

**817th BUSINESS MEETING OF THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
(PUBLIC SESSION) - - - JANUARY 9, 2008**

The Board Minutes of January 9, 2008, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of February 6, 2008. 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.

Meeting of January 9, 2008, 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
- Mr. Richard T. Aicher, Jr.
- Mr. Mitchell R. Malec
- Mr. James H. Flaherty
- Mr. Constantinos Papademas

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

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

Also in attendance were James Bibbo, Central Jersey Electrical League, Lisa Levine, Pringle, Quinn, Anzano, PC, and Joseph Hovanec, New Jersey Electrical Contractors Association.

The Board saluted the Flag.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (10) Initial Licenses effective January 9, 2008 to March 31, 2009.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (7) Initial Business Permits effective January 9, 2008 to March 31, 2009.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (4) Initial Business Permits Previously Expired effective January 9, 2008 to March 31, 2009.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (3) Changes In Business Permits effective January 9, 2008 to March 31, 2009.

Postal Money Order in the amount of \$100.00 received from James H. Gandy, Unlicensed, as the seventh installment of a civil penalty in the amount of \$2,500.00 for violation of N.J.S.A. 45:5A-9 and N.J.A.C. 13:31-3.3. Payments started May 25, 2007 and the balance due is \$1,800.00.

The Board accepted the payment.

Money Order in the amount of \$500.00 received from Joseph M. Adcock, License #14530, t/a Allstate Electric, as the first and final payment of a civil penalty in the amount of \$500.00 for violation of N.J.A.C. 13:31-3.2(b) and N.J.A.C. 13:45A-16.2(a 12).

The Board accepted the payment.

Check in the amount of \$350.00 received from Nicholas Ortense, Unlicensed, t/a Affordable Renovation, Remodeling & New Home Construction, LLC, as the twenty-second installment of a civil penalty in the amount of \$1,000.00 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.

Postal Money Order in the amount of \$300.00 received from Jack A. Giaimo, License #7375, t/a Powermaster Electric, as the eighth installment of a civil penalty in the amount of \$3,000.00 for violation of N.J.S.A. 45:5A-9 and N.J.A.C. 13:31-3.3. Payments started April 16, 2007 and the balance due is \$1,200.00.

The Board accepted the payment.

The sub-committee reviewed an application for Continuing Education Course/Seminar approval received from Richard Napier.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve Mr. Napier's request to teach previously approved courses.

The sub-committee reviewed an application for Continuing Education Course/Seminar approval received from Kelly Strother, The Electrical Association of Philadelphia.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Constantinos Papademas, and unanimously passed, that a letter be sent to Ms. Strother advising her that her request to teach Continuing Education Courses is being denied pending a more detailed outline of the courses to be taught.

The sub-committee reviewed an application for Continuing Education Course/Seminar approval received from Christopher "Tim" Henry, Tom Henry's Code Electrical Classes.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Constantinos Papademas, and unanimously passed, that a letter be sent to Mr. Henry advising him that his request to teach Continuing Education Courses is being denied pending a more detailed outline of the courses to be taught. The Board would like an explanation as to how the subjects "safety in the work place" and "business and liability law" equates to the course entitled

"Mathematical Calculations and the National Electrical Code".

The sub-committee reviewed an application for Continuing Education Course/Seminar approval received from Stephanie Carlberg, National Technology Transfer.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Constantinos Papademas, and unanimously passed, that two (2) courses, and instructors, are approved as submitted. The approval of the course entitled "2008 NEC With Safety Awareness and Grounding" is being held in abeyance pending a more detailed course outline.

The sub-committee reviewed an application for Continuing Education Course/Seminar approval received from William F. Rooney.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve Mr. Rooney's request to teach previously approved courses.

The sub-committee reviewed an application for Continuing Education Course/Seminar approval received from Ray Pietschmann, American Inspection Agency, Inc.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, that a letter be sent to Mr. Pietschmann advising him that his request to teach Continuing Education Courses is being denied pending a more detailed outline and breakdown of the subjects to be taught.

The sub-committee reviewed an application for Continuing Education Course/Seminar approval received from Ronald Pike.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Constantinos Papademas, and unanimously passed, to approve Mr. Pike's request to teach previously approved courses.

Letter dated December 16, 2007, received from Joseph Giummarra, License #10776, requesting a waiver of the Continuing Education Course as required by N.J.S.A. 45:5A-13.1. Mr. Giummarra stated that he has attended the nine hours of code changes and the one hour of laws, rules and regulations.

