

**733 BUSINESS MEETING OF
THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
(PUBLIC SESSION)
JANUARY 3, 2001**

The Board Minutes of January 3, 2001, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of February 7, 2001. All requirements of the "Open Public Meetings Act" have been complied with according to N.J. 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.

Meeting of January 3, 2001, was called to order at 9:00 A.M.

The following members were present:

Mr. Joseph P. Schooley, Chairman
Mr. Joseph F. Cantalupo
Mr. Robert A. McCullough
Mrs. Gail Best
Mr. Mitchell R. Malec
Mr. Edward H. O'Hara
Mrs. Pushpavati Amin

Mr. Richard K. Dressel was absent.

Barbara A. Cook, Executive Director, was present from 9:00 A.M. until the close of the meeting.

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

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

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

Dennis Gonzalez, Executive Director, Professional Counselor Examiners Committee and the Board of Family and Marriage Counselors, was present to observe the meeting.

Also in attendance were Mr. Casey Hoff, New Jersey Electrical Contractors Association, and Mr. Stan Vitale, Central Jersey Electrical League, Inc.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve the Minutes of the 731 Meeting held November 1, 2000.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mrs. Gail Best, and unanimously passed, to approve the Minutes of the 732 Meeting held December 6, 2000, with a spelling correction in Closed Session.

Additionally, Mr. Malec expressed a concern that on Page 4 paragraph 9 the Minutes of the 732 Meeting do not indicate that the approval of an instructor, and of a particular course, is only for the licensing period for which approval was given.

Therefore, a letter will be sent to Mr. Sivertsen advising him of same.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed to approve (14) Initial Licenses effective January 3, 2001 to March 31, 2003, as per attached list.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed to approve (13) of the (14) Initial Business Permits effective January 3, 2001 to March 31, 2003, as per attached list. (#8 is being held in abeyance pending further review).

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (5) Initial Business Permits Previously Expired effective January 3, 2001 to March 31, 2003, as per attached list.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to approve (5) Changes in Business Permits effective January 3, 2001 to March 31, 2003, as per attached list.

Letter dated November 25, 2000, received from Gary A. Nuzzi, License #6228, requesting reinstatement of his license #6228 which he failed to renew for the renewal periods of 1997 to 2000 and 2000 to 2003.

Mr. Nuzzi stated that he had medical problems and could not work. Mr. Nuzzi also stated that his father then became ill and he had to go to Arkansas to take care of him. Mr. Nuzzi further stated that the doctor has advised him that he can return to work.

Motion made by Mr. Mitchell R. Malec and seconded by Mrs. Gail Best, and unanimously passed, that a letter be sent to Mr. Nuzzi advising him that upon verification that he has attended a 1996 and 1999 Continuing Education Code Course, the Board votes to renew his license #6228 with the payment of the proper fees.

Letter dated December 19, 2000, received from William D. Brown, License #4585 requesting reinstatement of his license #4585 which he failed to renew for the renewal periods of 1997 to 2000 and 2000 to 2003.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mrs. Gail Best, and unanimously passed, that a letter be sent to Mr. Brown advising him that upon verification that he has attended a 1996 and 1999 Continuing Education Code Course, the Board votes to renew his license #4585 with the payment of the proper fees.

Letter dated November 30, 2000, received from Lisa Oates, Vice President, Bosshard Electric, LLC, requesting a six-month continuance of business under permit #4387 according to N.J.S.A. 45:5A-14. The licensee Harry A. Bosshard died on November 29, 2000.

Motion made by Mrs. Gail Best and seconded by Mr. Robert A. McCullough, and unanimously passed, that a letter be sent to Ms. Oates advising her that the Board has granted the firm of Bosshard Electric, LLC., a six-month continuance of business permit #4387 according to N.J.S.A. 45:5A-14.

Letter dated November 27, 2000, received from Alan T. Gardner, Gardners Electric, requesting a six-month continuance of business under permit #4894 according to N.J.S.A. 45:5A-14. The licensee James B. Gardner died on September 5, 2000.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, that a letter be sent to Alan T. Gardner advising him that the Board has granted the firm of Gardners Electric a six-month continuance of business permit #4894 according to N.J.S.A. 45:5A-14.

Letter dated December 1, 2000, received from Donald M. Carrie, License #9646 (Expired) stating that he has not engaged in any new projects during his illness. Mr. Carrie has also provided medical documentation.

The above is in response to Mr. Carrie's request for a waiver of the Continuing Education Code Course for the 2000 to 2003 renewal period.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mrs. Gail Best, and unanimously passed, that a letter be sent to Mr. Carrie advising him that the Board has voted to renew his license and business permit #9646 with the payment of the proper fees. Mr. Carrie will be advised that he has six months in which to attend a 1999 Continuing Education Code Course.

