

**753 BUSINESS MEETING OF
THE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
(PUBLIC SESSION) SEPTEMBER 4, 2002**

The Board Minutes of September 4, 2002, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of October 2, 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 September 4, 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
Mr. Mitchell R. Malec
Mr. Frank A. Neary
Mr. Thomas J. Demcsak
Mrs. Pushpavati Amin

Mrs. Connie Calisti 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.

Susan Berger, Deputy Attorney General, Division of Law, was present from 9:00 A.M. until 10:00 A.M.

Susan Carboni, Deputy Attorney General, Division of Law, was present from 10:00 A.M. until the close of the meeting.

Also in attendance were 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. Joseph F. Cantalupo and seconded by Mrs. Gail Best, and unanimously passed, to approve the Minutes of the Special Meeting held July 24, 2002.

Motion made by Mrs. Gail Best and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to approve the Minutes of the 752 Meeting held August 7, 2002.

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

approve (8) Initial Licenses effective September 4, 2002 to March 31, 2003.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, to approve (9) Initial Business Permits effective September 4, 2002 to March 31, 2003.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, to approve (3) Initial Business Permits Previously Expired effective September 4, 2002 to March 31, 2003.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to approve (6) Changes in Business Permits effective September 4, 2002 to March 31, 2003.

Check in the amount of \$723.48 received from Alfonso Filippone, Unlicensed, as the second installment of a civil penalty, and costs, in the amount of \$2,423.48 for violation of N.J.S.A. 45:5A-9. Payments started October 24, 2001, and the balance due is \$700.00.

The Board accepted the payment.

Postal Money Order in the amount of \$100.00 received from George Johnson, License #6651, as the fifth 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 \$1,000.00.

The Board accepted the payment.

Check in the amount of \$660.00 received from Jason Ronchi, License #12230, as the first installment of a civil penalty, and costs, in the amount of \$6,162.00 for violation of N.J.S.A. 45:5A-9 and N.J.A.C. 13:31-1.10(c) (recodified as N.J.A.C. 13:31-3.3(c)). The balance due is \$5,502.00.

The Board accepted the payment.

Check in the amount of \$150.00 received from Neil Bolton, License #9590, as the eleventh installment of a civil penalty in the amount of \$2,500.00 for violation of N.J.S.A. 45:5A-9. Payments started October 17, 2001, and the balance due is \$600.00.

The Board accepted the payment.

Letter dated August 23, 2002, received from Glenn T. Wertheim, Esq., on behalf of Neil A. Durso, requesting reinstatement of license #6828 which he failed to renew for the 1997 to 2000 and 2000 to 2003 triennial renewal periods.

Affidavit of Mr. Durso stated that during this time frame, he did not engage in the business of electrical contracting. Mr. Durso also stated that he has been employed by Phoenix Contracting. Mr. Durso did complete 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. Durso advising him that the Board has voted to renew his license #6828 with the payment of the proper fees.

Letter dated August 14, 2002, received from Dennis K. Sledzik requesting a six-month continuance of business under permit #6938 according to N.J.S.A. 45:5A-14. The licensee, William Small, died on May 31, 2002.

Mr. Sledzik stated that John Hodapp has 27 years of experience and has been working for Small Electric, Inc. since 1982. Mr. Hodapp will supervise all work performed until such time as a new licensed electrical contractor can be hired.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Gail Best, and unanimously passed, that a letter be sent to John Hodapp advising him that the Board has granted the firm of Small Electric, Inc. a six-month continuance of business permit #6938 according to N.J.S.A. 45:5A-14.

Letter dated July 10, 2002, received from Salvatore Ferrara requesting approval to teach the Nine Hours of Code Changes and the One Hour of Laws, Rules and Regulations.

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

Letter dated August 1, 2002, received from Bruce M. Rockwell, License #12974, requesting approval to teach the Nine Hours of Code Changes.

Mr. Rockwell is currently approved to teach the One Hour of Laws, Rules, and Regulations.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak, and unanimously passed, to approve Mr. Rockwell to teach the Nine Hours of Code Changes.

Letter dated August 3, 2002, received from Terry Sieczkowski, License #6683, providing the Board with an outline of the 16 hour course he taught on basic electricity. Mr. Sieczkowski is requesting eight hours of credit towards his 2006 to 2009 triennial renewal period.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that Mr. Sieczkowski's request is denied. The Board feels that the course taught does not meet the continuing education requirements. Mr. Sieczkowski's course appears to be geared toward a homeowner, and not a licensed electrical contractor, as it is very basic in nature.

The Board reviewed the Continuing Education Code Course outline submitted by Benedict Shedlock.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak, and unanimously passed, to approve the following course outline submitted by Mr. Shedlock.

"Article 250, 2002 NFPA Code, Grounding and Bonding of Electrical Services, Electrical Systems and Equipment"

Memorandum dated August 7, 2002, received from Darlene Kane, Budget Analyst, Division of Consumer Affairs, stating that for the fourth quarter of Fiscal Year 2002, the Board was directly billed for 195.4 hours of Deputy

Attorney General/Paralegal services totaling \$13,720.27.

