

890<sup>th</sup> BUSINESS MEETING OF THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS (PUBLIC SESSION) - - - SEPTEMBER 3 , 2014

The Board Minutes of September 3, 2014, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of October 1, 2014, 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 September 3, 2014, was called to order at 9:00 A.M.  
The following members were present:

Mr. Joseph P. Schooley, Chairman  
Mr. Joseph F. Cantalupo  
Mr. Constantinos Papademas  
Mr. Arthur W. Jacobs, Sr.  
Mr. James H. Flaherty  
Mr. Gino Pasqualone

Mr. Mitchell R. Malec and Ms. Susan C. Michielli were absent.

Mr. Mitchell R. Malec sent a letter to the Board advising that he is retiring from his position with the State of New Jersey and will no longer be eligible to be the government representative for the Board. Mr. Malec also stated he was fortunate to have served with dedicated and committed Board members supported by a diligent and hard working State staff. Mr. Malec further stated he will miss working with the Board, but is confident that the Board will continue to succeed in their mission to protect the health, safety and well being of the people of New Jersey.

David Freed, Acting Executive Director, 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.

Marian Fiore, Senior Management Assistant, was present from 9:00 A.M. until the close of the meeting.

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

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The Board saluted the Flag.

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Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve (4) Initial Licenses effective September 3, 2014 to March 31, 2015.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve (5) Initial Business Permits effective September 3, 2014 to March 31, 2015.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve (2) Initial Business Permits Previously Expired effective September 3, 2014 to March 31, 2015.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve (3) Changes in Business Permits effective September 3, 2014 to March 31, 2015.

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Check in the amount of \$200.00 received from Christian F. Rupp, IV, License #8149, t/a C R Electrical Contracting, as the seventeenth installment of a civil penalty in the amount of \$2,700.00 for violation of N.J.S.A. 45:5A-9 and N.J.S.A. 56:8-1 et seq. Payments started November 14, 2012 and the balance due is \$900.00.

The Board accepted the payment.

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Check in the amount of \$250.00 received from Steven Burke, License #14127, t/a Burke Electrical Contractors, Inc., as the first and final payment of a civil penalty in the amount of \$250.00 for violation of N.J.S.A. 45:5A-9 and N.J.S.A. 56:8-1 et seq.

The Board accepted the payment.

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Check in the amount of \$500.00 received from Donald A. Giese, License #6196, t/a American Eagle Electric Services, as the first and final payment of a civil penalty in the amount of \$500.00 for violation of N.J.S.A. 45:5A-9 and N.J.S.A. 56:8-1 et seq.

The Board accepted the payment.

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Money Order in the amount of \$1,000.00 received from Susan C. Johnstonbaugh, License #13763, t/a Central Jersey Electrical Systems, LLC, as the first and final payment of a civil penalty in the amount of \$1,000.00 for violation of N.J.S.A. 45:5A-15.

The Board accepted the payment.

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Letter dated August 19, 2014, received from Glenn T. Wertheim, Esq., on behalf of Corey Coleman, requesting reinstatement of his License #10961 which expired on March 31, 2006.

Motion made by Mr. James H. Flaherty and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to discuss Mr. Coleman's request in Executive Closed Session.

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The Board reviewed an application for Continuing Education Course/Seminar Approval received from Donald Clare, New Jersey Education and Seminars, LLC, requesting approval of new courses.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Arthur W. Jacobs, Sr., and unanimously passed, to approve six (6) new courses and an instructor.

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The Board reviewed an application for Continuing Education Course/Seminar Approval received from Eric DeGesero, New Jersey Independent Electrical Contractors Association (NJIEC), requesting approval of new courses.

Motion made by Mr. Constantinos Papademas and seconded by Mr. James H. Flaherty, and unanimously passed, to approve twenty-nine (29) new courses and instructors. The course entitled "Who Needs EFCA? The Obama NLRB's Payback To Organized

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Labor" is disapproved as it does not meet the criteria of continuing education pursuant to N.J.A.C. 13:31-1.7. Additionally, the courses entitled "Managerial Success - Who's With Me" and "Deadly Deals: Counterfeits Can Kill" are being held in abeyance pending receipt of a more detailed course outline to show how these courses relate to the practice of electrical contracting.

