

**738 BUSINESS MEETING OF  
THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS  
(PUBLIC SESSION)  
JUNE 6, 2001**

The Board Minutes of June 6, 2001, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of July 11, 2001. All requirements of the "Open Public Meeting 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 6, 2001, was called to order at 9:00 A.M.

The following members were present:

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

Mrs. Gail Best was absent. Mr. Edward H. O'Hara left at 12:30 P.M.

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 Mr. Al Hoesly and Mr. Casey Hoff, New Jersey Electrical Contractors Association; Mr. James Bibbo, Central Jersey Electrical League; and Arthur J. Kennedy, Business Representative, International Brotherhood of Electrical Workers.

Mr. Bibbo advised that he was in attendance at the May 2, 2001, meeting. His name was not indicated in the Minutes as he arrived late.

Motion made by Mrs. Pushpavati Amin and seconded by Mr. Mitchell R. Malec, and unanimously passed, to approve the Minutes of the Special Meeting held April 18, 2001, with corrections in Closed Session.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Mitchell R. Malec, and unanimously passed, to approve the Minutes of the 737 Meeting held May 2, 2001.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to approve (4) Initial Licenses effective June 6, 2001 to March 31, 2003, as per attached list.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to approve (9) Initial Business Permits effective June 6, 2001 to March 31, 2003, as per attached list.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to approve (3) Initial Business Permits Previously Expired effective June 6, 2001 to March 31, 2003, as per attached list.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Edward H. O'Hara, and unanimously passed, to approve (11) Changes in Business Permits effective June 6, 2001 to March 31, 2003.

Maryann Sheehan appeared before the Board at 9:15 A.M. to present the draft of the proposed changes to the rules and regulations which were discussed at the Sunset Meeting.

Mrs. Sheehan stated that the Continuing Education rules should be published on Monday, July 2, 2001. This is a tentative date as she has not yet received official notification from the Office of Administrative Law.

Mr. O'Hara had two questions concerning Workman's Compensation Insurance and Qualified Journeyman Electrician which were answered to his satisfaction by Mrs. Sheehan.

Mr. McCullough made the following suggestions:

Page 3 under 13:31-1.5(a) (1&2) this regulation should be consistent with the Motor Vehicle law concerning the advertisement on the vehicle. Also, our law should indicate that the license and business permit number should be indicated on the vehicle.

Page 9 under 13:31-2.3(c) last sentence should read "requirements set forth in N.J.A.C. 13:31-1.7."

Page 9 under 13:31.2.4 will a licensee in "inactive status" receive a wallet size identification card?

The Board was advised that such licenses/identification cards will be kept in the office files.

The Board requested that on Page 14 under 13:31-3.8 the language be removed from the rules at this time.

Mr. Malec made the following suggestions:

Page 10 and 11 Change the wording to indicate that permits shall be secured "when required".

DAG Carboni made the following suggestions:

Under 13:31-1.4 Familiarity with laws - include the sentence "A violation of all Federal, State and municipal laws, ordinances and regulations may be deemed professional misconduct."

Page 11 under 13:31-3.2(d) change the wording "shall" to "may be".

Page 14 under 13:31-3.6(b) should read N.J.S.A. 45:1-14 et seq. (not 45:1-15 et seq.)

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that the proposed changes to the Rules and Regulations are approved as amended.

Check in the amount of \$500.00 received from Richard Pirro, License #13635, as the first and final 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.

Postal Money Order in the amount of \$300.00 received from Robert F. Kersellius, License #7271, as the second installment of a civil penalty in the amount of \$500.00 for violation of N.J.A.C. 13:45C-1.2.

The Board accepted the payment.

Letter dated April 9, 2001, received from Reynard J. Morrell, III, requesting reinstatement of his license #12222 which he failed to renew for the 1997 to 2000 and 2000 to 2003 triennial renewal periods.

Mr. Morrell stated that he has attended the 1996 and 1999 Continuing Education Code Courses.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that a letter be sent to Mr. Morrell 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 1997.

