

**734 APPOINTMENT AND BUSINESS MEETING OF
THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
(PUBLIC SESSION)
FEBRUARY 7, 2001**

The Board Minutes of February 7, 2001, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of March 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 February 7, 2001, was called to order at 9:00 A.M.

The following members were present:

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

Mr. Richard K. Dressel and Mr. Joseph F. Cantalupo were absent.

Barbara A. Cook, Executive Director, 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.

Also in attendance were Mr. Steven M. Ripley and Mr. Casey Hoff, New Jersey Electrical Contractors Association; Mr. Stan Vitale, Central Jersey Electrical League, Inc.; and Mr. Charles Reiners, License #6842.

Motion made by Mrs. Gail Best and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve the Minutes of the 733 Meeting held January 3, 2001.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, to approve (24) Initial Licenses effective February 7, 2001 to March 31, 2003, as per attached list.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Pushpavati Amin, and unanimously passed, to approve (14) Initial Business Permits effective February 7, 2001 to March 31, 2003, as per attached list.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Pushpavati Amin, and unanimously passed, to approve (12) Initial Business Permits Previously Expired effective February 7, 2001 to March 31, 2003, as per attached list.

Motion made by Mrs. Pushpavati Amin and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (4) Changes in Business Permits effective February 7, 2001 to March 31, 2003, as per attached list.

Ms. Linda Kellner, Director, Experior Assessments, LLC, 261 Connecticut Drive, Burlington, New Jersey appeared before the Board at 9:15 A.M.

The Board requested that Ms. Kellner appear before them to discuss with her the incident that occurred at the

Springfield test site on November 6, 2000.

Ms. Kellner stated that there were 130 candidates at the November 2000 examination. An office staff person made copies of the test books. The test books are back to back, however, they were not copied back to back and there were ten candidates who did not have the proper amount of pages.

Ms. Kellner also stated that it was the candidates that discovered the error. When the candidates opened the test book they had questions 1, 2, and 3 but when they flipped the page, they did not have questions 4, 5, and 6. Ms. Kellner further stated that she was contacted at home and she advised the proctors to stop the examination. At that time it was discovered that only ten candidates had the incorrect booklets.

Ms. Kellner also stated that there were allowances made for the disruption. Two candidates did leave and they were given the opportunity to sit for the January examination at no fee.

Ms. Kellner further stated that we now have quality control in place so that this will not happen again. Another person will look at the copies to make sure the booklets are copied correctly.

Ms. Kellner further stated that at the Bordentown site some of the candidates thought they could bring with them into the examination room the books mentioned in the Candidate Information Bulletin under additional study material. However, it is indicated in the Bulletin that additional material, other than the reference books for the particular test they are taking, is not allowed in the testing room. Ms. Kellner stated that it is also indicated on the admission letter.

Mr. Malec addressed his concerns of the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee members selecting "Subject Matter Experts" to participate in the Examination Development Workshops.

Mr. Malec asked if these same individuals would be exempt from taking the examination because they have developed the examination.

Ms. Kellner stated that she would assume that the individuals who have been chosen as Subject Matter Experts would become licensed under the "grandfather clause".

Ms. Kellner also stated that anyone who becomes involved with the examination must sign a clause. Ms. Kellner further stated that these individuals will be reviewing test questions, however, they will not see the test form or the test booklet. They will not know what questions will go into what test form; the computer will scramble the test questions.

Ms. Kellner stated that the this examination will be on a computer.

DAG Carboni stated that this is the same method utilized to develop the electrical contractors examination.

Ms. Kellner also stated that they are developing a fire alarm module; a burglar alarm module; a locksmith and electronic security module; and a business alarm module.

Mrs. Cook stated that all of this information will be presented to the Board as a whole package.

Mr. McCullough stated that as a form of disclosure he is involved with two programs dealing with Experior.

The Board thanked Ms. Kellner for coming in and talking with them.