Mr. Giummarra also stated that he was not able to attend the remaining 24 hours due to health reasons.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and passed, that a letter be sent to Mr. Giummarra advising him that his request of a waiver of the additional 24 hours of continuing education is denied. Mr. Giummarra will be granted an additional 6 months in which to attend the additional 24 hours of continuing education courses. Additionally, Mr. Giummarra will be requested to provide the Board with a doctor's note.

Letter dated December 17, 2007, received from J.M. Rowland, License #5892, t/a Quality Electric Service, stating that he has reviewed the Attorney General's Opinion concerning the installation of underground conduit. Mr. Rowland stated that it is his opinion that the public's safety is subject to compromise if raceways that are intended for wiring systems of buildings are installed by individuals or entities that have not obtained a license and

business permit as licensed electrical contractors have clearly demonstrated their skill, knowledge, training and experience.

Mr. Rowland also stated that it has come to his attention that raceway systems that are part of the wiring systems of private and public buildings (both interior, and attached directly to the exterior) are being installed by individuals that do not have the skill or technical knowledge.

Mr. Flaherty stated that the Board cannot issue a declaratory ruling as requested by Mr. Rowland. Only the legislature can make such proposed changes.

Mr. McCullough stated that the decision of the court covers conduit under ground outside the building; a licensed electrical contractor, who holds a business permit, is still required to install conduit inside the building. Mr. McCullough also stated that permits and inspections are required according to Uniform Construction Code.

The Board requested that Deputy Attorney General Ginger R. Provost review the documentation concerning the installation of empty conduit.

The Board reviewed Assembly Bill No. A3623 which establishes a certificate of rehabilitation (COR) for convicted offenders to assist them in procuring public or private employment from which they would otherwise be barred because of their conviction. A person who has been issued a COR which lists a conviction of a specific crime or offense would not automatically forfeit a license, employment, franchise or any other right or privilege because of that conviction. The bill specifically prohibits the denial of a license or employment to applicants who have previously been convicted of a crime because of the conviction or because of a finding of lack of "good moral character" based on the conviction unless there is a direct relationship between the crimes that were committed and the specific license or employment sought; or if issuing the license or granting the employment would involve an unreasonable risk to property or to the safety or welfare of a specific person or the public. Deputy Attorney General Ginger R. Provost advised that the Board that she believes this bill has already been passed.

Mr. Schooley stated that the Board had previously reviewed this bill and was in favor of same.

Lisa Levine, Pringle Quinn Anzano, PC and Joseph Hovanec, New Jersey Electrical Contractors Association, appeared before the Board to discuss Assembly Bill A4127; the advertising practices of unlicensed contractors; and the Proposed Journeyman Regulation.

Maryann Sheehan, Regulatory Analyst, Division of Consumer Affairs, was also present during this discussion

Mr. Hovanec stated that his association has drafted this legislation based on the concerns of contractors and inspectors and what they encounter in the field. This legislation was drafted to improve and raise the profession of electrical contractors. Mr. Hovanec also stated that he is not looking to change the license or the amount of years required to sit for the examination; we are looking to mandate the requirement of apprenticeship training as there has been a certain amount of leeway in order to obtain a license. Mr. Hovanec further stated that the Plumbing Board mandates the apprenticeship program which puts more qualified journeymen in the field. Mr. Hovanec stated that there is a level of technical knowledge required of electrical contractors that they do not get by just working in the field everyday.

Mr. Hovanec stated that in order to get a business permit the proposed language requires that you have an electrical contractor's license and have been employed as a qualified journeyman electrician, or a licensed electrical contractor, for a total of four years. This will ensure that the individual has been working in the field for at least four years. Because many contractors do not know enough about running a business, an initial business permit holder must complete a business management course which is not an excessive amount of class time. Mr.

Hovanec also stated that the general liability insurance will be increased from \$300,000.00 to one million dollars as you would be hard pressed to find a home under \$300,000.00. This increase would amount to 12 cents per month over a 12 month period. Mr. Hovanec also stated that the association would also like to see a mandate which would require a licensee to own 25% of the stock. This would eliminate companies from using someone's license and just receiving a salary. It is our opinion that a licensee who is part of the company will be more involved with the company.

Mr. Hovanec stated that the State of New Jersey recently required that a limited liability company or a corporation be registered with the State of New Jersey. Mr. Hovanec also stated that if he were to hire a subcontractor it would be his responsibility to ensure that this company is registered; if not, he would be required to deduct 7% from the monies paid to the subcontractor and send it to the State of New Jersey.

