

747 APPOINTMENT AND BUSINESS MEETING OF THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Public Session March 6, 2002

The Board Minutes of March 6, 2002, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of April 3, 2002. 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 March 6, 2002, was called to order at 9:00 A.M.
The following members were present:

Mr. Joseph P. Schooley, Chairman
Mr. Robert A. McCullough
Mrs. Pushpavati Amin
Mrs. Gail Best
Mrs. Connie Calisti
Mr. Mitchell R. Malec
Mr. Thomas J. Demcsak

Mr. Joseph F. Cantalupo 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.

Also in attendance were Mr. Casey Hoff, New Jersey Electrical Contractors Association; Mr. James Bibbo, Central Jersey Electrical League; Mr. Charles A. Yaunchee, PE, Director, Property Risk Management, Verizon; Dan McMann, Verizon; Ronald Martz, Program Manager, Telcordia Technologies; Mark Langlois, License #5560 and Lew Weinstock, President, Linear Electric Co., Inc.; Steven M. Ripley, Executive Director, New Jersey Electrical Contractors Association; Joseph A. Jennings, Business Representative, International Brotherhood of Electrical Workers; Eric J. Sivertsen, Assistant Manager, Northern New Jersey Chapter, National Electrical Contractors Association; and Richard Dressel, International Brotherhood of Electrical Workers.

The Board saluted the Flag.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve the Minutes of the 745 Meeting held January 2, 2002.

Motion made by Mr. Thomas J. Demcsak and seconded by Mrs. Pushpavati Amin, and unanimously passed, to approve the Minutes of the Special Meeting held January 16, 2002.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve the Minutes of the 746 Meeting held February 13, 2002.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (2) Initial Licenses effective March 6, 2002 to March 31, 2003, as per attached list.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (3) Initial Business Permits effective March 6, 2002 to March 31, 2003, as per attached list.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (3) Initial Business Permits Previously Expired effective March 6, 2002 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 (8) Changes in Business Permits effective March 6, 2002 to March 31, 2003, as per attached list. (#2 is approved pending receipt of a letter explaining why the word "electric" is not contained in the business name)

Mr. Joseph A. Jennings, International Brotherhood of Electrical Workers; Mr. Richard Dressel, International Brotherhood of Electrical Workers; Mr. Lewis Weinstock, License #5560, t/a Linear Electric Co., Inc.; and Mr. Charles A. Yaunchee, PE, Director, Property Risk Management, Verizon appeared before the Board.

The Board requested that the above named individuals appear before it to discuss telecommunications installation. The Board has received correspondence questioning who should be allowed to perform certain installations such as the installation of 48 volt DC power emanating from a 3000 ampere buss and the installation of DC power plants that are connected to teledata systems.

Mr. Dressel stated that the telecommunications industry had changed dramatically since the adoption of the telecommunications exemption. Mr. Dressel also stated that there are telephone hotels consisting of 48 volts DC which are used as back up supply power at 2000, 4000, and 6000 Amps. It is the amperage which involves a tremendous amount of safety work.

Mr. Dressel also stated that the Board needs to review the statute so that we can keep up with the industry. There are projects going on right here that are mind boggling; these installations are no longer just telephone type work.

Mr. Weinstock stated that the 48 volts DC is not just for back up power; it runs the equipment as a primary power. Mr. Weinstock also stated that this work is primary power, 2000, 4000, and 6000 Amps, which is on all the time. The wiring is massive and the experience and knowledge that is needed requires that a licensed electrical contractor perform the work. These companies are talking about the wiring within the power supplies integral with telecommunications equipment and the telecommunications equipment; however, we are looking at systems which are massive. Mr. Weinstock further stated that typically an installation of this type of work, and the magnitude of this type of work, is anywhere from 2000, 4000 or 6000 Amps, that is why this installation requires the expertise of a licensed electrical contractor.

Mr. McCullough asked who was responsible for providing the system?

Mr. Weinstock stated that the client will supply the unit, cables, and most of the material. Mr. Weinstock also stated that his electrical contracting company always performs the installation.