Checks in the amounts of \$50.00 each were received from David Kern-Lyons, Unlicensed, as the seventh and eighth installment of a civil penalty in the amount of \$500.00 for violation of N.J.S.A. 45:5A-9(a).

The Board accepted the payment.

Check in the amount of \$100.00 received from Seb Vidreiro, License #7539, as the third installment of a civil penalty in the amount of \$500.00 for violation of N.J.S.A. 45:5A-9(a); N.J.A.C. 13:31-1.6; and N.J.A.C. 5:23-2.14.

The Board accepted the payment.

Check in the amount of \$100.00 received from Douglas Vliet, Unlicensed, as the sixth installment of a civil penalty in the amount of \$1,000.00 for violation of N.J.S.A. 45:5A-9(a).

The Board accepted the payment.

Letter dated January 16, 2001, received from Neil Bolton requesting reinstatement of his license #9590 which he failed to renew for the renewal periods of 1994 to 1997; 1997 to 2000; and 2000 to 2003.

Motion made by Mr. Edward H. O'Hara and seconded by Mrs. Pushpavati Amin, and unanimously passed, that a letter be sent to Mr. Bolton advising him that his request is being held in abeyance pending receipt of an explanation as to what he has been doing in the electrical field since 1994. The Board would like to know if Mr. Bolton has been working on his own or as an employee of an electrical contractor.

Letter dated January 16, 2001, received from David Cranmer requesting reinstatement of his license #5182 which he failed to renew for the renewal periods of 1989 to 1991; 1991 to 1994; 1994 to 1997; 1997 to 2000; and 2000 to 2003.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Edward H. O'Hara, and unanimously passed, that a letter be sent to Mr. Cranmer advising him that his request is being held in abeyance pending receipt of an explanation as to what he has been doing in the electrical field since 1989.

The Board reviewed the Continuing Education Code course outlines submitted by Victor V. Timpanaro, Municipal Electrical Inspectors Association of New Jersey, Inc.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Edward H. O'Hara, and unanimously passed, that a letter be sent to Mr. Timpanaro advising him that his request is being held in abeyance pending receipt of the curriculum vitae of each instructor; a detailed description of the course content; and the names of the instructors who are teaching the particular course. Additionally, the Board is not sure if the course entitled "Administrative Provisions" is applicable to an electrical contractor. The Board would also like to know if the length of each course will be four hours.

The Board reviewed the Continuing Education Code Course outlines submitted by Steven M. Ripley, New Jersey Electrical Contractors Association.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Edward H. O'Hara, and unanimously passed, to approve the following course outlines submitted by Mr. Ripley.

"Fluorescent Ballast Technology"

"Ambiance Low Voltage Lighting/UL Clarification"

"Electric Motor Selection, Application & Maintenance" - Thomas Bishop

"Electric Motor Selection, Application & Maintenance" - Phillip D. Radin

"Drive Selection, Application, Maintenance" - Phillip D. Radin

"Drive Selection, Application, Maintenance" - Thomas Bishop

"Switch Gear Maintenance & Testing"

Letter dated December 19, 2000, received from Steven M. Ripley, New Jersey Electrical Contractors Association, stating that the courses in question are for the inspectors and electrical contractors. Mr. Ripley also stated that he does not have the curriculum vitae of each instructor as they were previously approved.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Edward H. O'Hara, and unanimously passed, to approve the following course outlines submitted by Mr. Ripley.

"Grounding and the 1999 NEC"

"1999 NEC Changes to Article 500 Hazardous Locations"

"NEC Calculations Workshop"

"One and Two Family Dwelling Electrical Inspections"

"Article 680 - Swimming Pools, Hot Tubs, Spas, Fountains, and Hydromassage Tubs"

"Article 517 of NEC Health Care Facilities"

The Board reviewed the Continuing Education Code Course outlines submitted by Marcel Renson.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, to approve the following course outlines submitted by Mr. Renson.

