

**750 BUSINESS MEETING OF THE
BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
(PUBLIC SESSION) JUNE 5, 2002**

The Board Minutes of June 5, 2002, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of July 10, 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 June 5, 2002, 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. Pushpavati Amin
Mr. Mitchell R. Malec
Mr. Thomas J. Demcsak

Mrs. Gail Best and Mrs. Connie Calisti 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, Division of Law, was present from 9:00 A.M. until the close of the meeting.

The Board saluted the Flag.

The Board held moment of silence for Al Hoesly who passed away on Saturday. Mr. McCullough stated that the Board sends their condolences to the family of Al Hoesly. Mr. McCullough also stated that the industry has lost a genuinely good friend who will be missed.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve the Minutes of the 749 Meeting held May 1, 2002.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (7) Initial Licenses effective June 5, 2002 to March 31, 2003, as per attached list.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (10) Initial Business Permits effective June 5, 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 (9) of the (10) Initial Business Permits Previously Expired effective June 5, 2002 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. Thomas J. Demcsak, and unanimously passed, to approve (9) Changes in Business Permits effective June 5, 2002 to March 31, 2003, as per attached list.

Check in the amount of \$250.00 received from Martin Dean, License #14689, as the first and final installment of a

civil penalty in the amount of \$250.00 for violation of N.J.A.C. 13:31-1.8.

The Board accepted the payment.

Postal Money Order in the amount of \$100.00 received from George Johnson, License #6651, as the second installment of a civil penalty in the amount of \$1,500.00 for violation of N.J.S.A. 45:5A-9. Payments started April 19, 2002, and the balance due is \$1,300.00.

The Board accepted the payment.

Checks in the amounts of \$200.00 and \$600.00 received from Yuri J. Guziy, License #12203, as the eighth and ninth (final) installment of a civil penalty, and costs, in the amount of \$2,535.00 for violation of N.J.S.A. 45:5A-15. Payments started July 23, 2001.

The Board accepted the payment.

Personal Money Order in the amount of \$25.00 received from Thomas Corraliza, Unlicensed, as the sixth installment of a civil penalty, and costs, in the amount of \$3,535.00 for violation of N.J.S.A. 45:5A-9(a) and N.J.S.A. 56:8-2. Payments started July 12, 2001, and the balance due is \$3,380.00.

The Board accepted the payment.

Check in the amount of \$150.00 received from Neil Bolton, License #9590, as the eighth installment of a civil penalty in the amount of \$2,500.00 for violation of N.J.S.A. 45:5A-9. Payments started on October 17, 2001, and the balance due is \$1,050.00.

The Board accepted the payment.

Check in the amount of \$500.00 received from David E. Garsia, License #4259, as the first and final payment of a civil penalty in the amount of \$500.00 for violation of N.J.S.A. 45:5A-9.

The Board accepted the payment.

Letter dated April 20, 2002, received from Dennis Lucas requesting reinstatement of his license #10606 which he failed to renew for the 1997 to 2000 and 2000 to 2003 triennial renewal periods.

Mr. Lucas stated that he had moved to Nevada in 1996. From 1996 to 1997 he was employed by Johnson Electric as an Estimator/Project Manager and from 1997 to 2002 he owned and operated Denco Electric, License #45527A. Mr. Lucas also stated that he has now relocated to New Jersey.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that a letter be sent to Mr. Lucas requesting that he provide copies of his Nevada licenses, copies of his W-2 income tax forms from 1996, and copies of certificates showing that he earned continuing education code course credits for his Nevada license.

Letter dated May 20, 2002, received from Edmund C. Williams requesting reinstatement of his license #8117 which he failed to renew for the 1994 to 1997; 1997 to 2000; and 2000 to 2003 triennial renewal period.

Mr. Williams stated that he did not renew his license as he had accepted an electrical engineering position with Siemens which required a considerable amount of travel. Therefore, he was unable to attend the Continuing Education Code Courses.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Mitchell R. Malec, and unanimously passed, that a letter be sent to Mr. Williams 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 April 25, 2002, received from James J. McGlynn, License #4453, requesting to teach 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 Mr. Joseph F. Cantalupo, and unanimously passed, to approve Mr. McGlynn to teach the One Hour of Laws, Rules, and Regulations.

Letter dated April 18, 2002, received from Michael J. Johnston requesting 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.

Mr. McCullough stated that he has taught seminars with Mr. Johnston. Mr. McCullough also stated that Mr. Johnston is approved in other states to teach the law portion.

Motion made by Mr. Mitchell R. Malec and seconded by Mr. Thomas J. Demcsak and unanimously passed, to approve Mr. Johnston to teach the Nine Hours of Code Changes and the One Hour of Laws, Rules, and Regulations.