DAG Carboni stated that Mr. Weinstock and Mr. Dressel seem to be saying that the language in the original regulated telecommunications exemption was justified at the time, but since the technology has changed, it is no longer safe to continue with the old regulation.

Mr. Dressel stated that the systems indicated in the pictures being reviewed by the Board did not exist five years ago.

Mr. Weinstock stated that this is not the type of technology used years ago; you can see from the number of cables, the system is massive. The battery is the one running the system.

Mr. Jennings stated that the reason he filed a complaint with the Board was because it was the first time he had been made aware that an electrical inspector was interpreting the wiring exemption to mean that all of this work was done without permits and inspections. Mr. Jennings also stated that he initially filed a complaint with the Division of Codes and Standards; they reviewed the complaint and advised that it should be referred to the Electrical Board. Mr. Jennings further stated that we have a good working relationship with the telecommunications industry. However, there have been experiences with out of state telecommunications companies not understanding our system. The out of state companies think that the limited wiring exemption gives them carte blanche to do whatever they want.

Mr. Yaunchee stated that if you look at the photos you notice that the cables are massive; there are very exact requirements that we have for this installation. You will notice in the pictures that the cables are not tied down with cable ties, they are laced in place with shields over them and the crimped cables are carefully positioned. Mr. Yaunchee also stated that Verizon trains their employees and Verizon does its own inspections.

The systems are designed for 4 to 6 hours of battery life. The batteries worked during the hurricane allowing a lot of telecommunications to take place without a spike. That is the way every central office is powered.

Mr. Yaunchee further stated that communications hotels started in 1995 and they allowed more people to come into the market.

Mr. Yaunchee stated that Verizon employees do not perform any work at the central plants.

Mr. Yaunchee also stated that the equipment is installed by the manufacturer provider. Mr. Yaunchee further stated that Marconi Electric handles the tie in of the systems. Mr. Yaunchee stated that the systems are unique in that they run contrary to a negative power system. We have a negative power system that is very unique to the telecommunications industry. Usually, plus is hot and minus is negative, we are the opposite. These are not standard plug in type plants.

Mr. Yaunchee stated that we have a very unique grounding system because we are concerned with radio frequency interference. These systems are very uniquely designed to the extent that if you put in a light, you have to run a dedicated ground. The fluorescent lighting is uniquely grounded.

DAG Carboni stated that it seems that Mr. Yaunchee is indicating that at the time the regulation was passed, which was around 1993, the systems were as complex as today, whereas Mr. Dressel seems to indicate that in the last five years the systems have become more complex.

Mr. Yaunchee stated that the difference of opinion is that Mr. Dressel is talking about data hotels and

telecommunications units. Data hotels, which are private facilities, are separate and apart and are used to house data equipment.

Mr. Jennings stated that we have always had a good working relationship with Verizon. Mr. Jennings also stated that his concerns are with the outside contractors as they do not rise to the standards of such companies as Verizon. Mr. Jennings further stated that his concern is with the out of state telecommunication exemption holders who do not know the New Jersey Electrical Contractors Licensing Laws. These companies feel that they have an exemption and they do not have to abide by the laws. Some of the inspectors are taking the wiring exemption to mean that the work does not need to be inspected.

Mr. Malec asked whether or not the Board of Public Utilities would investigate if something went wrong electrically?

Mr. Yaunchee stated that the BPU performs investigations around the country. The BPU has investigated failures due to mistakes by contractors that caused damage to the telecommunications equipment.

Mr. Malec asked how many accidents have occurred where someone has died of an electrical shock?

Mr. Martz stated that there has not been one death; we had have people fall off ladders and bucket trucks and someone did receive first degree corneal burns due to a welder's flash. The injuries have been minor because of the training we place on vendors. Mr. Martz also stated that Verizon holds free classes to licensed electrical contractors. We welcome quality contractors because we want the job done right and systems that work. We are proud of the fact that people use Verizon cell phones because they were working after the hurricane.