Mr. Hovanec stated that this bill would require that the business permit holder maintain a business office in the State of New Jersey.

Mr. Hovanec also stated that they have removed from the bill the requirement which stipulates if an applicant fails a portion of the examination that applicant must retake the entire examination.

Mr. Hovanec further stated that our proposal is aimed at public safety and increasing professionalism in the industry.

Mr. Hovanec stated that there has been zero opposition by the Assembly to this bill.

Mr. Aicher stated that according to the Rules and Regulations of the Electrical Board, an applicant needs five years of experience to be eligible to take the examination; according to the proposed bill the applicant would be required to have an additional four years working for an electrical contractor before obtaining a business permit. This equals nine years of experience in the electrical field before being able to obtain a business permit and opening an electrical contracting business.

Mr. Malec stated that this bill requires that a licensee work four more years for an electrical contractor, attend management schooling and be insured for one million dollars, what happens to the electrical contractor who only wants to perform small jobs?

Mr. Hovanec stated that the licensing laws which are already in place do not separate low voltage from high voltage. A licensed electrical contractor can perform all electrical work, from repair work to substations.

Mr. Malec stated that most electrical contractors will wait until they have gained enough experience before working on high voltage or substations. Mr. Malec also stated that this bill does not ensure that an electrical contractor, because he now has four more years of experience, can perform high voltage work.

Mr. Hovanec stated that an individual can gain valuable experience working as a journeyman and attending an apprenticeship training program.

Mr. Hovanec also stated that the advertising practices of unlicensed electrical contractors is also a major issue. The law does not allow individuals to advertise electrical contracting services unless they are licensed to do so. Mr. Hovanec also stated that the Police Departments do not want to accept complaints about unlicensed electrical contractors; therefore, the licensed electrical contractors have to make time and follow someone to a job site and catch them in the act in order to file a complaint with the Electrical Board. By complying with the advertising laws, we stop the unlicensed electrical contractor from advertising.

Mr. Hovanec stated that the Board is allowing unlicensed individuals who are advertising electrical work to indicate in their advertisement that the electrical work is subcontracted to licensed electrical contractors. Is anyone ensuring that these companies are subcontracting to licensed electrical contractors?

Mr. Hovanec also stated that he saw a van which was lettered Trinity Solar. Will the Board investigate Trinity

Solar who appears to be advertising their availability to perform electrical work?

Mr. Schooley stated that this Board investigates every complaint received.

Mr. Hovanec stated that it is the Association's opinion that the Board should not allow unlicensed electrical contractors to advertise their availability to engage in the business of electrical contracting. We need to ensure that unlicensed electrical work is not being performed.

Ms. Levine stated that the disclaimer included in some advertising that the electrical work is subcontracted, is against the licensing law as the regulations prohibit advertising by unlicensed contractors.

Ms. Levine also stated that the Association appreciates the Board's attention to registering journeyman and it looks forward to working with the Board.

Mr. Bibbo asked if the language in this bill concerns only new business permit holders.

Mr. Hovanec stated that electrical contractors who already have a business permit are not affected by the bill.

Mr. McCullough asked what type of management classes are required.

Mr. Hovanec stated that an electrical contractor would be required to attend a business management class.

Mr. Papademas asked if engineers are required to attend management courses.

Mr. Hovanec stated that there is an exemption for individuals who hold a bachelor's degree with a business major.

Mr. Schooley thanked Ms. Levine and Mr. Hovanec for appearing before it.

Deputy Attorney General Susan Carboni appeared before the Board to discuss Charles Auriemma, License #10762.

DAG Carboni stated that the Board can still issue a reprimand and civil penalty in the amount of \$2,000.00 for violation of N.J.A.C. 13:45C-1.2 against Mr. Auriemma or the Board may reduce the amount of the civil penalty.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that Deputy Attorney General Susan Carboni finalize the Provisional Order of Discipline and issue a Final Order of Discipline reducing the amount of the civil penalty assessed against Mr. Auriemma to \$1,000.00 for violation of N.J.A.C. 13:45C-1.2; revocation of Mr. Auriemma's License and Business Permit #10762 is not to be imposed; a public reprimand is imposed upon Mr. Auriemma for violation of N.J.A.C. 13:45C-1.2 and Mr. Auriemma is to be advised that he cannot delegate his responsibility to a non-licensee.

The Board reviewed applications for the written examination to be administered by Thomson Prometric. Forty-one (41) applications were approved.

Motion made by Mr. Joseph F. Cantalupo 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 2:00 P.M.

