

**742 BUSINESS MEETING OF THE
BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
(PUBLIC SESSION)
OCTOBER 3, 2001**

The Board Minutes of October 3, 2001, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of November 7, 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 October 3, 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. Robert A. McCullough
Mrs. Gail Best
Mr. Mitchell R. Malec
Mrs. Pushpavati Amin
Mr. Thomas J. Demcsak

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.

The following members of the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee were present:

Mr. Robert Shoremount, Chairman
Mr. Charles Okun
Mr. Edward Bagniewski

Anthony Miragliotta, Deputy Director, Division of Consumer Affairs, was present.

George DeLuca, Administrative Analyst, was present.

Shirley S. Passow, Deputy Attorney General, was present.

Also in attendance were Mr. Stan Vitale and Mr. James Bibbo, Central Jersey Electrical League, and Mr. Casey Hoff, New Jersey Electrical Contractors Association.

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve the Minutes of the 741 Meeting held September 5, 2001.

Motion made by Mrs. Gail Best and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (4) Initial Licenses effective October 3, 2001 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 (7) Initial Business Permits effective October 3, 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 (1) Initial Business Permit Previously Expired effective October 3, 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 (5) Changes Business Permits effective October 3, 2001 to March 31, 2003, as per attached list.

Check in the amount of \$500.00 received from Thomas Iaione, License #9256, as the third installment of a civil penalty in the amount of \$2,000.00 for violation of N.J.A.C. 13:45C-1.2.

The Board accepted the payment.

Check in the amount of \$200.00 received from Daniel Wolf, Unlicensed, as the third installment of a civil penalty in the amount of \$2,500.00 for violation of N.J.S.A. 45:5A-9 and N.J.S.A. 56:8-1.

The Board accepted the payment.

Check in the amount of \$200.00 received from Yuri J. Guziy, License #12203, as the third installment of a civil penalty, and costs, in the amount of \$2,535.00 for violation of N.J.S.A. 45:5A-15.

The Board accepted the payment.

Check in the amount of \$1,250.00 received from Ervin Sokk, Unlicensed, (also for Hans Rodendau, Unlicensed) as the first and final payment pursuant to an Order filed August 21, 2001, by Kenneth S. Levy, J.S.C., Superior Court of New Jersey Chancery Division, Essex County, ordering that Mr. Sokk and Mr. Rodendau pay a civil penalty, plus costs, in the amount of \$625.00 each.

The Board accepted the payment.

Letter dated August 18, 2001, received from Edward Johnson, License #7469 (Expired), requesting reinstatement of his license and business permit #7469 which he failed to renew for the 1997 to 2000 and 2000 to 2003 triennial renewal periods.

Mr. Johnson stated that he did not realize that he had not renewed his license and business permit as his bookkeeper always took care of mailing in his renewals. Mr. Johnson also stated that his bookkeeper became ill and passed away and all of his files were kept in her home.

Mr. Johnson has provided a copy of his 1996 and 1999 Continuing Education Code Course certificates.

The Board requested that this matter be held in abeyance to be discussed in Executive Closed Session.

Letter dated April 9, 2001, received from Jose Vasquez, License #10917 (Expired), requesting reinstatement of his license #10917 which he failed to renew for the renewal periods of 1997 to 2000 and 2000 to 2003.

Letter dated June 28, 2001, received from Mr. Vasquez stating that he has been employed by Homedica-Osteonics since 1991 starting out as a facilities mechanic/electrician. Three years later he was transferred to the project group unit to work as lead electrician, and remained in that capacity until last July when he began working as a supervisor. Mr. Vasquez also stated that his job duties include the installation and maintenance of electrical systems and machinery.

As per the Board's request, Mr. Vasquez has provided a Work Experience Certification completed by Homedica-Osteonics.

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

letter be sent to Mr. Vasquez advising him that the Board has voted to renew his license with the payment of the proper fees and copies of his 1996 and 1999 Continuing Education Code Course Certificates.