Letter dated May 16, 2001, received from Alejandro Tomlinson requesting reinstatement of his license #8253 which he failed to renew for the 1997 to 2000 and 2000 to 2003 triennial renewal periods.

Mr. Tomlinson stated that it was difficult to keep up with the renewal requirements as he was working full time for Lucent Technologies installing wireless communication systems all over the country. Mr. Tomlinson also stated that he no longer works for Lucent Technologies.

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. Tomlinson advising him that the Board has voted to renew his license with the payment of the proper fees and receipt of copies of his 1996 and 1999 Continuing Education Code Course Certificates.

Letter received May 14, 2001, from Wayne A. Marshall requesting reinstatement of his license #7733 which he failed to renew for the 1997 to 2000 and 2000 to 2003 triennial renewal periods.

Mr. Marshall stated that four years ago he moved to Florida and was not able to attend the Continuing Education Code Courses. Mr. Marshall also stated that he has returned to New Jersey and has attended the 1996 and 1999 Continuing Education Code Courses.

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. Marshall 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 1997.

Letter dated May 7, 2001, received from Victor B. Hedberg, License #3636 (Expired) requesting that the Board reconsider its decision that he must take and pass the written electrical contractor's examination in order to regain his license #3636 which he failed to renew for the renewal periods of 1994 to 1997; 1997 to 2000; and 2000 to 2003.

Mr. Hedberg stated that he was seriously ill during this time. Mr. Hedberg also stated that he did work part time for an electrical contractor before and after his operations. Mr. Hedberg further stated that he has been performing electrical work for over forty years.

Motion made by Mr. Edward H. O'Hara and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that a letter be sent to Mr. Hedberg advising him that his request is being held in abeyance pending a detailed explanation of his hands on experience in the electrical field since 1994. Additionally, the Board would like copies of all Continuing Education Code Course certificates.

The Board reviewed a letter dated May 7, 2001, from Victor Timpanaro, Municipal Electrical Inspectors Association of New Jersey, Inc., requesting approval of Joseph Santangelo to teach Continuing Education Code Course outlines already approved by the Board.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, to approve Joseph Santangelo as an instructor to teach courses previously approved.

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

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

"Ampacity and Overcurrent Protection" - (2 hour seminar)

"One and Two Family Dwellings" - (8 hour seminar)

"Grounding" - (8 hour seminar)

"Swimming Pools, Spas, Hot Tubs and Hydro massage Tubs" - (2 hour seminar)

"Box Sizing and Conduit Sizing" - (1 hour seminar)

"Motors" - (1 hour seminar)

The Board reviewed the Continuing Education Code Course outlines submitted by Jerry Murphy, Northern New Jersey Chapter, Inc., National Electrical Contractors Association.

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

"Seismic Restraint" - (1 hour seminar)

"Construction Claims" - (6 hour seminar)

The Board reviewed an E-Mail received from Jennifer Montalvo requesting the approval of four new instructors to assist in teaching courses already approved by the Board.

Motion made by Mr. Mitchell R. Malec and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that Ms. Montalvo's request be held in abeyance pending receipt of a letter advising which instructors are teaching which courses. Additionally, the Board will no longer accept E-Mail requests as these requests are not signed.

The Board reviewed the memorandum dated April 24, 2001, received from James M. Fahey, Executive Director, Commonwealth of Massachusetts, Board of State Examiners of Electricians, stating that the Board will be updating the regulations which have been in existence since 1993. Mr. Fahey also stated that the major changes will revamp the educational requirements to take the examination. Journeyman apprentices will be required to have 600 hours of education along with four years of experience. Master candidates will be required to have 150 hours of education along with one year as a Journeyman Electrician.

Mr. Fahey further stated that continuing education requirements will be increased from 15 hours to 21 hours for the 2002 code course and wiring inspector's will be required to take the course within the first six months that it is offered.

Darlene Kane, Budget Analyst, Administration, appeared before the Board to explain the Fiscal Year 2001 Budget Report and address certain questions raised by the Board members.

