

**736 BUSINESS MEETING OF  
THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS  
(PUBLIC SESSION)  
APRIL 4, 2001**

The Board Minutes of April 4, 2001, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of May 2, 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 April 4, 2001, was called to order at 9:00 A.M.

The following members were present:

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

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.

Also in attendance were Paul Anzano, Esq., Pringle Quinn Anzano, P.C.; Audrey Poe, Associate Director Government Affairs, Pringle Quinn Anzano, P.C.; Mr. Ed Pepe, License #8110; Mr. Joseph Coviello, License #9101; Mr. Frank Piercy, License #4913; Mr. Al Hoesly, License #4399, and Mr. Casey Hoff, License #9255, New Jersey Electrical Contractors Association.

Motion made by Mrs. Gail Best and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve the Minutes of the Special Meeting held February 21, 2001, with a correction in closed session.

Motion made by Mrs. Pushpavati Ami and seconded by Mrs. Gail Best, and unanimously passed, to approve the Minutes of the 735 Meeting held March 7, 2001, with a correction in closed session.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Edward H. O'Hara, and unanimously passed, to approve (14) of the (15) Initial Licenses effective April 4, 2001 to March 31, 2003, as per attached list. (#6 is being held in abeyance pending further review)

Motion made by Mrs. Pushpavati Amin and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (11) Initial Business Permits effective April 4, 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 (13) Initial Business Permits Previously Expired effective April 4, 2001 to March 31, 2003, as per attached list.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, to approve (11) Changes in Business Permits effective April 4, 2001 to March 31, 2003, as per attached list.

Paul Anzano, Esq., Pringle Quinn Anzano, PC, 701 Seventh Avenue, P.O. Box 420, Belmar, New Jersey 07719 appeared before the Board at 9:00 A.M.

Mr. Anzano requested to appear before the Board to discuss a procedure to refer for criminal prosecution, pursuant to N.J.S.A. 2C:21-33, all cases in which the Board levies administrative sanctions for the performance of electrical contracting without a license or business permit.

Mr. Anzano introduced his associate, Audrey Poe. Mr. Anzano thanked the Board on behalf of the New Jersey Electrical Contractors Association for allowing him to appear before the Board to discuss this matter.

Mr. Anzano stated that this issue is of such importance; especially when it comes to public safety. The Association would like to deter unlicensed practice. We have instructed the Associations, and its members, that if they see someone performing unlicensed electrical work that individual can make out a complaint even though it is a great personal sacrifice.

Mr. Anzano also stated that the Association has been in touch with the League of Municipalities asking them to take whatever steps are necessary to start enforcing this statute. We have recently sent a letter to all 21 county prosecutors asking how many cases they have prosecuted, and also asking how we can help them. Mr. Anzano stated that he has heard from 11 prosecutors requesting additional information. The other offices say that no one has been prosecuted.

Mr. Anzano further stated that some of these offices have indicated that the licensing board is the best way to go about this, however, the Association plans to continue to work with the prosecutors. Mr. Anzano stated that we have come to the Board asking it to establish procedures so that the Association can refer the individual for prosecution after the Board has sanctioned someone administratively.

Mr. Anzano also stated that for example, in the Board's Minutes, five people were sanctioned by the Board for unlicensed practice. A number of the prosecutors have requested that the names and addresses of these individuals be forwarded to them. Mr. Anzano stated that he will forward those names and addresses to the prosecutors as he believes that this information is a matter of public record. The Board would sign the complaint and would testify against the individual. Mr. Anzano also stated that the Association would have concerns if the Board were sanctioning 100 individuals a year, but when you are talking about five individuals, this is a more manageable number.

DAG Carboni stated that Mr. Anzano is asking for the addresses of the individuals who have already settled with the Board and are paying a penalty. DAG Carboni asks why would anyone want to settle with the Board, admitting that they have engaged in the unlicensed practice of electrical contracting, and then leave themselves open to criminal prosecution?

DAG Carboni also stated that the Plumbing Board provides an affidavit to the Plumbing Association members who wish to bring criminal cases to municipal court. The affidavit indicates that the person is not licensed to engage in the business of plumbing. DAG Carboni also stated that if the Association were to file a criminal case against an unlicensed individual who is then convicted, the Board would have an automatic unlicensed practice case.

DAG Carboni further stated that she is not sure if the addresses of the individuals who have already settled with the Board is public information. DAG Carboni stated that she would have a problem personally with her conscience if the Board were to provide the addresses of individuals who are already paying penalties.