The Board reviewed the Continuing Education Code course outlines submitted by Richard R. Larsen.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that a letter be sent to Mr. Larsen advising him that his request is being held in abeyance pending clarification of which classes he is requesting approval for and the course outlines for each course.

The Board reviewed the Continuing Education Code course outlines submitted by Joseph Portela.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, that a letter be sent to Mr. Portela advising him that his request is being held in abeyance pending clarification of which courses he is requesting approval for and the names of the instructors who are teaching the particular course.

The Board reviewed the Continuing Education Code course outlines submitted by Jennifer Montalvo.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, that a letter be sent to Ms. Montalvo advising her that her request is being held in abeyance pending clarification of the length of the courses.

The Board reviewed the Continuing Education Code course outlines submitted by Victor V. Timpanaro.

Motion made by Mr. Mitchell R. Malec and seconded by Mr. Robert A. McCullough, and unanimously passed, that a letter be sent to Mr. Timpanaro advising him that his request is being held in abeyance pending clarification of the length of the courses; Mr. Timpanaro's letter references four hour increments, therefore, the Board would like to know how the four hour courses will be broken down based on the outline provided. The Board would also like to know whether or not these courses are intended for all subcode officials who are also licensed electrical contractors, or is it a general course. The Board feels that some of the course material would have no relevance to an electrical contractor who is not also a subcode official.

At this time Mr. Schooley appointed Mr. Robert A. McCullough, Mr. Mitchell R. Malec, and Mr. Edward H. O'Hara, to work as a committee to review the documentation received from sponsors/instructors requesting to teach continuing education code courses and then report their findings and recommendations to the Board.

The Board reviewed the application drafted by Barbara A. Cook which would be sent to a sponsor/instructor wishing to teach a Continuing Education Code Course. The instructor would complete one application per course outline.

The Board made the following comments which will be included on an instruction sheet to be included with the Application for Continuing Education-Instructor Approval & Course/Seminar Approval.

Credit will only be given for full one hour increments.

Video and Internet courses will not be acceptable.

Under "Dates of Course/Seminar" include the wording "if known" and "time".

Include a sentence as to whether or not the instructors and courses were previously approved.

One form to be completed for each course being requested

Barbara A. Cook asked that the Continuing Education Committee to assist her in categorizing the courses already approved.

Mr. Joseph P. Schooley thanked Barbara A. Cook for drafting this form and stated that she did a great job.

The Board reviewed a memorandum dated December 13, 2000, received from Darlene Kane, Budget Analyst, Division of Consumer Affairs, stating that for the first quarter of Fiscal Year 2001, the Electrical Board was directly billed for

194.4 hours of Deputy Attorney General/Paralegal Services totaling \$12,466.19.

Mrs. Cook advised the Board that she has reviewed the charges and is satisfied with same.

The Board reviewed the draft agenda for the Code Advisory Board meeting held on December 8, 2000, and the approved minutes of the Code Advisory Board Meeting held June 9, 2000.

Mr. O'Hara asked Mr. McCullough about the discussion of the "Cable TV and Low Voltage Communication Wiring".

Mr. McCullough stated that the discussion dealt with whether or not permits and inspections will be required for cable TV work and/or low voltage installation. Mr. McCullough also stated that the Department of Community Affairs exempts the installation of communications wiring from permits and inspections in one or two family dwellings.

Mr. McCullough further stated that this issue came about when a contractor recabled the Tropicana in Atlantic City and the local inspector found many violations.

Mr. McCullough stated that he is hopeful that the DCA will require permits and inspections.

Mr. O'Hara also asked Mr. McCullough about the discussion concerning "Electrical/Plumbing Licensing"

Mr. McCullough stated that this discussion concerns the "homeowner's exemption". Mr. McCullough also stated that it is disgusting that the pre-proposal has not moved off of someone's desk. The Department of Community Affairs receives more questions than this Board as to what a homeowner can do. Mr. McCullough further stated that we have to get this pre-proposal out so that individuals can respond.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, that a memorandum be sent to Anthony Miragliotta, Deputy Director, Division of Consumer Affairs, advising him that the Board has again expressed concerns about its request that the draft of the "homeowner's exemption" be published in the New Jersey Register as a pre-proposal as soon as possible.

Mr. O'Hara asked about the discussion concerning the "Draft Bulletin and draft rule - electrical grounding (rebar) N.J.A.C. 5:23-2.14; 3.4; and 4.20".

Mr. McCullough stated that the Department of Community Affairs will require that if the design of the footing includes half of an inch rebar, it will be used as part of the grounding system. Mr. McCullough also stated that the question has come up "who can make that connection". Many times the footing is installed before the electrical contractor comes on board. Does that connection to the steel have to be made by the electrical contractor?