Letter dated July 10, 2001, received from James R. Gnandt, License #8541 (Expired), requesting reinstatement of his license #8541 which he failed to renew for the 1997 and 2000 and 2000 to 2003 triennial renewal periods. Mr. Gnandt stated that he went out of business in 1996 and has not worked in the electrical field since that time.

Letter dated September 16, 2001, received from Mr. Gnandt stating that he did attend a 1996 Continuing Education Code course; but not a 1999 course as he was in the process of pursuing a new career in the computer industry. Mr. Gnandt also stated that he has worked for AT&T and IBM Global Services.

Mr. Gnandt has provided a notarized letter advising that he has lost his pressure seal.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that a letter be sent to Mr. Gnandt advising him that the Board has voted to renew his license with the payment of the proper fees and a copy of his 1999 Continuing Education Code Course Certificate.

Letter received September 21, 2001, from Walter P. Sodon, License #5458, requesting a six-month continuance of business under permit #1500 according to N.J.S.A. 45:5A-14. The licensee Robert A. Sodon died on August 24, 2001.

Mr. Walter Sodon has been involved in his father's business for the past 20 years.

Motion made by Mrs. Gail Best and seconded by Mr. Robert A. McCullough, and unanimously passed, that a letter be sent to Walter P. Sodon advising him that the Board has granted the firm of Sodon's Electric, Inc. a six-month continuance of business permit #1500 according to N.J.S.A. 45:5A-14. Mr. Sodon will also be asked to advise the Board in writing who will qualify the business, John T. Sodon or Walter P. Sodon.

The Board reviewed the Continuing Education Code Course outlines submitted by Paul Rosenberg, Iowa State University.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Mitchell R. Malec, and unanimously passed, that a letter be sent to Mr. Rosenberg advising him that the Board does not approve correspondence courses.

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.

"Advance Transformer/Rebates"

"Investment Strategies for the Business Owner"

"Insurance Needs of the Electrical Contractor"

Mr. Ripley will be advised that the course entitled "Advance Transformer/Rebates" is approved from this day forth. The licensee will not receive credit for courses they may have attended prior to October 3, 2001,

The Board requested that any new courses that are approved, the sponsor/instructor is to be advised that according to the Rule which was published on July 2, 2001, in the New Jersey Register, licensees must complete ten (10) hours of continuing education (nine hours on the most recent edition of the National Electrical Code and one hour of applicable State statutes and rules) to renew their license for the 2003 to 2006 triennial renewal period. The thirty-four hours of Continuing Education will not take effect until the 2003 for the 2006 to 2009 renewal period. Licensees may carry over no more than eight credits into the succeeding triennial renewal period.

The Board reviewed the Continuing Education Code Course outline submitted by Karry A. Aspinwall.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, to approve the following course outline submitted by Ms. Aspinwall.

"2002 National Electrical Code"

Ms. Aspinwall will be advised that this course will not count as part of the nine hours of code changes that all licensees are required to attend for the 2003 to 2006 renewal period.

The Board reviewed the Fiscal Year 2001 Final Budget report.

The Board requested that each member receive a copy of the 2002 National Electrical Code Book.

Angelos A. Manolis, License #5170, has failed to respond to a Provisional Order of Discipline which was filed on August 21, 2001, ordering that Angelos Manolis, License #5170, pay a civil penalty in the amount of \$2,500.00 for violation of N.J.A.C. 13:31-1.14; \$2,500.00 for violation of N.J.A.C. 13:31-1.13(b)3; and \$2,500.00 for violation of N.J.A.C. 13:45C-1.2 for a total of \$7,500.00. Mr. Manolis' license #5170 is suspended until he arranges to appear before the Board to explain his conduct in this matter, including the complaint lodged against him. Mr. Manolis is also directed to return his pressure seal issued to Angie Electric Co.

The Provisional Order of Discipline was sent to Mr. Manolis certified and regular mail. Certified and regular mail were returned "Box closed, unable to forward, return to sender".