"Service Calculations" (2 - two hour seminars)

"Proper Pool Grounding & Wiring of a Pool, Hot Tub, or Spa" (1 - four hour seminar)

"Single Phase Calculations" (1 - two hour seminar)

"Three Phase Calculations" (1 - two hour seminar)

The "Grounding Seminar" is not approved as Mr. Renson has not provided the length of the course.

The Board reviewed the Continuing Education Code Course outlines submitted by Lloyd H. Wismer.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Edward H. O'Hara, and unanimously passed, to approve the following course outlines submitted by Mr. Wismer.

"Orientation with Format Changes in the 1999 NEC Book"

"Selecting Conductor for Conditions of Use and the Overcurrent Protection Required"

"Installation of Transformers for Separately Derived Systems"

Mr. Wismer will be advised that one credit for each hour of attendance will be credited to the licensee. Therefore, the 2.5 hour courses are approved as 2 hour courses.

The Board reviewed the Continuing Education Code Course outlines submitted by Anthony T. Urbanik.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Edward H. O'Hara, and unanimously passed, that a letter be sent to Mr. Urbanik advising him that his request is being held in abeyance pending clarification of the length of each course. The Board suggests that Mr. Urbanik break down the 24 hours.

The Board reviewed the Continuing Education Code Course outlines submitted by Michael J. Bruno.

Additionally, if these courses are approved, Mr. Bruno requests an exemption from the 24 hours of continuing education.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Pushpavati Amin, and unanimously passed, that a letter be sent to Mr. Bruno advising him that it is not the intent of the additional 24 hours of Continuing Education that licensees only attend code courses. It is also the opinion of the Board that the course outlines submitted would appear to be geared to licensed electrical inspectors not contractors. Therefore, the Board needs a detailed description of the sixteen - three hour and 45 minutes courses and the 12 - three hour and 45 minutes courses. Mr. Bruno will also be advised that one credit for each hour of attendance will be credited to the licensee. Therefore, Mr. Bruno will be requested to breakdown each course into one hour increments.

Additionally, Mr. Bruno will be advised that at this time the Board cannot grant an exemption as the rules and regulations are not adopted. However, instructors can receive partial credit for teaching a course. The Board would also like to know why Mr. Frangipane's name is included in his resume.

The following Continuing Education Code Course outlines are being held in abeyance and will be reviewed by the Board at its Special Meeting to be held on February 21, 2001.

Board to review the Continuing Education Code Course outlines submitted by Jerry Murphy, National Electrical Contractors Association.

Board to review the Continuing Education Code Course outlines submitted by Lori Mitchell, R.O. Associates, LTD.

Board to review the Continuing Education Code Course outlines submitted by Richard R. Larsen.

Board to review the Continuing Education Code Course outlines submitted by Joseph P. Dunne.

Board to review the Continuing Education Code Course outlines submitted by Jennifer Montalvo.

Ms. Montalvo's request was held in abeyance pending clarification of the length of courses.

Board to review the Continuing Education Code Course outlines submitted by Robert Frangipane. Mr. Frangipane is requesting that the length of his courses already approved be increased.

Board to review the Continuing Education Code Course outlines submitted by Gary P. Fulton and Lawrence H. Kosden.

Letter received January 11, 2001, from Bruce Rockwell, License #12974, requesting approval to teach the One Hour of Laws, Rules, and Regulations portion of the ten hours of code update.

Letter dated November 27, 2000, received from Scott Ash, License #8061, stating that he attended a ten hour OSHA safety training course and would like to receive 10 credits towards the renewal of his license #8061.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, that a letter be sent to Mr. Ash advising him that his request is denied. According to the Continuing Education Requirements, the Continuing Education Code courses must be sent in by the Sponsor/Instructor and must be pre-approved by the Board in order for the licensee to receive credit.

Letter dated December 31, 2000, received from Kevin M. Bradley, License #8522, requesting an exemption from the 24 hours of Continuing Education.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously approved, that a letter be sent to Mr. Bradley advising him that at this time his request is denied. The Rules and Regulations concerning the 24 hours of Continuing Education have yet to be adopted. Mr. Bradley may present his request at the time the rules are adopted.