Ms. Kane stated that money is kept in a deferral account which is set aside for the next triennial licensing period. The amount is based on what the Division thinks the expenditures will be. The deferral account was decreased and the carry forward account was increased. The monies were just moved from one account to the next. Ms. Kane also stated that this is just a treasury modification.

The Board reviewed a memorandum dated May 22, 2001, received from Darlene Kane, Budget Analyst, stating that for the third quarter of Fiscal Year 2001, the board/committee was directly billed for 131.5 hours of Deputy Attorney General/Paralegal services totaling \$9,379.57.

The Board accepted the Division of Law Billing.

Signed cease and desist agreement was received from Benjamin Busch, American Pool Management, Woodbridge, New Jersey 07095.

The Board accepted the signed cease and desist agreement.

Letter received May 7, 2001, from Greg Chontow, Electrical Subcode Official, Town of Dover, stating that a homeowner subdivided his land and filed for permits to construct a new single family dwelling. He has filed as an exempt applicant for electric and plumbing stating that he was moving into this dwelling. Mr. Chontow also stated that the C/O is close to being issued and this individual has now advised that he is not moving into this house, but is selling it.

Mr. Chontow asks whether or not this individual now has to hire a licensed electrical contractor who has a business

permit.

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. Chontow advising him that based on his letter, a licensed electrical contractor, who has a business permit, should be hired.

Mr. O'Hara and Mrs. Pushpavati discussed with the Board their recommendations for referring cases to Paul Anzano, Esq.

DAG Carboni advised the Board that she cannot refer to Mr. Anzano the cases that have already been settled through the Board. DAG Carboni also stated that she cannot prosecute cases criminally.

Mrs. Pushpavati stated that even though unlicensed individuals do not fall under the Board's jurisdiction, there must be some legal means of taking action against an unlicensed individual who the Board has attempted to settle with but who does not respond to the settlement.

DAG Carboni stated that the Board can attempt to settle with the unlicensed individual, or the Board can advise the complainant that they have the option of filing a criminal complaint with the municipal court.

Mr. O'Hara stated that an individual who performs unlicensed work can be guilty of a crime of the fourth degree.

DAG Carboni stated that if an unlicensed individual does not respond to a settlement letter, the complainant could be contacted and advised that there is a criminal statute wherein they can pursue the complaint criminally. DAG Carboni also stated that she would be willing to contact the municipal prosecutor to ascertain how an individual would go about filing a complaint.

Mrs. Pushpavati asked if the Board was allowed to provide all of the evidence to the consumer, should the consumer wish to take criminal action against the unlicensed individual?

DAG Carboni stated that the Board can give the consumer all of the evidence.

Mr. O'Hara asked that this matter be continued.

The Board reviewed a letter dated May 18, 2001, received from Mark S. Herr, Director, stating that a proposed regulation will appear in the June 4, 2001, New Jersey Register which will, on final adoption, increase the per diem compensation for board members. The per diem will be increased to \$100.00 from the current \$50.00.

Barbara A. Cook asked for authorization to draft a letter to all of the instructors who were approved to teach the ten hours of continuing education, asking whether they are interested in teaching the 2002 Code Changes and the 24 additional hours of continuing education.

The Board approved Mrs. Cook's request.

The Board discussed the many advertisements received concerning the installation of landscape lighting, low voltage lighting, and the word "electric" without the benefit of a license number in the ad.

The Board requested that a memorandum be sent to Maryann Sheehan requesting that an advertising regulation be drafted to address this concern.

Mr. Arthur J. Kennedy, International Brotherhood of Electrical Workers, stated that a complaint was recently filed against a telecommunications company who is installing branch circuit wiring which should be performed by a licensed electrical contractor.

Mr. Kennedy also stated that he would like to be involved should an investigative inquiry be scheduled.

The Board reviewed applications for the written examination administered by Experior Assessments, LLC. Ten (10)

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 2:30 P.M.

Special Meetings are scheduled for June 19, 2001 and June 20, 2001.  
A Business Meeting is scheduled for July 11, 2001.

Respectfully submitted,

Barbara A. Cook  
Executive Director

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*Posted July 2002*