Motion made by Mr. Robert A. McCullough and seconded by Mr. Joseph F. Cantalupo, and unanimously passed, that Deputy Attorney General Susan Carboni finalize the Provisional Order of Discipline and issue a Final Order of Discipline ordering that Mr. Manolis, License #5170, pay a civil penalty in the amount of \$2,500.00 for violation of N.J.A.C. 13:31-1.14; \$2,500.00 for violation of N.J.A.C. 13:31-1.13(b)3; and \$2,500.00 for violation of N.J.A.C. 13:45C-1.2 for a total of \$7,500.00.

Additionally, a Certificate of Debt will be prepared.

The Board reviewed an Order filed on August 21, 2001, by Kenneth S. Levy, J.S.C., Superior Court of New Jersey Chancery Division, Essex County, ordering that Ervin Sokk and Hans Rodendau are permanently enjoined from offering to perform or performing electrical contracting or plumbing in the State of New Jersey until such time as they are licensed to do so and pay a civil penalty, plus costs, in the amount of \$625.00 to the Electrical Board and \$625.00 to the Plumbing Board.

The Board reviewed an Order filed on August 17, 2001, by Kenneth S. Levy, J.S.C., Superior Court of New Jersey Chancery Division, Essex County, ordering that Michael Spagnola and Greg R. Klein are permanently enjoined from offering to perform or performing electrical contracting or plumbing in the State of New Jersey until such time as they are licensed to do so and pay a civil penalty, plus costs, in the amount \$525.00 each to the Electrical Board and \$525.00 to the Plumbing Board.

It has been noted for the record that the Board is not pleased with the amount of the civil penalty that Messrs. Sokk and Radendau and Messrs. Spagnola and Klein were ordered to pay.

The Board will continue its discussion concerning the telecommunications exemption specifically 13:31-1.17(a)4i which states "Wiring between the power supplies integral with telecommunications equipment and the telecommunication equipment is not intended to be prohibited" in closed session.

The Board reviewed the proposed draft of the rules and regulations proposed by the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee with Anthony Miragliotta, Deputy Director; Robert Shoremount, Chairman; Edward Bagniewski, Charles Okun; and Shirley S. Passow, Deputy Attorney General.

Mr. McCullough asked that the term "consent proceedings under the Cable Television Act" be explained as indicated under N.J.A.C. 13:31A-1.1(di) which states:

Notwithstanding (d) above, pursuant to N.J.S.A. 45:5A-36, this chapter shall not prohibit municipal regulation of door-to-door vendors or salespersons of burglar alarm, fire alarm, or electronic security systems or locksmithing services, nor shall it prohibit municipal consideration of alarm business service proposals in consent proceedings under the Cable Television Act, P.L. 1972, c. 186, N.J.S.A. 45:5A-1 et seq.

Mr. Miragliotta stated that N.J.A.C. 13:31A-1.1(d) states that this chapter shall supercede any ordinance, resolution, rule or regulation of any municipality or county relating to the licensure or registration of burglar alarm, fire alarm or locksmith businesses.

Mr. McCullough stated that there is a portion of this work that will not be regulated by the utility. Mr. McCullough also stated that there should be statutory language included, and we need to get clarification of the work performed inside the building. I am not sure that the cable companies are considered a regulated utility in this State.

Mr. Miragliotta stated that the Board's Statute, the Committee's Statute and the Cable TV Statute are not clear with regards to demarcation. We do not know whether or not the FCC provides guidance. Mr. Miragliotta also stated that this would be something to look into in the near future so that we are prepared.

Mr. McCullough stated that we need to look at the demarcation issue to see if there is an FCC issue to help us draw the line. Mr. McCullough also stated that if we do the research we could draft something like the distribution rule.

Mr. Miragliotta stated that when we are firm on demarcation, then we will call the sister agency.

Mr. McCullough stated that the courts decision in 1996 established the definition of the demarcation point in that it set forth what happens on each side of the demarcation point.

Mr. McCullough stated that in regards to the pressure seals that the Board requested be issued, he understands the reasons why they will not be issued as addressed in the memorandum to the Board. Mr. McCullough also stated that a licensee would then have to present proper identification to obtain a permit.