Letter dated December 24, 2000, received from Richard Paduano, License #4079 (Expired), requesting additional time in order to attend a 1996 and 1999 Continuing Education Code Course.

In February 2000, Mr. Paduano was granted a six-month extension to attend a 1996 and 1999 Continuing Education Code Course. Mr. Paduano was also allowed to renew his license and business permit.

Motion made by Mr. Edward H. O'Hara and seconded by Mr. Robert A. McCullough, and unanimously passed, that a letter be sent to Mr. Paduano advising him that he has thirty days to attend a 1996 and 1999 Continuing Education Code Course. Should Mr. Paduano fail to forward the code course certificates, and his license and business permit renewal for the 2000 to 2003 renewal period, he must return his pressure seal to the Board. Additionally, the Board would like to know whether or not Mr. Paduano has been working for a licensed electrical contractor or on his own.

Letter dated January 24, 2001, received from Harvey B. Dikter, Esq., along with the corporate structure for Exelon Infrastructure of PA, Inc.

At its meeting of January 3, 2001, the Board held in abeyance the request for an Initial Business Permit for Exelon Infrastructure of PA, Inc.

Motion made by Mr. Edward H. O'Hara and seconded by Mr. Robert A. McCullough, and unanimously passed, that the request for an Initial Business Permit is approved as follows:

Exelon Infrastructure Services of PA, Inc. (Kirk A. Kownurko) - (Corporation) - 200 Yale Avenue, Morton, PA, 19070
- License #8932.

Additionally, the Board requested that DAG Carboni send a letter to Exelon Infrastructure Services of PA Inc. requesting that they provide the corporate structure beginning with the utility.

The Board reviewed a letter dated January 3, 2001, received from Richard Fryling, Jr., Associate General Solicitor, PSEG, and the organization chart showing the subsidiary companies of Public Service Enterprise Group, Inc.

Memorandum dated January 26, 2001, received from Susan Carboni, Deputy Attorney General, Division of Law, advising of the disciplinary action the Board can take against a licensee who has failed to renew the license.

DAG Carboni stated that the Board cannot discipline a licensee just because the licensee has failed to renew the license. The licensee who has not renewed must return the pressure seal if the licensee is no longer in the business of electrical contracting. DAG Carboni also stated that the Board can impose disciplinary action against a licensee who has failed to renew, but has continued to engage in the business of electrical contracting.

The Board reviewed the memorandum dated January 30, 2001, received from Susan Carboni, Deputy Attorney General, Division of Law, in answer to Mr. Malec's concerns as to whether or not there is a conflict of interest with the Committee selecting "Subject Matter Experts" to participate in Examination Development Workshops for the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee.

The Board reviewed Assembly Bill No. A-2232. At present, in contested cases an administrative law judge makes a recommended decision and the agency head makes the final decision. The decision of the agency is then reviewable by the Appellate Division of the Superior Court. This practice is wasteful, duplicative and inefficient. The opinions of trained administrative law judges can be disregarded by politically appointed department heads; and, moreover, the existing process allows an agency against which a complaint is filed to make the final determination as to the validity of that complaint. To correct this situation, this bill provides that an administrative law judge's decision in a contested case shall be the final decision subject to review by the Appellate Division of the Superior Court.

Mrs. Cook stated that this legislation was addressed last year. The Division of Consumer Affairs took a very strong position that the power should remain with the Board.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Pushpavati Amin, and unanimously passed, that the Board fully supports the position of the Division of Consumer Affairs as outlined in the memorandum dated May 10, 2000.

Memorandum to the Members of the Board from Joseph P. Schooley, Chairman, stating that Maryann Sheehan, Regulatory Analyst, had advised that the Rules and Regulations governing the Electrical Board will sunset on November 6, 2001. Mr. Schooley also stated that Barbara A. Cook has prepared a workbook which includes a copy of the Rules and Regulations as they exist, an outline of the sunset process, and other related information for the Board's review and understanding. Mr. Schooley further stated that he will set up a Sunset Subcommittee, consisting of three Board Members, and the Chairman, who will meet with Anthony Miragliotta, Deputy Director, and Maryann Sheehan, Regulatory Analyst, for the purpose of reviewing the existing Rules and Regulations.