Mr. O'Hara stated that DAG Carboni and Mr. Anzano should discuss this matter further and come to some sort of agreement.

DAG Carboni stated that the Board is not allowed to bring criminal cases.

Mr. O'Hara stated that he feels that the Board should, in egregious offenses, refer those cases for criminal action; in

civil complaints, perhaps the Board should take a second look at the fines that are being assessed.

Mr. Schooley asked if the Association is unhappy with the way the Board handles complaints received.

Mr. Anzano stated that he has heard complaints from members which indicate that when complaints are filed, they are not followed up.

Mr. Schooley asked if they have specific case names that the Board has not responded to.

Mr. Anzano stated that one such matter is Balford Williams.

Mr. Schooley stated that the matter is still under investigation by the Board.

Mr. Pepe stated that Mr. Williams is still performing unlicensed electrical work.

Mr. O'Hara stated that the majority of the cases are handled civilly and the egregious cases should be handled criminally; not all cases are to be referred criminally.

DAG Carboni stated that the public does not have access to complaints. If the Board, in Executive Closed Session, votes to waive the privacy statute, the Board should balance whether the need for secrecy outweighs the need to provide information to the public.

Mr. McCullough stated that this Board is not going to presume to tell a municipal prosecutor how to interpret the law. If you go to court and swear out the charges, and they do not know what to do, then a letter should be sent to the governor.

Mr. Anzano stated that we are not asking that the Board tell the municipal court how to prosecute cases according to the law, we are here to ask that the Board sign a complaint and forward it to the proper authorities. Mr. Anzano also stated that he only requested the addresses of these individuals because the prosecutor requested them. The Board can forward these addresses directly to the prosecutor.

DAG Carboni stated that she is more concerned about the people who were not publicly disciplined and who did not pay a fine; those are the individuals who are the real problem. There is an immense backlog of the unlicensed individuals who have not agreed to settle.

Mr. Anzano stated that one of the reasons we are advocating the enforcement of this law is that we feel that the thought of criminal sanctions is a real deterrent to individuals who may perform unlicensed electrical contracting.

Mr. Anzano also stated that if the Board decides to establish a policy, in your negotiations with an unlicensed individual, you can agree to waive criminal prosecution.

Mr. Anzano further stated that we are going to try and raise the awareness of this law and we have encouraged the Association to initiate actions against unlicensed individuals. Mr. Anzano further stated that the Association has followed up with code enforcement officials explaining that they can also file complaints.

Mr. Piercy stated that he forwarded a complaint, along with pictures of an individual performing electrical work, to the Board. Mr. Piercy also stated that he went to the West Milford Court and they did not know about this law and said they needed to investigate it.

Mr. Schooley stated that the Board investigates every complaint that is received.

Mr. Schooley also stated that the Board will discuss this matter further and look into the Association's request of forwarding the addresses.

Mr. Anzano thanked the Board for allowing him to appear before it.

Check in the amount of \$500.00 received from Antonio Cifelli, License #12258, as the third and final installment of a civil penalty in the amount of \$1,000.00 for violation of N.J.S.A. 45:1-21(e).

The Board accepted the payment.

Check in the amount of \$200.00 received from Robert C. Colclough, License #3833, as the second 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.

Letter dated February 27, 2001, received from David Cranmer, License #5182(Expired), stating that he has been installing air conditioning systems, and has performed the service work and electrical installations for the company he is employed with. Mr. Cranmer also stated that he has not attended the 1990, 1993, 1996 and 1999 Continuing Education Code Courses, however, he is willing to make them up.

Office files indicate that Mr. Cranmer has failed to renew license #5182 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. Mitchell R. Malec, and unanimously passed, that a letter be sent to Mr. Cranmer advising him that he must take and pass the electrical contractor's examination in order to regain his license under N.J.S.A. 45:5A-13.

Letter dated March 22, 2001, received from William K. Malazita, License #8643 (Expired), requesting reinstatement of his license #8643 which he failed to renew for the renewal periods of 1997 to 2000 and 2000 to 2003.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, that a letter be sent to Mr. Malazita advising him that the Board has voted to renew his license #8643 with the payment of the proper fees; copies of his 1996 and 1999 Continuing Education Code Course certificates; and a copy of his most recent license certificate from the City of Philadelphia.

Letter dated March 21, 2001, received from Glenn T. Wertheim, Esq., on behalf of Mark Ng, requesting a six-month continuance of business under permit #3846 according to N.J.S.A. 45:5A-14. The licensee, Syd L. Hoffman, License #3846, died on November 9, 1999.

