

**752 BUSINESS MEETING OF
THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
(PUBLIC SESSION) AUGUST 7, 2002**

The Board Minutes of August 7, 2002, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of September 4, 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 August 7, 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. Gail Best
Mrs. Connie Calisti
Mr. Mitchell R. Malec
Mr. Frank A. Neary
Mr. Thomas J. Demcsak
Mrs. Pushpavati Amin

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 12:00 Noon.

Also in attendance were Steven M. Ripley, Executive Director, New Jersey Electrical Contractors Association; Mr. Casey Hoff, New Jersey Electrical Contractors Association; and Mr. James Bibbo, Central Jersey Electrical League.

The Board saluted the Flag.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to approve the Minutes of the 751 Meeting held July 10, 2002, with a correction in Closed Session.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak, and unanimously passed, to approve (9) Initial Licenses effective August 7, 2002 to March 31, 2003.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (6) Initial Business Permits effective August 7, 2002 to March 31, 2003.

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

approve (5) Initial Business Permits Previously Expired effective August 7, 2002 to March 31, 2003.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to approve (9) Changes in Business Permits effective August 7, 2002 to March 31, 2003.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mrs. Gail Best, and unanimously passed, to approve the following Initial License and Initial Business Permit effective August 7, 2002 to March 31, 2003.

Michael A. Liloia, t/a Mal Electrical Maintenance Corporation - 76 Catalina Drive - Brick, NJ 08723

Postal Money Order in the amount of \$100.00 received from George Johnson, License #6651, as the fourth 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 \$1,100.00.

The Board accepted the payment.

Check in the amount of \$150.00 received from Neil Bolton, License #9590, as the tenth 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 \$750.00.

The Board accepted the payment.

Check in the amount of \$200.00 received from David E. Rahn, License #5330, as the third installment of a civil penalty in the amount of \$1,320.00 for violation of N.J.S.A. 45:5A-9 and N.J.A.C. 13:31-1.8(b). Payments started October 5, 2001 and the balance due is \$770.00.

The Board accepted the payment.

Check in the amount of \$500.00 received from Kevin A. Curtis, License #13282, as the first and final 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.

Check in the amount of \$375.00 received from Amadeu Figueiredo, Unlicensed, 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 May 14, 1999 and the balance due is \$375.00.

The Board accepted the payment.

Postal Money Order in the amount of \$100.00 received from Robert Kersellius, License #7271, as the third and final installment of a civil penalty in the amount of \$500.00 for violation of N.J.A.C. 13:45C-1.2. Payments started February 14, 2001.

The Board accepted the payment.

Money Order in the amount of \$250.00 received from James Broska, Unlicensed, as the second and final installment of a civil penalty in the amount of \$500.00 for violation of N.J.S.A. 56:8-2. Payments started June 27, 2002.

The Board accepted the payment.

Letter received June 3, 2002, from John J. Kenny requesting approval to teach the Nine Hours of Code Changes and the One hour of Laws, Rules, and Regulations.

Let the record reflect that Mr. McCullough has known Mr. Kenny for fifteen (15) years.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, to approve Mr. Kenny to teach the Nine Hours of Code Changes and the One Hour of Laws, Rules, and Regulations.

Maryann Sheehan, Regulatory Analyst, Division of Consumer Affairs, appeared before the Board to discuss the two comments received concerning the proposed new rule N.J.A.C. 13:31-1.20, definition of "premise wiring" and "service point".

Mrs. Sheehan stated that the comment received from the National Electrical Contractors Association was very favorable.

Mrs. Sheehan also stated that the second comment was from a licensed electrical contractor who believes that the rule should be amended or the Board should create another rule that would prohibit a licensed electrical contractor from performing electrical work on his own and working for a utility.

Mr. Cantalupo stated that the statutes do not prohibit a licensee from working for a utility and having his own company. The statutes do prohibit licensees from endorsing two businesses with one license number. Therefore, there is no need for a rule change.