Mr. Joseph P. Schooley set up a Sunset Subcommittee consisting of Mr. Robert A. McCullough, who will be the Chairman of the Subcommittee; Mrs. Gail Best; Mr. Edward H. O'Hara; and Mr. Schooley. The scheduled dates are as follows:

March 5, 2001, at 9:00 A.M.

March 19, 2001, at 9:00 A.M.

March 21, 2001, at 9:00 A.M.

March 23, 2001, at 9:00 A.M.

Mrs. Best stated that Barbara A. Cook has done a fantastic job.

A signed cease and desist agreement was received from Kevin Arena, t/a The Arena Group, Ortley Beach, New Jersey 08753.

The Board accepted the signed cease and desist agreement.

The Board reviewed applications for the written examination administered by Experior Assessments, LLC. Seventeen (17) applications were approved.

Mr. Vitale stated that the Board is making contradictory statements concerning individuals who have failed to renew their license and business permit; are they considered to be licensed if they do not renew within thirty days?

Mr. Schooley stated that if a licensee does not renew, the Board cannot penalize them as we do not know why they have not renewed. If a licensee has obtained a permit to perform electrical work without first renewing, the Board has grounds to issue penalties.

Mr. Schooley also stated that Mrs. Cook is requesting the seals of the licensees who have not renewed their license and business permit for the 2000 to 2003 triennial renewal period.

Mrs. Cook stated that 389 letters were sent to active licensees who have not renewed their business permits. Since January 2001, the Board office has received 134 pressures seals; 20 requests to renew; a few name changes; and a couple of licensees have died. There has been no response from 269 licensees.

Mr. Vitale stated that the Board should inform the licensees that the Continuing Education rules and regulations have not yet been adopted.

Mr. Schooley stated that the Continuing Education Regulation is not yet an enforceable law; when the rules and regulations are adopted all of the licensees will know how many hours they will actually have to attend to renew their license.

Mr. O'Hara stated that at its January 3, 2001, meeting the Board reviewed Senate Bill S-663 and his comment was that the Bill seems to be ineffective. Mr. O'Hara also stated that Mrs. Cook has spent a lot of time trying to explain the Board's feelings concerning this Bill. Mr. O'Hara further stated for the record that he would like to know how the Board is going to enforce this rule. Mr. O'Hara stated that the Board should understand what it is enforcing.

Mr. O'Hara also stated that the Board has said in the past that anyone working under N.J.S.A. 45:5A-18 (k) is required to have a qualified journeyman's identification card. The Board should still have the authority to say that an individual performing electrical work pursuant to N.J.S.A. 45:5A-18(k) is required to obtain an identification card.

Mrs. Cook stated that the legislation as written would allow anyone who wants to qualify as a qualified journeyman to register and obtain a card. Mrs. Cook also stated that pursuant to N.J.S.A. 45:5A-18(k) in order to be exempt from having to have a business permit, you must be a qualified journeyman electrician. The bill is allowing someone who wants to qualify to obtain the card. However, those individual who work under "k" must obtain the card; it is mandatory.

Motion made by Mr. Edward H. O'Hara and seconded by Mr. Robert A. McCullough, and unanimously passed, that a memorandum be sent to Anthony Miragliotta, Deputy Director, Division of Consumer Affairs, advising him of the feelings of the Board and asking whether or not the Board can enforce the law as written or does the Board need a regulation to enforce it.

Mr. Steven Ripley stated that Senate Bill S-663 was signed into law on February 6, 2001.

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 2:30 P.M.

A Business Meeting is scheduled for Wednesday, March 7, 2001, at 9:00 A.M.

Respectfully submitted,

Barbara A. Cook
Executive Director

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