated that the Board's language does not indicate "will occupy" or "is to be occupied".

Mr. Schooley stated the Board is also concerned with tenants performing electrical work in a home they do not own.

Mrs. Glasgow stated the acting director has asked to meet with the Boards to review its regulations. Mrs. Glasgow also stated any rule changes that the Board feels are necessary to benefit the protection of consumers can be reviewed.

DAG Donofrio stated the thought of a tenant being allowed to perform electrical work in a home they are renting is concerning to the Board in regards to public safety.

DAG Donofrio stated the Board should again attempt to modify the regulations.

Mrs. Glasgow advised the Board that the pre-proposal regarding power over the ethernet was published in the New Jersey Register on November 5, 2018 for which there is a 60 day comment period.

The Board directed that a letter be sent to Mr. Austin advising him that the Board's statute clearly states that the person performing the electrical work must **occupy** the dwelling for himself or a member of his immediate family at the time the work is being performed. However, because the word dwelling is not defined in the Statute, the Board cannot make a distinction between a single family, two family, etc. Therefore, pursuant to N.J.S.A. 45:5A-18(n), work performed by a person on a dwelling that is **occupied** solely as a residence for himself or for a member or members of his immediate family is considered exempt from licensure and does not require the securing of a business permit issued by the Board.

One payment in the amount of \$1,000.00 received on September 17, 2018, from Edward Johnson, License #7469 (Revoked), as the twenty-second installment of a civil penalty in the amount of \$30,000.00 for violation of N.J.S.A. 45:5A-9; N.J.A.C. 13:31-1.5(e); and N.J.S.A. 45:1-21(e).

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Payments began on November 16, 2016 and the balance due is \$7,000.00.

The Board accepted the payment.

Check in the amount of \$167.00 received on September 20, 2018, from Barry J. Yeslow, License #9340, as the fifth installment of a civil penalty in the amount of \$2,000.00 for violation of N.J.A.C. 13:31-3.3 (c) (1). Payments started July 11, 2018 and the balance due is \$1,165.00.

The Board accepted the payment.

Check in the amount of \$50.00 received on September 27, 2018, from George Isabella, License #14732, t/a George Isabella Electrical Contractor, as the third installment of a civil penalty in the amount of \$2,500.00 for violation of N.J.A.C. 13:31-3.3 (c) (1). Payments started July 27, 2018 and the balance due is \$2,150.00.

The Board accepted the payment.

Money order in the amount of \$334.00 received from James Snyder, License #14763, as the third installment 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 balance due is \$1,332.00.

The Board accepted the payment.

Payment in the amount of \$77.57 received on September 18, 2018, from Michael D. Carr, License #13643 (Expired), as the first installment of a civil penalty in the amount of \$1,500.00 for violation of N.J.A.C. 13:45C-1.2. Balance due is \$1,422,43.

The Board accepted the payment.

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At its July 11, 2018, the Board approved courses submitted by Robert Triplett, Penn-Del-Jersey Chapter, NECA.

Mr. Triplett stated he failed to include the names and resumes of three instructors to teach continuing education courses. Additionally, Mr. Triplett also stated he mistakenly indicated that the course entitled "Developing Your Strategic Plan" was a four hour course, but in actuality it is a 7 hour course.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Gino Pasqualone, and unanimously passed, to approve the correction in course hours and the addition of instructors as requested to Mr. Triplett.

Application for Reinstatement of a License received from Jack A. Giaimo, License #7375 (Suspended).

Office files reflect License and Business Permit #7375 were suspended on November 5, 2014 as reflected in a Final Order of Discipline filed November 5, 2014, ordering Mr. Giaimo pay a civil penalty in the amount of \$1,000.00 for violation of N.J.S.A. 45:1-21(e). Mr. Giaimo has paid his penalty in full.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Gino Pasqualone, and unanimously passed, that this matter be discussed in Executive Closed Session.

After discussion in Closed Session, the Board returned to Open Session for the following motion:

Motion made by Mr. Constantinos Papademas and seconded by Mr. Gino Pasqualone, and unanimously passed, to reinstate Mr. Giaimo's License #7375 as he has demonstrated to the Board's satisfaction that he meets the requirement for reinstatement.

Application for Reinstatement of a License received from John Hartnett, License #15973 (Expired).

Office files reflect License #15973 expired on March 31, 2009.

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Office files also reflect Business Permit #15973 was placed on inactive status on May 7, 2009.

Pressure seal issued to Spotlight Electrical Contractors LLC returned to the Board office on July 23, 2018.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Gino Pasqualone, and unanimously passed, that this matter be discussed in Executive Closed Session.