Mr. Schooley stated that a licensee would be able to endorse the license to a utility, however, he would have to be a full time employee of the utility as he must supervise the work being performed pursuant to N.J.A.C. 13:31-3.4.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, that the Board moves to adopt the proposal without change.

Mrs. Sheehan stated that the Office of the Attorney General had some questions concerning the Board's definition of supervision, which she answered.

Mrs. Sheehan also stated that she discussed the Board's policy on grounding electrode conductor connections for concrete-encased electrodes with Anthony Miragliotta, Deputy Director, Division of Consumer Affairs. Mrs. Sheehan stated that the Division's policy has always been that Board policies are not a good idea.

Mr. McCullough stated that the Board has decided to establish a "precedent setting interpretation".

This matter will be presented to the Board for discussion at its next meeting on September 4, 2002.

Mrs. Sheehan further stated that she has drafted a rule concerning the testing, servicing, repairing of electrical equipment or apparatus. Mr. Miragliotta has reviewed the rule and had some questions for the Board.

Mrs. Sheehan asked whether or not utilization equipment is defined.

Mr. McCullough stated that utilization equipment is defined in the National Electrical Code Book under Article 100.

Mrs. Sheehan asked why the language in the definition indicates that ballasts and transformers shall not be included in this definition.

Mr. McCullough stated that a ballast is a transformer for a luminaire. Mr. McCullough also stated that an individual can test a ballast; however, that individual cannot replace or repair the ballast. Untrained individuals should not be performing work on ballasts as they contain very high voltage.

Mrs. Sheehan stated that she will draft the proposal to be reviewed by the Board at its next meeting.

Paul Rokosky, License #9568, has failed to respond to an Administrative Action Provisional Order of Discipline filed on May 6, 2002, ordering that Mr. Rokosky pay a civil penalty in the amount of \$1,000.00 for violation of N.J.A.C. 13:45C-1.2 and Mr. Rokosky's license and business permit #9568 are suspended until such time as he responds to the complaint lodged against him.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, that Susan Carboni, Deputy Attorney General, finalize the Provisional Order of Discipline and issue a Final Order of Discipline for Paul Rokosky, License #9568.

The Board reviewed the Approved Minutes of the Department of Community Affairs, Division of Codes and Standards, Code Advisory Board Meeting held April 19, 2002.

Mr. McCullough stated that a drafted rule has been proposed to adopt the 2002 National Electrical Code with some modifications. The proposal has not been published in the New Jersey Register as yet. The proposal will be published the same time the Building Code and the Residential Code adoptions take place.

Mr. McCullough also stated that a new law has been passed that requires automatic rain sensors for new lawn sprinkler systems. Enforcement responsibility has been assigned to the electrical subcode official. Permits are required for the installation of the sensor.

The Board reviewed applications for the written examination to be administered by Experior Assessments, LLC. Twenty-seven (27) applications were approved.

Mrs. Cook advised the Board that Experior Assessments, LLC has provided a percentage breakdown of the business and law portion of the test based on 50 questions. Mrs. Cook stated that Experior Assessment, LLC is requesting that she initial the Test Specification with the Board's approval.

Motion made by Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, to authorize Barbara A. Cook, Executive Director, to initial the Test Specification.

After discussion in closed session, the following motion was made regarding Jason Ronchi, License #12230.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, that Susan Carboni, Deputy Attorney General, finalize the Provisional Order of Discipline for Jason Ronchi, License #12230. The Board voted to reduce the amount of the civil penalty from \$7,500.00 to \$6,000.00.

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 2:00 P.M.

A Business Meeting is scheduled for Wednesday, September 4, 2002, at 9:00 A.M.

An Appointment Meeting is scheduled for Wednesday, September 18, 2002, at 9:00 A.M.

Respectfully submitted,

Barbara A. Cook
Executive Director