Mr. Wertheim stated that Mr. Ng is the current manager of the firm and has submitted an application for examination.

This matter is being held in abeyance.

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. Mitchell R. Malec, and unanimously passed, to approve the following course outlines submitted by Mr. Ripley.

"Greenlee Data Com"

"Hazardous Locations NEC Articles 500 - 503 General Requirements"

"Analysis of the \*99 NEC" - Robert A. McCullough and Andre Cartel

"NEC Special Requirements to Gasoline Stations"

"High Voltage for the Millennium"

"Asbestos Awareness Seminar" - Robert Holwitt and Ronald J. Rominski

"OSHA 29 Personal Protective Equipment" - Robert Holwitt, Andy Papp, Marks S. Alexander, and Ronald J. Rominski

"Asbestos Awareness Seminar" - Robert Holwitt and Ronald J. Rominski

"Basic First Aid/CPR" - Mark S. Alexander and Kenneth C. Becker

"Basic Crane, Hoist, and Rigging Safety" - Mark S. Alexander (4 hours)

"Basic Crane, Hoist, and Rigging Safety" - Mark S. Alexander (3 hours)  
"Management Safety and the Supervisor" - Mark S. Alexander and Kenneth C. Becker  
"OSHA 29 - Respiratory Protection Program" - Robert Holwitt, Andy Papp, and Mark S. Alexander  
"OSHA 29 - Electrical Safe Work Practices" - Mark S. Alexander and Robert Vogt  
"Principles of OSHA Compliance"- Mark S. Alexander and Kenneth C. Becker  
"OSHA 29 - Respiratory Protective Program & Training Your Employees" - Robert Holwitt, Andy Papp, and Mark S. Alexander  
"OSHA 29 - Respiratory Protection Program" - Robert Holwitt, Andy Papp, and Mark S. Alexander  
"OSHA 29 - First Responder Awareness" - Robert Holwitt and Robert Vogt  
"OSHA 29 - Lockout/Tagout" - Robert Holwitt, Andy Papp, Mark S. Alexander, Robert Vogt, Kenneth C. Becker  
"OSHA 29 - Confined Space Annual Update" - Robert Holwitt and Andy Papp  
"OSHA 29 - Hazardous Waste Operations Annual Update" - Andy Papp, Robert Holwitt, Ronald J. Rominski, and Robert Vogt  
"OSHA 29 - Hazard Communications" - Robert Holwitt, Andy Papp, and Robert Vogt  
"OSHA 29 - Confined Space Training" - Robert Holwitt and Andy Papp  
"OSHA Subpart L - Scaffold Safety" - Mark S. Alexander

The Board reviewed the Continuing Education Code Course outlines submitted by Joseph P. Kempker.

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. Kempker.

"General Requirements/Circuits and Protection"  
"Grounding and Bonding"  
"Wiring Methods"  
"Cords, Fixtures, Receptacles, Appliances, Motors, and Transformers"  
"Hazardous Locations"  
"Raceway and Box Calculations"  
"Conductor Sizing and Protection"  
"Voltage Drop Calculations"  
"Motor Conductors and Protection Calculations"  
"Single Family Residential Calculations"  
"Multi-Family Residential Calculations"  
"Commercial Load Calculations"

The Board reviewed the Continuing Education Code Course outlines submitted by Michael J. Johnston, International Association of Electrical Inspectors.

Motion made by Mr. Mitchell R. Malec and seconded by Mrs. Pushpavati Amin, and unanimously passed, to approve the following course outlines (either 8 or 16 hours in length) submitted by Mr. Johnston.

"Analysis of the 1999 National Electrical Code"  
"One and Two - Family Dwelling Electrical Systems"  
"Soares Grounding and Bonding of Electrical Systems"

Letter dated March 14, 2001, received from Richard R. Larsen providing the Board with the course content and clarification of the number of instructional hours. Mr. Larsen's request to teach Continuing Education Code Courses was held in abeyance pending receipt of this information.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, to approve the following course outlines (12 individual two hour courses) submitted by Mr. Larsen.

"Unit Substation"  
"Feeder Bus Systems"  
"Motor Control"

"Trolley Busways"  
"Study of Architectural Prints Regarding Industrial Operations"  
"Over Current Protective Devices Relating to the Industrial Complex"  
"Single Family Houses"  
"Figuring Watts Per Square Feet and Derating to Acquire Sizes of Panel and Feeder Wires"  
"Multi-Family Apartments"  
"Voltage Drop"  
"Angled Type of House and How to Figure the Square Feet"  
"Existing Apartments"

Letter dated March 5, 2001, received from Victor V. Timpanaro providing the Board with the curriculum vitae of each instructor; a detailed description of the course content; the names of the instructors teaching the particular course; and the length of each course. Mr. Timpanaro's request to teach Continuing Education Code Courses was held in abeyance pending receipt of this information.