Application to Reactivate an Inactive Electrical Contractors License received from Stanley Witas, License #12867 (Inactive).

Office files reflect Mr. Witas chose Inactive status for his license and business permit on March 12, 2009.

Pressure seal issued to Stanley Witas Electrical Contractor returned to the Board office on October 26, 2018.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Gino Pasqualone, and unanimously passed, that this matter be discussed in Executive Closed Session.

Signed acknowledgment received from Douglas C. Walker, Unlicensed, agreeing to a stayed penalty in the amount of \$1,000.00 for violation of N.J.S.A. 45:5A-9. Mr. Walker also signed an agreement to cease and desist from engaging in the business of electrical contracting until such time as he becomes licensed.

The Board accepted the signed acknowledgment and cease and desist agreement.

Mrs. Tucker stated that there is nothing to report to the Board.

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The Board reviewed applications for the licensing examination to be administered by PSI Services, LLC. Sixteen (16) applications were approved.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Gino Pasqualone, 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 2:30 P.M.

An Appointment and Business Meeting is scheduled for Wednesday, December 12, 2018, at 9:00 A.M.

Respectfully submitted,

Philameana L. Tucker
Executive Director

INITIAL LICENSEES APPROVED BY THE BOARD NOVEMBER 7, 2018
EFFECTIVE NOVEMBER 7, 2018 T MARCH 31, 2021

1. Steven Pietro, License #18411
2. Joseph YK Hui, License #18412
3. Erik Dunn, License #18406
4. Aniello DiDio, Jr., License #18413

INITIAL BUSINESS PERMITS APPROVED
BY THE BOARD NOVEMBER 7, 2018
EFFECTIVE NOVEMBER 7, 2018 TO MARCH 31, 2021

1. Derstine Company LLC - (Nicholas R. Derstine) - (Limited Liability Company) - 320 Cowpath Road Souderton, PA 18964 - License #18385
2. Eagle Construction Services, Inc. - (Seth Jordan) - (Corporation) - 1624 Jacksonville Road - Burlington, New Jersey 08016 - License #18111
3. Dunn-Right Electric Inc - (Erik Dunn) - (Corporation) - 51 Kennedy Street - Freehold, New Jersey 07728 - License #18406
4. Mickeys Electric LLC - (Michael Jankowski) - (Limited Liability Company) - 535 Coolidge Place - Paramus, New Jersey 07652 - License #18374

INITIAL BUSINESS PERMITS PREVIOUSLY EXPIRED
APPROVED BY THE BOARD NOVEMBER 7, 2018
EFFECTIVE NOVEMBER 7, 2018 TO MARCH 31, 2021

1. Flawless Construction and Management LLC - (Gregg Lawless) - (Limited Liability Company) - 3 Castle Court - Thiells, New York 10987 - License #15888A
2. Electrical Concepts & Construction, Inc. - (John C Eckert) - (Corporation) - 1017 New Brunswick Avenue - Rahway, New Jersey 07065 - License #9246B
3. NJ Light and Power Electrical Contractor - (Darex C. Brooks) - (Limited Liability Company) - 1360 Clifton Avenue Suite #307 - License #15358A
4. Misner Electric LLC - (Michael H. Misner) - 9 Brookview Drive - Mantua, New Jersey 08501 - License #15702A
5. DSA Services, Inc., (Thomas Primak) - (Corporation) - 1215 Harris Avenue - Union Beach, New Jersey 07735 - License #8853A
6. Comtec Electric LLC - (Dennis E. Makowski) - (Limited Liability Company) - 309 Lawrence Avenue - North Plainfield, New Jersey 07063 - License #6925A

CHANGES IN BUSINESS PERMITS APPROVED BY THE BOARD NOVEMBER 7, 2018
EFFECTIVE NOVEMBER 7, 2018 TO MARCH 31, 2021

1. Russo Bros & Co - (Patrick L Porzios) - (Corporation) - Formerly - Vital Electric LLC - (Limited Liability Company) - 27 Eagle Rock Avenue - East Hanover, New Jersey 07936 - License #10375B
2. Ellipse Electrical Constructor LLC - (Michael T. Anderson) - (Limited Liability Company) - Formerly - MTA Electrical Contractor LLC - (Limited Liability Company) - 3092 Flint Hill Road - Coopersburg, Pennsylvania, 18036 - License #11313B
3. Hi-Lite Electrical Services LLC - (Joseph M. Losito) - (Limited Liability Company) - Formerly - Hi - Lite Electric LLC - (Limited Liability Company) - 424 Lincoln Blvd. - Middlesex, New Jersey 08846 - License # 13788B