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The Board reviewed an application for Continuing Education Course/Seminar Approval received from Dwight C. Price, The Electrical Association of Philadelphia, requesting approval of new courses.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Arthur W. Jacobs, Sr., and unanimously passed, to approve one (1) new course and an instructor. Mr. Price will be advised that licensees attending the eight hour course entitled "Changes to the 2014 NEC" will not receive credit for having attended the "Nine Hours of Code Changes and One Hour of Laws Rules and Regulations".

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The Board reviewed an application for Continuing Education Course/Seminar Approval received from Ann Ferry, New Jersey Department of Community Affairs/Rutgers University, requesting approval of a new course.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that a letter be sent to Ms. Ferry advising her the course entitled "Basic Fire Alarm Plan Review" is denied as this course does not meet the criteria of continuing education pursuant to N.J.A.C. 13:31-1.7. It is the Board's opinion that this course is applicable to inspectors.

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The Board reviewed an application for Continuing Education Course/Seminar Approval received from Thomas McNulty, Penn-Del-Jersey Chapter NECA, requesting approval of a new course.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to approve seven (7) new courses and instructors.

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At its March 12, 2014 meeting, the Board requested that a letter be sent to Mr. Price asking him whether or not the course entitled "High Voltage Systems: Equipment and Safety" presented on February 28, 2014 was presented as an approved Continuing Education Course for New Jersey Licensed Electrical Contractors. The Board also wanted to know how many individuals attended the course held on February 28, 2014.

In response to the Board's request, a letter dated August 6, 2014, was received from Dwight C. Price, Executive Director, The Electrical Association of Philadelphia, stating the course entitled "High Voltage Systems: Equipment and Safety" presented on February 28, 2014 was not presented as an approved New Jersey Continuing Education Course for New Jersey Licensed Electrical Contractors. Mr. Price also stated there were 25 participants in the course.

Note: Mr. Price was advised that the Board approved the course entitled "High Voltage Systems: Equipment and Safety"; however, licensees attending the course held on February 28, 2014, would not receive Continuing Education credit toward the renewal of their license.

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Letter dated August 6, 2014, received from Rose Boyd, e-Hazard, stating Merck employees are required to take the course entitled "High Voltage Refresher". Ms. Boyd also stated that the Board approved course entitled "High Voltage Qualified OSHA 1910.269 Refresher" is substantially the same as the course entitled "High Voltage Refresher" which is why she was requesting that the students be allowed continuing education credit for having taken the High Voltage Refresher course. Ms. Boyd further stated Continuing Education certificates have not been provided to attendees.

At its July 9, 2014 meeting, the Board disapproved e-Hazard's request to teach the course entitled "High Voltage Refresher". The Board requested that Ms. Boyd advise whether or not Merck employees were required to take this course; did e-Hazard represent to the individuals taking this course that they would receive credit for the renewal of their electrical contractors license; and did e-Hazard issue Continuing Education Course certificates to the New Jersey Licensed Electrical Contractors who attended this course.

Motion made by Mr. Constantinos Papademas and seconded by Mr. Joseph F. Cantalupo, and passed, that a letter be sent to Ms. Boyd advising her because e-Hazard only modified a previously approved course entitled "High Voltage Qualified OSHA 1910.269 Refresher" and did not change the substance of the course, the Board has decided to approve the course entitled "High Voltage Refresher" and allow those attendees who are licensed electrical contractors to receive continuing education credit towards the 2015 renewal cycle.

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Ms. Boyd will be reminded pursuant to N.J.A.C. 13:31-1.7 sponsors are required to seek approval of continuing education courses prior to teaching the course.

Mr. James H. Flaherty voted no.

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The Board reviewed an application for Continuing Education Course/Seminar Approval received from Sarah Barton, Warshauer Electric Supply.

Motion made by Mr. Constantinos Papademas and seconded by Mr. James H. Flaherty, and unanimously passed, to approve two (2) new courses and an instructor.