The Board accepted the Division of Law Billing.

Letter dated August 2, 2002, received from Joe Conboy, Electrical Subcode Official, Township of Gloucester, asking if the following is considered electrical contracting. A motor that is UL approved and is labeled and listed as a hard wired motor when someone on site alters this and puts a six foot plug on it.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak, and passed, that a letter be sent to Mr. Conboy advising him that the work described above is considered electrical contracting and would need to be performed by a licensed electrical contractor.

Roll call vote on the motion:

- Mr. Joseph P. Schooley - Yes
- Mr. Joseph F. Cantalupo - Yes
- Mr. Robert A. McCullough - Yes
- Mr. Frank A. Neary - Yes
- Mr. Thomas J. Demcsak - Yes
- Mrs. Gail Best - No
- Mr. Mitchell R. Malec - No
- Mrs. Pushpavati Amin - No

The Board discussed the establishment of a "precedent setting interpretation" concerning the grounding of electrode conductor connections for concrete-encased electrodes.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and passed, that the Board approves the following draft of the "precedent setting interpretation".

Mr. Malec abstained from the motion.

"Precedent Setting Interpretation"

The Department of Community Affairs has recently determined that concrete-encased electrodes as described in Article 250 of the Electrical Subcode shall be utilized in new construction within the State of New Jersey. The steel reinforcing bars typically used for this application are installed as part of the structural system of the building by design and are not intended to be considered current-carrying conductors as would be the case of other elements of the building wiring system. The Board does not believe that public safety is compromised as these reinforcing bars are traditionally being installed by non-licensed personnel as a normal part of the building construction. As an analogy, the Electrical Subcode also requires that effectively grounded structural building steel be used as a part of the grounding electrode system. It would not be logical to require that the steel framework of a building be installed by a licensed electrical contractor.

Accordingly, the Board has determined that the installation of concrete-encased grounding electrodes, or the connection of a grounding electrode conductor to such electrodes within a concrete foundation or footing, is not considered electrical contracting within the scope of N.J.S.A. 45:5A-1.1 et seq.

Memorandum dated August 15, 2002, received from Susan Carboni, Deputy Attorney General, Division of Law, stating that the original regulation concerning the homeowners exemption has not been approved by the Office of the

Attorney General. DAG Carboni stated that the wording was rejected because the statute says nothing about the "owner" of a home; therefore, a tenant should also have the benefit of the exemption.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that the Board rejects the revised proposed language offered by the Office of the Attorney General.

Mr. Malec opposed the motion.

Mr. McCullough stated that allowing or permitting tenants to perform electrical work in a home they are renting is absurd, it is more than absurd.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak, and passed, that the Board table its drafted pre-proposal for the "Homeowners Exemption".

Mr. Malec abstained from the motion.

Mr. McCullough stated that it is obvious that the Board will not be able to accomplish its goal in changing the language that was lacking in the statute.

A signed cease and desist agreement was received from James K. McGlashan, West Milford, New Jersey.

The Board accepted the signed cease and desist agreement.

Darlene Kane, Budget Analyst, and Maryann Sheehan, Regulatory Analyst, Division of Consumer Affairs, appeared before the Board to discuss, for adoption, the fee analysis for the Fire Alarm, Burglar Alarm and Locksmiths Advisory Committee.

Ms. Kane stated that after speaking with the Committee members, we put together a budget projecting expenditure. The fee for a triennial renewal period for all three licenses will be \$120.00. The application fee will be \$150.00 which will include the criminal background check. If an applicant were to apply for a second license, the applicant would only have to pay \$100.00 for the processing of the application as the criminal background check would have already been done under the first license.

The applicant will include a separate check for \$59.00 to cover the processing of the application by the State Police for the criminal background check.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to adopt the fee analysis for the Fire Alarm, Burglar Alarm and Locksmiths Advisory Committee.

Mr. Bibbo stated that he would like to add to Mr. McCullough's statement that tenants should not be allowed to perform electrical work in the home that they are renting. Mr. Bibbo also stated that he has had a personal experience wherein his mother-in-law rented a home to tenants who have just moved out after ten years. As a light fixture was being removed there was a flash. The tenants had installed this fixture and used material tape. Additionally, they found that 30 amp fuses were used in the panel. Mr. Bibbo further stated that allowing tenants to perform electrical work is ludicrous.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak, and passed, that whenever Susan Carboni, Deputy Attorney General, prepares a Provisional Order of Discipline, the costs associated with the

preparation of the Order be incorporated into the Order.

Mrs. Pushpavati Amin opposed the motion.

Mr. Mitchell R. Malec abstained from the motion.

The Board reviewed applications for the written examination to be administered by Experior Assessments, LLC. Fourteen (14) 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 2:00 P.M.

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

A Business Meeting is scheduled for Wednesday, October 2, 2002, at 9:00 A.M.

Respectfully submitted,

Barbara A. Cook
Executive Director