Motion made by Mr. Edward H. O'Hara and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve the following course outline (four hours in length) submitted by Mr. Timpanaro.

"The Rehab Code" - Victor V. Timpanaro and Richard M. Marshall

At its meeting of February 21, 2001, the Board reviewed Robert Frangipane's request to increase the amount of course time for the course entitled "Branch Circuit and Wiring Methods" from three hours to four hours; and the course entitled "Service Grounding and Bonding" be increased from two hours to three hours.

A letter was sent to Mr. Frangipane asking for clarification of the subject matter/content of the increase of the course hours. Mr. Frangipane contacted the Board office and advised that the reason for the increase in the hours for the course entitled "Branch Circuit & Wiring Methods" is because of the amount of slides. The course entitled "Service Grounding & Bonding" does not need to be increased. Mr. Frangipane also stated that the other six (6) one hour programs do not need to be increased.

Motion made by Mr. Edward H. O'Hara and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve Mr. Frangipane's request to increase the length of the course entitled "Branch Circuit and Wiring Methods" to four hours. The Board also approved the following course outlines.

"Sizing Grounding Electrode/Grounding"  
"Ampacity Tables/Derating"  
"Review of Box Sizing"  
"Clearance About Electrical Equipment"  
"Commercial Repair Garages"  
"User of Non-metallic Cable"

Letter dated March 25, 2001, received from John A. DeDad providing the course content and clarification of the length of each course for which the licensee will receive credit. Mr. DeDad's request to teach a Continuing Education Code Course was held in abeyance pending receipt of this information.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, to approve the following course outline submitted by Mr. DeDad. Additionally, Mr. DeDad will be advised that this course is approved as a two day course (eight hours per day), for a total of 16 eligible hours. The approved course does not count as part of the nine hours of code update. The Board will ask that Mr. DeDad inform the licensees when advertising this course so as not to confuse the licensee who may think this course is approved for the nine hours of code changes.

"2002 NEC Code Change Conferences"

Memorandum dated March 13, 2001, received from Darlene Kane, Budget Analyst, Division of Consumer Affairs,

stating that for the second quarter of Fiscal Year 2001 the Electrical Board was directly billed for 144.2 hours of Deputy Attorney General/Paralegal services totaling \$11,815.43.

The Board accepted the Division of Law Billing.

As per the Board's request, Susan Carboni conferred with Anthony Miragliotta, Deputy Director, Division of Consumer Affairs, and was advised that a licensee who requests inactive status of their license should be granted that request, however, a fee cannot be charged and the pressure seal should be returned. Additionally, when the licensee again requests an active status, the Board may request that the licensee complete continuing education requirements.

The Board requested that this matter be discussed again as they have not had a chance to review the Uniform Enforcement Act which was adopted in January 2000.

Letter dated February 27, 2001, received from Mr. Fawthrop, President, Lightning Prevention Systems, Inc., requesting an exemption for the installation of surge protectors.

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. Fawthrop advising him that only a licensed electrical contractor can install surge suppressors.

The Board reviewed and discussed a response received from the Board of Public Utilities answering Mr. O'Hara's request to provide examples of points of connections.

Mr. O'Hara stated that he sent the letter to the Board of Public Utilities as a consumer, not on behalf of the Board.

The Board discussed the time needs for the complete review process of the Rules and Regulations of Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee.

Mr. Schooley requested that the Board members bring with them the draft to the Special Meeting to be held April 18, 2001, and if time allows, the Board will discuss the draft at that time. A tentative meeting will be set up for the Board's regular meeting on June 6, 2001, to meet with the members of the Advisory Committee and the Regulatory Analysts.

Mr. O'Hara asked DAG Carboni to review the draft and provide the Board with her opinion as to whether or not two licenses or three licenses should be issued. The Board agreed with Mr. O'Hara's request.

The Board reviewed applications for the written examination administered by Experior Assessments, LLC. Twenty-four (24) 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 2:30 P.M.

A Special Meeting is scheduled for Wednesday, April 18, 2001, at 9:00 A.M. A Business Meeting is scheduled for Wednesday, May 2, 2001.

Respectfully submitted,

Barbara A. Cook  
Executive Director

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*Posted July 2002*