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The Board reviewed the response received from Brett MacPherson, Unlicensed, Architectural Change, to the Uniform Penalty Letter dated July 9, 2013, offering Mr. MacPherson the opportunity to settle this matter by paying a civil penalty in the amount of \$2,000.00 for violation of N.J.S.A. 45:5A-9 and restitution to Sharon R. Desmarais in the amount of \$600.00.

Motion made by Mr. James H. Flaherty and seconded by Mr. Gino Pasqualone, and unanimously passed, to discuss this matter in Executive Closed Session.

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Letter dated July 17, 2014, received from Eric DeGesero, Executive Director, New Jersey Independent Electrical Contractors, stating the Township of Edison requires licensed electrical contractors, who hold a valid business permit, to register with the municipality as a commercial contractor in order to obtain a permit to pour a concrete pad which will support a generator at a commercial building.

Mr. DeGesero also stated the Board of Master Plumbers has adopted N.J.A.C. 13:31-1.4(i) to include construction work within the scope of work of the plumbing license. Mr. DeGesero further stated that the Board of Examiners of HVACR Contractors responded to a comment and ruled the pouring of a pad was indeed within the scope of HVACR contracting work.

Mr. DeGesero asks whether or not the Board believes the pouring of a concrete pad is within the scope of electrical contracting. If so, NJ-IEC believes that the Electrical Board should consider a similar provision.

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Motion made by Mr. James H. Flaherty and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that Deputy Attorney General Joseph Donofrio draft a letter to the Township of Edison advising it is the opinion of the Board that the pouring of the concrete pad is within the scope of electrical contracting; therefore, licensed electrical contractors should not be required to register with the municipality as a commercial contractor.

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Letter dated July 24, 2014, received from Eric DeGesero, Executive Director, New Jersey Independent Electrical Contractors, stating his Chapter met with Edward Smith, Director, Division of Codes and Standards, New Jersey Department of Community Affairs, concerning N.J.S.A. 45:5A-18(n).

Mr. DeGesero also stated his Chapter expressed concerns about individuals who are "house flipping" and taking advantage of the exemption. Mr. DeGesero further stated that the Department of Community Affairs understood their concerns but advised they must take the applicant at their word when they sign for the permit under the allowable exemption.

Mr. DeGesero stated according to the Uniform Construction Code, the definition of "person" includes limited liability companies.

Mr. DeGesero asks how the Board defines the word "person" in N.J.S.A. 45:5A-18(n). If "person" only refers to an individual, and not an entity, then an electrical permit could not be issued to an entity that owns property.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Constantinos Papademas, and unanimously passed, that a letter be sent to Mr. DeGesero advising him it is the opinion of the Board that the definition of the word "person" as used in N.J.S.A. 45:5A-18(n) is a natural person. It is also the opinion of the Board that the "person" obtaining the Electrical Subcode Technical Section application should demonstrate they, or a member(s) of the immediate family, resides in the home.

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Copy of a memorandum dated July 31, 2014, addressed to Steve Lee, Acting Director, Division of Consumer Affairs, received from Joseph E. Rossi, Construction and Electrical Official, Township of Washington, stating he has noticed the quality of electrical work performed by "homeowners" since the change in the UCC which allows a "homeowner" to perform their own electrical work. Mr. Rossi also stated the Uniform Construction Code does not limit the number of homes the homeowner can own, obtain permits, and perform electrical work.

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Mr. Rossi requests that Acting Director Lee ask Commissioner Richard Constable to take action regarding this matter and allow homeowners to perform their own electrical work in specific areas and not state wide.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Arthur W. Jacobs, Sr., and unanimously passed, that Deputy Attorney General Joseph Donofrio draft a letter to be sent to Mr. Rossi advising him that rental properties are not primary residences, and therefore, do not fall under N.J.S.A. 45:5A-18(n) which states 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 shall not be included within the business of electrical contacting so as to require the securing of a business permit.

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Rachel Glasgow, Regulatory Analyst, appeared before the Board to discuss the draft of N.J.A.C. 13:31A-1.10 Qualifications for Licensure for applicants licensed in other states.

Ms. Glasgow stated the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee adopted the following amended language concerning qualifications for licensure for applicants licensed in other states.