The Board requested that this matter be further discussed at a future meeting.

The Board reviewed a memorandum sent to Anthony Miragliotta, Deputy Director, Division of Consumer Affairs, from Judith I. Gleason, Policy and Planning/Legislative Liaison, Division of Consumer Affairs, stating that the language "desiring to register" is still contained in Senate Bill S-663.

Additionally, the bill defines a journeyman electrician solely as a person "registered as a journeyman electrician by the Board" with no reference to N.J.S.A. 45:5A-18(k).

Mr. O'Hara stated that this bill seems to be ineffective.

Mr. O'Hara stated that the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee discussed Senate Bill 975 (Assembly Bill 1950) which clarifies that companies engaged in the business of installing or maintaining fire protection equipment shall be regulated by the Department of Community Affairs and removes fire alarm companies from the requirements that they be licensed by the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee within the Division of Consumer Affairs.

Mr. O'Hara also stated that the Committee opposed this bill with the exception of Edward Bagniewski because his

association is in favor of the bill.

Mr. Cantalupo stated that this bill was passed four years ago, however, rules and regulations were not promulgated.

Motion made by Mr. Edward H. O'Hara and seconded by Mr. Robert A. McCullough, and passed, that a letter be sent to Assemblyman John V. Kelly advising him that the Board opposes Senate Bill 975.

Mr. Mitchell R. Malec abstained from the motion.

The Board reviewed a draft of a proposed new rule to add a new subsection to N.J.A.C. 13:31-1.4 "Definitions" concerning the testing, servicing, repairing of electrical equipment or apparatus.

Mr. O'Hara stated that he is recommending that "equipment" should be defined to include equipment served by a branch circuit. Mr. O'Hara also stated that panel boards, service equipment, switchboards, and branch circuits are not included under the definition of "equipment". Panel boards, service equipment, switchboards, and branch circuits must be installed by a licensed electrical contractor/business permit holder.

Mr. McCullough stated that he agrees with Mr. O'Hara in that an unlicensed individual should not repair 480 volt circuit breakers. Mr. McCullough also stated that ballasts should also be installed by a licensed electrical contractor/business permit holder.

Mr. McCullough further stated that sign work is separately defined and is not defined as Luminaires.

This matter is being held in abeyance to be further discussed at a future meeting.

Letter dated November 16, 2000, received from Adam Hryniewicki, New Providence, New Jersey, stating that he will not advertise his availability to perform electrical contracting unless he becomes licensed to do so.

The Board accepted Mr. Hryniewicki's response to the cease and desist agreement.

Letter dated December 20, 2000, received from Michael V. Rytelewski, License #8372, requesting that the 24 hours of continuing education be reduced for electrical contractors who teach electrical theory or NEC in either approved institutions or courses. Mr. Rytelewski stated that teachers are required to meet certain standards by their employers and their knowledge of certain NEC code articles must go deeper than the average electrical contractor.

The Board requested that a letter be sent to Mr. Rytelewski advising him that the Board will take his comments into consideration. However, at this time, the Board is still awaiting the adoption of its proposed rules and regulations.

The Board reviewed the Minutes of the November 21, 2000, Meeting of the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee.

The Board requested that on page 3 of the Minutes of the November 21, 2000 Meeting, in the matter of the Burglar and Fire Alarm - "30 volt" draft, the Board requested that under 13:31A-1.13(a 1) the following word be added as underlined:

Installing, servicing or maintaining branch circuit wiring. For purposes of this section, "branch circuit wiring" means the circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).

Mr. Cantalupo stated that the Board should discuss how many licenses the committee should be issuing. After a brief discussion, the following motion was made.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mrs. Gail Best, and unanimously passed, that a memorandum be sent to the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee advising that the Electrical Board will only approve rules and regulations for two licenses, a Burglar and Fire Alarm License and a Locksmith License.

Mr. Malec expressed his concerns that the Committee selected "Subject Matter Experts" to participate in Examination Development Workshops. Mr. Malec stated that the Board does not know the qualifications of the individuals selected. Mr. Malec further stated that he feels that there is a conflict of interest.

DAG Carboni will look into Mr. Malec's concerns as to whether or not there is a conflict of interest.

Mr. Schooley asked that a group of the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee members meet with the Electrical Board along with Anthony Miragliotta, Deputy Director, to discuss the above matters.

The Board reviewed applications for the written examination administered by Experior Assessment LLC. Sixteen (16) applications were approved.

Motion made by Mrs. Gail Best and seconded by Mr. Robert A. McCullough, and unanimously passed, that the Board 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, February 7, 2001, at 9:00 A.M. and a Special Appointment Meeting is scheduled for Wednesday, February 21, 20001.

Respectfully submitted,

Barbara A. Cook
Executive Director

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