Letter dated April 30, 2002, received from Donald DiGiovanni, License #12998, requesting to renew his license for the 2003 to 2006 triennial renewal period without having to attend a Continuing Education Code Course.

Motion made by Mr. Mitchell R. Malec and seconded by Mr. Robert A. McCullough, and unanimously passed, that a letter be sent to Mr. DiGiovanni denying his request for a waiver of the Continuing Education Code Course. Mr. DiGiovanni will also be advised that there is a provision in the amended Uniform Enforcement Act which addresses a new type of renewal called "inactive renewal" pursuant to N.J.S.A. 45:1-7.3. This option is presently available upon request.

Letter dated May 13, 2002, received from Jane Levy, Helder Electric Co., Inc., requesting a second six-month continuance of business under permit #7120 according to N.J.S.A. 45:5A-14. The licensee Peter J. Levy died on November 30, 2001. The extension will expire July 17, 2002.

Mrs. Levy stated that Mr. Levy's son, Richard Levy, is awaiting the results of the May 6, 2002 examination.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak, and unanimously passed, that a letter be sent to Richard Levy advising him that the Board has granted the firm of Helder Electric Co., Inc. a second six-month continuance of business permit #7120 according to N.J.S.A. 45:5A-14.

Letter dated May 7, 2002, received from Dorothy J. Harder, Harder's Electric, requesting a six-month continuance of business under permit #468 according to N.J.S.A. 45:5A-14. The licensee Earle H. Harder died.

Mrs. Harder stated that Douglas R. Ostberg, who has been an employee with the company for 18 years, will be sending in his application to take the New Jersey electrical contractors examination.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, that a letter be sent to Mr. Ostberg advising him that the Board has granted the firm of Harder's Electric a six-month continuance of business permit #468 according to N.J.S.A. 45:5A-14.

Letter dated June 3, 2002, received from Vincent Spittle, Jr., requesting a second six-month continuance of business under permit #5684 according to N.J.S.A. 45:5A-14. The licensee John J. Zinckgraf died on November 12, 2001. The extension will expire June 18, 2002.

Mr. Spittle has requested to retake the electrical contractor's examination scheduled in November 2002.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, that a letter be sent to Vincent Spittle, Jr., advising him that the Board has granted the firm of Teco Electric Co., Inc. a second six-month continuance of business permit #5684 according to N.J.S.A. 45:5A-14.

The Board reviewed the proposed rule N.J.A.C. 13:31-1.20 Distribution.

The Board reviewed the Fiscal Year 2002 Budget Report (first half).

The Board reviewed a memorandum dated April 22, 2002, received from Darlene Kane, Budget Analyst, Division of Consumer Affairs, stating that based on the revenue and expenditure trends, and current number of licensees, a change in the license fee is not recommended at this time.

Maryann Sheehan, Regulatory Analyst, discussed with the Board its policy on grounding electrode conductor connections for concrete-encased electrodes.

Mr. McCullough stated that this work is not electrical contracting work. Mr. McCullough also stated that the Board would like to have this policy published so that we can notify the Department of Community Affairs, and the licensees of the State of New Jersey, that this work does not need to be performed by a licensed electrical contractor. Mr. McCullough also stated that perhaps we can establish a precedent setting interpretation.

Mrs. Sheehan stated that she will look into the Board's request. Mrs. Sheehan also stated that there may be a problem if a policy statement borders on rule making.

The Board also discussed its draft concerning testing, servicing, repairing of electrical equipment or apparatus.

The Board requested that Mrs. Sheehan ascertain whether or not this draft has been reviewed by the Division.

Rene Mantecon, License #8555, has failed to respond to an Administrative Action Provisional Order of Discipline filed on March 12, 2002, ordering that Mr. Mantecon pay a civil penalty in the amount of \$3,000.00, plus costs, in the amount of \$114.92, for violation of N.J.A.C. 13:45C-1.3.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that Susan Carboni, Deputy Attorney General finalize the Provisional Order of Discipline and issue a Final Order of Discipline for Rene Mantecon, License #2547.

The following signed cease and desist agreements were received from:

Emmanuel Joseph, Alliance General Contracting, Jamesburg, NJ 08831; Brandywine Electric, West Chester, NJ 19382; Jeff Babbitt, Medford, NJ 08055.

The Board accepted the signed cease and desist agreements.

The Board reviewed applications for the written examination to be administered by Experior Assessments, LLC. Seven (7) applications were approved.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, 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.

An Appointment and Business Meeting is scheduled for Wednesday, July 10, 2002, at 9:00 A.M. An Appointment Meeting is scheduled for Wednesday, July 24, 2002, at 9:00 A.M.

Respectfully submitted,

Barbara A. Cook
Executive Director