N.J.A.C. 13:31A-1.10 (a) (5) The applicant successfully completes, within three years immediately preceding the date of application, two hours of training in the Barrier Free Subcode, N.J.A.C. 5:23-7, two hours of training in the New Jersey Uniform Construction Code, N.J.A.C. 5:23, exclusive of the Barrier Free Subcode, two hours of training in the Americans with Disabilities Act Code, 36 CFR 1191, two hours of training in industrial safety, **and two hours of training in New Jersey law and rules governing the provision of burglar alarm, fire alarm and locksmithing services.**

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve the proposed language as drafted.

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Rachel Glasgow, Regulatory Analyst, appeared before the Board to discuss the proposed draft for the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee concerning N.J.A.C. 13:31A-2.4 and 3.9 which proposes rules to provide credit towards licensure for education, training and experience received while serving as a member of the Armed Forces.



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Ms. Glasgow asked that the Board approve the amended regulations for the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee which would permit an applicant for a locksmith or alarm installer license, who has been honorably discharged from the Armed Forces and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:31A-2.1 or 3.1 as applicable, to apply to the Committee for recognition of the applicant's training, education, and experience received while serving as a member of the Armed Forces as being substantially equivalent to the training, education and experience required for licensure.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve the proposed language as drafted.

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E-mail dated August 6, 2014, received from Steven Wilcox asking whether or not a Telecommunications Wiring Exemption is required for the installation of antennas that are often located on towers, water tanks and other tall structures and are connected to the radio units via communication coax cable, fiber lines and low voltage DC power.

E-mail dated August 14, 2014, received from Chadwick Johnson also asking questions regarding the Telecommunications Wiring Exemption.

The Board directed that a letter be sent to Mr. Wilcox and Mr. Johnson advising them that the Board does not have enough information to determine whether or not the work described falls within the Telecommunications Wiring Exemption. Therefore, Mr. Wilcox and Mr. Johnson will be requested to provide a better description of the work being performed, including the voltage of same.

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Superior Court of New Jersey Appellate Division affirmation of decision in the matter of John P. Cioffi, applicant for electrical contractor's examination.

Deputy Attorney General Joseph Donofrio stated Mr. Cioffi submitted an application for examination on three separate occasions in 2005, 2008 and 2012. Mr. Cioffi's experience appeared to be only low voltage alarm installations; therefore, the Board denied his application for examination.

DAG Donofrio also stated Mr. Cioffi appealed the Board's decision. The court upheld the Board's decision and found that the Board's requirement that an applicant have experience with higher voltage can hardly be deemed unreasonable, arbitrary or capricious.

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The court also found that the Board's requirement that an applicant have experience with work involving an electric force or potential of more than ten volts is reasonable, consistent with the Act, and entitled to deference.

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Letter dated August 18, 2014, received from Christopher Iannacone, License #15791, requesting the Board grant him an extension to take his Continuing Education Courses for the renewal of his License #15791 for the 2012 cycle.

Office files reflect that Mr. Iannacone's License and Business Permit#15791 expired on March 31, 2012.

Motion made by Mr. James H. Flaherty and seconded by Mr. Constantinos Papademas, and unanimously passed, that a letter be sent to Mr. Iannacone advising him that the Board has denied his request for an extension. Mr. Iannacone will also be advised in order to renew his license #15791, he must take 34 hours of Continuing Education.

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DAG Donofrio advised the Board that Joseph Scialabbo has submitted an OPRA request to be provided with a copy of the transcript of the individuals representing Evesham Township School District and copies of the application for licensure or application for qualified journeyman electrician for those individuals who work for the township.

Motion made by Mr. James H. Flaherty and seconded by Mr. Arthur W. Jacobs, Sr., and unanimously passed, should Mr. Scialabbo meet the common law requirements, the requested information will be released to him.

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Arthur W. Jacobs, Sr., recused himself from the following discussion and motion.

In the matter of Edward Johnson, License #7469, the following was the Board's motion.