Mr. Dressel stated that about two years a subcontractor from Manhattan was on a project less than an hour and one of the technicians got hurt by misidentifying the load side. That is the area we have to look at.

Mr. Jennings stated that if we were only speaking about Verizon we would not be here. We are talking about the other companies who are using the wiring exemption to mean that they do not have to answer to anyone. That is not the case with Verizon.

Mr. Jennings also stated that he has been in contact with the Department of Community Affairs concerning the issuance of permits to telecommunication companies. The DCA advised that his concern was a licensing issue and should be handled by the Electrical Board.

Mr. Schooley stated that the Board does not control the issuance of permits. The DCA handles the complaints of permits not being issued. Mr. Schooley requested that Mr. Jennings forward to the Board a copy of the letter he received from the DCA.

Mr. Yaunchee stated that all of the equipment on the power side is UL Listed. The fiber optic cabling on the transport side is listed under the Network Equipment Building Standard which is done by Telecordia Technologies, Inc. The NEB standard is more stringent than the UL Listed standard.

Mr. Marts stated that Telecordia makes sure the equipment is safe and works 99.99% of the time. Underwriters Laboratories does their certification in their labs. Mr. Marts also stated that the majority of the installers are licensed electrical contractors.

Mr. Yaunchee stated that even if they are not licensed electrical contractors, they are qualified to perform the installation they were hired to perform.

Mr. Schooley thanked everyone who appeared before it to discuss this matter. The Board will continue this discussion at its meeting of April 3, 2002.

Check in the amount of \$1,000.00 received from Eugene Adams, Unlicensed, as the first and final installment of a civil penalty in the amount of \$1,000.00 for violation of N.J.S.A. 45:5A-9.

The Board accepted the payment.

Check in the amount of \$129.40 received from Mark Wiggins, License #10860 (Expired), as the third installment of a civil penalty, and costs, in the amount of \$1,511.53 for violation of N.J.S.A. 45:5A-9.

The Board accepted the payment.

Check in the amount of \$250.00 received from Brian Gfroehrer, Unlicensed, as the fourth and final 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. 56:8-2.

The Board accepted the payment.

Check in the amount of \$150.00 received from Neil Bolton, License #9590, as the fifth installment of a civil penalty in the amount of \$2,500.00 for violation of N.J.S.A. 45:5A-9.

The Board accepted the payment.

Check in the amount of \$400.00 received from Yuri Guziy, License #12203, as the seventh installment of a civil penalty, and costs, in the amount of \$2,535.00 for violation of N.J.S.A. 45:5A-15.

The Board accepted the payment.

Letter dated February 13, 2002, received from Joseph Portela requesting approval to teach the Nine Hours of Code Changes and the One Hour of Laws, Rules, and Regulations pursuant to N.J.A.C. 13:31-1.12.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, that Mr. Portela's request be held in abeyance pending a letter of explanation from him advising who will be teaching these courses along with the resumes for each instructor. Additionally, the Board would like Mr. Portela to specify if he is requesting approval to teach the One Hour of Laws, Rules and Regulations and his previously approved course entitled "Code Changes".

Letter dated February 14, 2002, received from William M. Connolly, Director, Department of Community Affairs, Division of Code and Standards, thanking the Board for its clarification about the performance of electrical work involved in the replacement of an electric hot water heater.

Mr. Connolly also stated that the Department has received conflicting statements from the Board about the

performance of electrical work involved in the installation or replacement of an HVAC unit. Mr. Connolly further stated that upon clarification from the Board, the Department will gladly publish an article in the Construction Code Communicator.

This matter is being held in abeyance and will be discussed at the Board's next meeting on April 3, 2002.

The Board reviewed the draft agenda for the Code Advisory Board meeting held February 8, 2002, and the approved minutes of the Code Advisory Board Meeting held October 12, 2001, of the Department of Community Affairs.

Mr. McCullough stated that he is asked at each Code Advisory Board Meeting about the pre-proposal draft for the homeowners exemption.

