

State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration (HVACR)  
Contractors

Minutes - Meeting #16 - Thursday, June 19, 2014

The Minutes of the Board meeting held on June 19, 2014 have not been formally approved and are subject to change or modification by the Public Body at its next scheduled meeting.

The notice of the June 19, 2014 meeting has been mailed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers, and has also been posted on the Bulletin Board at the Office of the Secretary of State, Trenton, New Jersey.

The Board meeting of June 19, 2014 was called to order at 9:00 am with the following Members in attendance:

Michael K. Maloney, Chairman, Mechanical Inspector 2

Dominic D. Demico, Jr. - Mechanical Inspector 1

Paul J. Mitchell - Master HVACR Contractor 3

Mary Pranzatelli - Public Member 2

Angelo Ralph Papa, Jr. - HVACR Journeyperson - officially resigned

Timothy A. Griffith - Public Member 1- officially resigned June 17, 2014

Appointed April 17, 2014:

Appointed the Honorable Thomas C. Pitcherello to fill the vacancy of Executive Branch of State Government Representative (absent)

Appointed Kevin S. Clark - Master HVACR Contractor 1  
Replaces Pelagio J. Gonzales - Master HVACR Contractor 1

Appointed the Honorable William C. Barham  
Master HVACR Contractor 2 - \_ Replaces Daniel G. Danko, Jr.

Board Complement: (9):

As of this meeting date, one (1) vacancy remained for an HVACR Journeyperson with the resignation of Mr. Papa.

Attendees:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)  
Charles Manning, Regulatory Affairs  
Rosemarie Baccile, Acting Executive Director  
Steven Mattia, Government Representative

Public Session Visitors:

Dan Danko, Danko Mechanical  
Mike Chokov, Trane  
Vincent Tinervia, New Jersey State League of Master Plumbers  
Ronald Fabiano, RJ Fabiano Heating and Cooling  
Patrick Stewart, ACCA-NJ  
Jai West, Lincoln Technical Institute  
Joe Bellucci, Lincoln Technical Institute

PLEDGE OF ALLEGIANCE to the FLAG

Chairman Michael Maloney led the Board in the Pledge of Allegiance to the Flag.

1. CALL TO ORDER
2. ROLL CALL

APPROVAL OF MINUTES of the MAY 28, 2014 MTG.

A motion was made by Dominic D. Demico, Jr. and seconded by Paul J. Mitchell to approve the minutes of the May 28, 2014 meeting. A vote was taken and the motion unanimously passed.

PUBLIC COMMENT:

On June 19, 2014, Chairman Maloney permitted each visitor in attendance with an opportunity to address the Board and state their comments and concerns. Comments were made. A motion was made by Paul J. Mitchell and seconded by Dominic D. Demico, Jr. to close the public comment period.

A vote was taken and the motion unanimously passed.

3, HVACR OPERATIVE DATE MARCH 1, 2014  
ON-LINE LICENSING APPLICATIONS FOR LICENSED HVACR CONTRACTORS  
DIVISION OF CONSUMER AFFAIRS WEBSITE

Applications for Master HVACR Contractors were reviewed by Board Members  
in Executive Closed Session

Discussion on grandfathering period:  
Operative date March 1, 2014 - to end September 1, 2014

4 . CHARLES MANNING, REGULATORY ANALYST  
DIVISION OF CONSUMER AFFAIRS

Bona fide representative responsibilities & the journeyman - No documents  
Proposed amendments: N.J.A.C. 13:32A-5.3

Scheduled for discussion only with Charles Manning who advised on June 19, 2014  
that this amendment is scheduled for publishing in the New Jersey Register  
on July 7, 2014.

5. INQUIRES SUBMITTED FOR BOARD DISCUSSION AND RESPONSE

- a• Christine Rothermel, Commercial Realtor, email of June 10, 2014  
company employs HVACR “in- house” technicians  
Manages commercial office buildings on behalf of owners:  
Whether or not in-house HVACR mechanics working for a real estate firm  
performing mechanical maintenance would be required to apply for HVACR  
licensure:

On June 19, 2014, the Board discussed this inquiry and concluded that the  
work described in this inquiry does not exempt those employees from the  
HVACR license. Further, the HVACR Board does not have jurisdiction  
regarding the black seal license governed by the Department of Labor.

Members also commented that based on new legislation signed May 15,  
2014, A 2456, this law exempts service repair and maintenance work when  
the person is a regular employee and where the person and the employer do  
not contract with the public.

- b• Mark D. McLane and Alejandro Ruiz, Rutgers University, email of June 11, 2014, regarding HVAC exemptions and requesting a clarification of A-2456 signed into law on May 15, 2014:

The requirements for grandfathering are reflected in the HVACR regulations at N.J.A.C. 13:32A-2.6. The grandfathering phase will end September 1, 2014. The Board noted that A-2456 exempts certain persons from HVACR licensing requirements.

The Board responded to the questions raised by Mr. McLane by stating that the grandfathering provision is irrelevant with respect to the exemptions noted in A-2456. Members further noted that the assessment of the educational requirements noted in A-2456 are the responsibility of the employer, and Members advised that the Board would be involved in the event a complaint was submitted for Board review.

- c• Rob Nydick, Quakergroup, email of June 11, 2014, property management company employs maintenance staff for routine HVACR tasks, seeking exemption from the HVACR license for his employees:

On June 19 2014, the Board responded that this entity is not exempt from the requirement for an HVACR license in that this company is providing maintenance technicians for the purpose of offering HVACR services.

- d• Vincent Brown, May 27, 2014 email re HVACR mechanic, in-house, for a hospital

On June 19, 2014, the Board responded by stating that in this circumstance, these in-house mechanics at a hospital are exempt from the Master HVACR license

- e• Susan Mason, publisher of Lexis documents, email of May 27, 2014

On June 19, 2014, Deputy Attorney General Joseph A. Donofrio confirmed that the operative date for HVACR was March 1 2014 and the effective date of the HVACR regulations was April 15, 2013.

6. FUTURE MEETING DATES  
JULY 8, 2014  
AUGUST 12, 2014

A motion was made by Paul J. Mitchell and seconded by Domenic D. Demico, Jr. to proceed into Executive Session for application review. A vote was taken and the motion unanimously passed.

7. ADJOURNMENT

The Board returned to Open Session to adjourn their meeting. A motion was made by Paul J. Mitchell and seconded by Domenic D. Demico, Jr. to adjourn the meeting.

A vote was taken and the motion unanimously passed. The meeting ended at 3pm.

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Rosemarie S. Baccile  
Acting Executive Director  
State Board of Examiners of HVACR Contractors