Motion made by Mr. James H. Flaherty and seconded by Mr. Joseph F. Cantalupo, and passed, that Deputy Attorney General Joseph Donofrio modify the Provisional Order of Discipline and issue a Provisional Order of Discipline ordering Mr. Johnson's License and Business Permit #7469 be provisionally revoked; he cease and desist from engaging in the practice of electrical contracting until such time as the Board shall authorize his reinstatement; pay a civil penalty in the amount of \$20,000.00 for failing to return his

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pressure seal issued to Ed Johnson Electric and pay a civil penalty in the amount of \$5,000.00 for continuously advertising, entering into, engaging in and working as an electrical contractor without securing a business permit in violation of N.J.S.A. 45:5A-9 and N.J.A.C. 13:31-1.5(e); and pay a civil penalty in the amount of \$5,000.00 for engaging in professional and occupational misconduct in violation of N.J.S.A. 45:1-21(e). Mr. Johnson is provisionally prohibited from applying for reinstatement until such time as he fully satisfies all penalties and requirements of the Order. Mr. Johnson is provisionally reprimanded for violating and failing to comply with the provisions of an act and regulation administered by the Board in violation of N.J.S.A. 45:1-21(h) and provisionally reprimanded for engaging in professional and occupational misconduct pursuant to N.J.S.A. 45:1-21(e).

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The Board reviewed applications for the written examination to be administered by Prometric. Five (5) applications were approved.

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Motion made by Mr. Joseph F. Cantalupo 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 3:00 P.M.

An Appointment and Business Meeting is scheduled for Wednesday, October 1, 2014, at 9:00 A.M.

Respectfully submitted,

David Freed  
Acting Executive Director

INITIAL LICENSEES APPROVED BY THE BOARD SEPTEMBER 3, 2014  
EFFECTIVE SEPTEMBER 3, 2014 TO MARCH 31, 2015

1. Carlos J Rocha
2. Thomas C Saley
3. Patrick J Soltis
4. William Aguirre

INITIAL BUSINESS PERMITS  
APPROVED BY THE BOARD SEPTEMBER 3, 2014  
EFFECTIVE SEPTEMBER 3, 2014 TO MARCH 31, 2015

1. Live Wire Electrical and Telecommunications, LLC - (Royce Laverty) - Limited Liability Company) - 69 Friar Lane - Clifton, New Jersey 07013 - License #17710
2. Ferando Electric LLC - (William Aguirre) - (Limited Liability Company) - 1207 44<sup>th</sup> Street - North Bergen, New Jersey 07047
3. MPJ Electrical Contractors - (Patrick J Soltis) - (Limited Liability Company) - 548 Robinhood Road - Brick, New Jersey 08724
4. Saley Electrical Construction LLC - (Thomas C Saley) - (Limited Liability Company) 22 Clifford Drive - Towaco, New Jersey 07088
5. Jim Leach Electrician LLC - (James L Leach) - (Limited Liability Company) - 60 Ripplewood Drive - Lake Hopatcong, New Jersey 07849

INITIAL BUSINESS PERMITS PREVIOUSLY EXPIRED  
APPROVED BY THE BOARD SEPTEMBER 3, 2014  
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1. Morgan Electrical Contracting LLC - (James T Kolb) - (Limited Liability Company)  
- 1727 M Street - Wall, New Jersey 07719 - License #9969B
2. Kearns Electric LLC - (Patrick J Kearns) - (Limited Liability Company) - 315 Alden  
Street - Brick, New Jersey 08723 - License #12842A

CHANGE IN BUSINESS PERMITS  
APPROVED BY THE BOARD SEPTEMBER 3, 2014  
EFFECTIVE SEPTEMBER 3, 2014 TO MARCH 31, 2015

1. BL Jones Electrical Contractors LLC - (Bruce L Jones) - Limited Liability Company)  
- Formerly - BL Jones Electrical Contractor - (Individual) - 19 Whalen Avenue -  
Sicklerville, New Jersey 08081 - License #17703A
2. Girtain Sign Co. LLC - (Donald R Lowe) - (Limited Liability Company) - Formerly  
- ACE Electric - (Individual) - 1765 Route 9 - Toms River, New Jersey 08755 -  
License #12908A
3. Ki Electrical Contractor Inc - (Dane Kihyup Lee) - (Corporation) - Formerly - KI  
Electrical Contractor - (Individual) - 10 Rio Vista Drive - Allendale, New Jersey  
07401 - License #16825A