Mr. McCullough also stated the Department of Community Affairs will promulgate a rule that will exempt from permits and inspections cable tv and low voltage wiring from class three structures in the state. Previously the exemption had applied in the case of one and two family dwellings only. This change expands the exemption greatly. The vote was twelve to one. Mr. McCullough further stated that he was not in favor of this exemption.

The Board reviewed the Civil Action Consent Order and Judgement filed on January 29, 2002, ordering that David Cavelli, Unlicensed, is permanently enjoined from offering to engage in electrical contracting until he is licensed to do so; shall be enjoined from the employment of false pretense by engaging or offering to engage in any activity as an electrical contractor; pay restitution to Margaret Omert in the amount of \$325.00; pay restitution to Phyllis Moore in the amount of \$400.00; pay restitution to William T. Davidson in the amount of \$365.00; pay restitution to Judith Devine in the amount of \$500.00; and pay costs in the amount of \$2,000.00.

The Board reviewed an E-Mail letter dated February 6, 2002, received from Dennis Reffler, License #12324, stating that the Board should allow licenses to utilize the Internet for Continuing Education courses. Mr. Reffler also stated that it will be a hardship for licensees who do not live in New Jersey, such as himself, to return to New Jersey to attend 34 hours of Continuing Education.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, that a letter be sent to Mr. Reffler advising him that the Board does not approve of Internet courses. The Board feels that it is very important to have a classroom environment.

Letter dated February 21, 2002, received from Richard Miller, License #5586 stating that he prefers not to have his home address made public via the Internet.

The Board requested that Deputy Attorney General Susan Carboni respond to Mr. Miller advising him that it is a division policy that all licenses provide an address of record which is considered public information.

The Board reviewed a memorandum dated February 21, 2002, received from Darlene Kane, Budget Analyst,

Division of Consumer Affairs, stating that for the second quarter of Fiscal Year 2002, the board/committee was directly billed for 244.8 hours of Deputy Attorney General/Paralegal services totaling \$19,731.57.

The Board accepted the Division of Law Billing.

The Board reviewed Senate Bill S-1089 which allows the holder of an inactive professional or occupational license or certificate of registration or certification to complete any continuing education required to return to active status at any time during his inactive period.

The Board directed that a memorandum be sent to the Legislative Liaison advising that the Board opposes Senate Bill S-1089 as it limits the Board's ability to make realistic adjustments to the availability of the courses accessible to the licensee. The Board also feels that this bill takes away its flexibility concerning what it may require of licensees who are requesting reinstatement of their license or who were considered inactive.

The Board also feels that this bill may conflict with Continuing Education requirements already in place.

Further, the Board would like to see modification of this bill to state that licensees should be required to complete current continuing education courses. It becomes onerous if a licensee is required to attend continuing education courses for the past two or three cycles which may no longer be taught by instructors.

The Board reviewed applications for the written examination administered by Experior Assessments, LLC. Thirteen (13) applications were approved.

Mrs. Cook advised the Board that the rules for the Burglar Alarm, Fire Alarm and Locksmith Advisory Committee are in the process of being reviewed.

Mrs. Cook also stated that various subcommittees have been set up to review all matters concerning the application process.

Mr. Malec stated that Assembly Bill A-1950 was signed into law which will take some of the rules relating to alarm installers out of the jurisdiction of the Burglar Alarm, Fire Alarm and Locksmith Advisory Committee and put it under the jurisdiction of the Department of Community Affairs.

Mrs. Cook advised the Board that this does not significantly impact our draft rules; however, it will impact the consumer who will not know if their complaint should be sent to the Burglar Alarm, Fire Alarm and Locksmith Advisory Committee or to the Department of Community Affairs.

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 Special Meeting is scheduled for Wednesday, March 20, 2002, at 9:00 A.M.

An Appointment and Business Meeting is scheduled for Wednesday, April 3, 2002, at 9:00 A.M.

Respectfully submitted,

Barbara A. Cook
Executive Director