A Business Meeting is scheduled for Wednesday, January 9, 2008, at 9:00 A.M.

An Appointment Meeting is scheduled for Wednesday, January 16, 2008, at 9:00 A.M.

Respectfully submitted,

Barbara A. Cook
Executive Director

**INITIAL LICENSES APPROVED BY THE BOARD JANUARY 9, 2008
EFFECTIVE JANUARY 9, 2008 TO MARCH 31, 2009**

1. James P Basha - 62 Pinho Avenue - Carteret, NJ 07008
2. Michael A Boeke - 33 Sandburg Drive - Morganville, NJ 07751
3. Zbigniew M Borowiecki - 8 Branch Lane - Levittown, NY 11756
4. Kenneth M Epperly - 14 Fulton Street - Montville, NJ 07045
5. Vincent A Fodera, Jr. - 16 Mona Lisa Lane - Warwick, NY 10990
6. Slawomir S Kazimierski - 425 West Price Street, Apt. B1, Linden, NJ 07036
7. Carmine L Lippolis - 443 5th Avenue - Pelham, NY 10803
8. Patrick D McGarry - 18 Brookside Drive - Budd Lake, NJ 07828
9. Victor J Pajan - 606 Perry Drive - West Chester, PA 19380
10. Alan J Wargaski - 1260 Poplar Avenue - Mountainside, NJ 07092

**INITIAL BUSINESS PERMITS APPROVED BY THE BOARD
JANUARY 9, 2008
EFFECTIVE JANUARY 9, 2008 TO MARCH 31, 2009**

1. Westside Electric LLC - (James P. Basha) - (Limited Liability Company) - 62 Pinho Avenue - Carteret, NJ 07008
2. E. C. S. Electrical Communication Services, Inc. - (Vincent A. Fodera, Jr.) - (Corporation) - 16 Mona Lisa Lane - Warwick, NY 10990
3. Supreme Electric LLC - (Slawomir S. Kazimierski) - (Limited Liability Company) - 425 W Price Street, Apt. B1- Linden, NJ 07036
4. Lippolis Electric Inc - (Carmine L Lippolis) - (Corporation) - 443 5th Avenue - Pelham, NY 10803
5. McGarry Electric LLC - (Patrick McGarry) - (Limited Liability Company) - 18 Brookside Drive - Budd Lake, NJ 07828
6. Russell Electric LLC - (Kenneth Russell) - (Limited Liability Company) - 51 Miami Trail - Rockaway, NJ 07866 - License # 16106

7 Micro Electric LLC - (Thomas V Venditti) - (Limited Liability Company) - 2935 Cornucopia Avenue - Vineland, NJ 08361 - License #14256

**INITIAL BUSINESS PERMITS PREVIOUSLY EXPIRED
APPROVED BY THE BOARD JANUARY 9, 2008
EFFECTIVE JANUARY 9, 2008 TO MARCH 31, 2009**

1. James D Fleming & Son Inc. - (James D Fleming) - (Corporation) - 176 Kent Place Blvd. - Summit, NJ - 07901 - License #4545A
2. 2 G Electrical Inc - (Patrick Gallagher) - (Corporation) - 43 Alexandria Drive - Manalapan, NJ 07726 - License #10539B
3. Thomas G. Gilmore - t/a Optimum Electrical Service - (individual) - 418 4th Avenue - Bellmawr, NJ 08031 - License #7699C
4. Paul Mirabile - t/a The Volt Whisperer - (Individual) - 695 Week's Landing Road - Erma, NJ 08204 - License #8614

**CHANGES IN BUSINESS PERMITS
APPROVED BY THE BOARD JANUARY 9, 2008
EFFECTIVE JANUARY 9, 2008 TO MARCH 31, 2009**

1. Peter J Dering Electrical Contracting Inc - (Peter J Dering) - (Corporation) - Formerly - (Peter J Dering Electrical Contracting) - (Individual) - 401 Wood Lawn Drive - forked River, NJ 08731 - License #15364A
2. Sant-Tec Electric, Inc. - (Pedro E Arana) - (Corporation) - Formerly - (J & P Electrical Mechanical Contractors, Inc t/a - A & P Electrical Contractors) - (Corporation) - 2017 41st Street - North Bergen, NJ 07047 - License #4692B
3. Bullet Electric Inc. (Paul Lowenstein) - (Corporation) - Formerly - A-1 Precision Electric Inc - (Corporation) - 217 Huyler Street - South Hackensack, NJ 07606 - License #12070B