Mr. McCullough also stated that the DCA can publish an article in the Code Communicator that can advise that licensees with the proper photo identification will be the one obtaining the permit.

Mr. Cantalupo stated that an identification card will have the company name, the license number, and the installers name. Mr. Cantalupo also stated that an employee of the company, who is also a licensee, can sign a permit application to perform work.

Mr. Miragliotta stated that if a complaint is received, the business qualifier is as responsible as the person who obtains the permit.

Mr. Shoremount stated that pursuant to N.J.S.A. 45:5A-35(a) a licensee shall be responsible for the unlawful conduct by an employee.

Mr. McCullough stated that there are a number of places in the draft where it states "for which committee approval is sought". Is this the delegation of authority?

Mr. Miragliotta stated that the Board must decide what responsibility they want to delegate to the Committee.

Mr. McCullough stated that whenever the Committee approves Continuing Education Courses, the Board should be advised as there could be areas of overlap.

Mr. Miragliotta stated that the Committee will advise the Board of the courses being approved. This does not need to be formalized. Mr. Miragliotta also stated that we have an understanding that the Board and the Committee will be kept apprized whenever something of interest is done by either the Board or the Committee.

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

pursuant to N.J.S.A. 45:5A-24, the Board hereby delegates the duties and powers as noted in subsection A through M to the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee. The Board reserves the opportunity to review and reverse such delegation upon reasonable notice.

Roll Call:

Mr. Joseph F. Cantalupo - Yes
Mr. Robert A. McCullough - Yes
Mrs. Gail Best - Yes
Mr. Mitchell R. Malec - Yes
Mrs. Pushpavati Amin - Yes
Mr. Thomas J. Demcsak - Yes

Motion made by Mr. Joseph F. Cantalupo and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve the final draft of the rules and regulations for the Fire Alarm, Burglar Alarm and Locksmith Advisory Committee with any changes as discussed.

Roll Call:

Mr. Joseph F. Cantalupo - Yes
Mr. Robert A. McCullough - Yes
Mrs. Gail Best - Yes
Mr. Mitchell R. Malec - Yes
Mrs. Pushpavati Amin - Yes
Mr. Thomas J. Demcsak - Yes

Mr. Schooley stated that the Committee, along with Anthony Miragliotta, Maryann Sheehan, and DAG Passow have done a great job. The Board realizes that a lot of very hard work was put into drafting these rules and the Board appreciates it all. Mr. Schooley also stated that he would also like to thank Mr. Cantalupo and Mr. O'Hara for their attendance at the Committee's meetings. It was a job well done.

A signed cease and desist agreement was received from Alec Altman, Unlicensed, Azcon Construction Corporation, Pennsauken, New Jersey 08110. A signed cease and desist agreement was received from Robert Chimenti, Bronx, New York, 10474, along with a money order in the amount of \$17.50 made payable to Bonnie and Jack Cleenput.

The Board accepted the signed cease and desist agreements.

The Board reviewed applications for the written examination administered by Experior Assessments, L.L.C. Twelve (12) applications were approved.

Stan Vitale read a letter he prepared, attachment A, describing his feelings and concerns for the 34 hours of Continuing Education.

Mr. Schooley stated that the Board has continually made the same statements that the new 34 hours of continuing education have not been approved. The Board has consistently advised that it does not know how many hours the licensees will actually have to attend and that licensees can carry up to eight hours into the next renewal period.

Mr. McCullough stated that in regards to Mr. Vitale's statement that because the Board attended the State Council's expo, it is assumed that the Board was aware that the State Council was implementing the new law, the only reason the Board was at the State Council's expo is because the Board was invited by the association to hold its regular open session meeting.

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 3:00 P.M.

An Appointment Meeting is scheduled for Wednesday, October 17, 2001, at 9:00 A.M.

A Business Meeting is scheduled for Wednesday, November 7, 2001, at 9:00 A.M.

Respectfully submitted,

Barbara A. Cook
Executive Director

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