

# Board of Examiners of Electrical Contractors

## 748 BUSINESS MEETING OF THE (PUBLIC SESSION) APRIL 3, 2002

The Board Minutes of April 3, 2002, have not been formally approved and are subject to change or modification by the Public Body at its next meeting of May 1, 2002. All requirements of the "Open Public Meetings Act" have been complied with according to N.J. 10:4-6.

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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 April 3, 2002, was called to order at 9:00 A.M.

The following members were present:

Mr. Joseph P. Schooley, Chairman  
Mr. Robert A. McCullough  
Mrs. Connie Calisti  
Mr. Mitchell R. Malec  
Mrs. Pushpavati Amin  
Mr. Thomas J. Demcsak

Mr. Joseph F. Cantalupo and Mrs. Gail Best were 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.

Also in attendance was Mr. Casey Hoff, New Jersey Electrical Contractors Association.

The Board saluted the Flag.

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Motion made by Mr. Thomas J. Demcsak and seconded by Mrs. Pushpavati Amin, and unanimously passed, to approve the Minutes of the 747 Meeting held March 6, 2002.

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Motion made by Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak and unanimously passed, to approve (15) Initial Licenses effective April 3, 2002 to March 31, 2003, as per attached list.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (15) Initial Business Permits effective April 3, 2002 to March 31, 2003, as per attached

list.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak, and unanimously passed, to approve (5) Initial Business Permits Previously Expired effective April 3, 2002 to March 31, 2003, as per attached list.

Motion made by Mr. Thomas J. Demcsak and seconded by Mr. Robert A. McCullough, and unanimously passed, to approve (5) Changes in Business Permits effective April 3, 2002 to March 31, 2003, as per attached list.

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Check in the amount of \$129.40 received from Mark Wiggins, License #10860 (Expired) as the third installment of a civil penalty, and costs, in the amount of \$1,511.53 for violation of N.J.S.A. 45:5A-9.

The Board accepted the payment.

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Check in the amount of \$700.00 received from Douglas P. Tarnopoll, License #10692, as the first and final installment of a civil penalty in the amount of \$700.00 for violation of N.J.A.C. 13:31-1.8(c).

The Board accepted the payment.

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Checks in the amounts of \$200.00 each received from Daniel Wolf, Unlicensed, as the eighth and ninth installment of a civil penalty in the amount of \$2,000.00 for violation of N.J.S.A. 45:5A-9 and N.J.S.A. 56:8-1 et seq.

The Board accepted the payment.

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Check in the amount of \$2,400.00 received from Schenck, Price, Smith and King, LLP, on behalf of Andrew Millett, Unlicensed, as the second and final installment of a civil penalty in the amount of \$2,500.00 for violation of N.J.S.A. 45:5A-9.

The Board accepted the payment.

Check in the amount of \$150.00 received from Neil Bolton, License #9590, as the sixth installment of a civil penalty in the amount of \$2,500.00 for violation of N.J.S.A. 45:5A-9.

The Board accepted the payment.

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Check in the amount of \$250.00 received from Rafael Suriel, Unlicensed as the first and final installment of a civil penalty in the amount of \$250.00 for violation of N.J.S.A. 45:5A-9.

The Board accepted the payment.

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Letter dated March 21, 2002, received from William P. Martine, License #2493, requesting a waiver of the 1999 Continuing Education Code Course requirement. Mr. Martine stated that due to health reasons he was unable to attend a 1999 code course. Mr. Martine has provided a copy of his 2002 Continuing Education Code Course Certificate.

Additionally, Mr. Martine has included his 2000 to 2003 triennial renewal and a check in the amount of \$250.00 to renew his license #2493. Mr. Martine does not hold a business permit.

Motion made by Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak, and unanimously passed, that a letter be sent to Mr. Martine advising him that the Board has voted to renew his license #2493 with the payment of the proper fees. Mr. Martine will also be advised that the Board has granted his request for a waiver of the 1999 Continuing Education Code Course due to health reasons. Mr. Martine will also be advised that should he apply for a business permit in the future, he will be required to attend a continuing education code course.

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Letter dated July 5, 2001, received from George Johnson requesting reinstatement of his license and business permit #6651 which he failed to renew for the 1997 to 2000 and 2000 to 2003 triennial renewal periods.

Mr. Johnson stated that his mother died in March 1997 and he did not realize that he had not renewed his license and business permit.

As per the Board's request, Mr. Johnson returned his pressure seal issued to George Johnson and Son Electrical Contractor.

Mr. Johnson stated that he continued to operate as an electrical contractor as he did not realize that he had not renewed. Mr. Johnson has provided copies of his transcripts showing that he attended the continuing education code courses for his inspector's licenses and has provided a letter from Andrew R. Cartal advising that he has been instructed on the One Hour of Laws, Rules, and Regulations.

Motion made by Mr. Robert A. McCullough and seconded by Mrs. Connie Calisti, and unanimously passed, that DAG Carboni prepare a Consent Order offering Mr. Johnson the opportunity to settle this matter by paying a civil penalty in the amount of \$1,500.00 for violation of N.J.S.A. 45:5A-9. The Board has also voted to renew Mr. Johnson's license #6651 with the payment of the proper fees. Additionally, the Board accepts Mr. Johnson's Continuing Education credits in lieu of attending a 1996 and 1999 Continuing Education Code Course.

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Letter dated February 14, 2002, received from William M. Connolly, Director, Department of Community Affairs, Division of Code and Standards, thanking the Board for its clarification about the performance of electrical work involved in the replacement of an electric hot water heater.

Mr. Connolly also stated that the Department has received conflicting statements from the Board about the performance of electrical work involved in the installation or replacement of an HVAC unit. Mr. Connolly further states that upon clarification from the Board, the Department will gladly publish an article in the Construction Code Communicator.

This matter is again being held in abeyance. Mr. Robert A. McCullough and Mr. Mitchell R. Malec will work on a comprehensive list of answers to questions that arise on a daily basis.

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Letter received March 11, 2002, from Bruce E. Hunt, Plumbing License #7620, stating that his work has failed inspection because the hot and cold water pipes above the heater were not bonded. In another town, Mr. Hunt's permit was rejected because he did not complete the Electrical Subcode Technical section for the bonding of the gas water heater.

Mr. Hunt stated that it was his understanding that, as per the rehabilitation code, bonding is not required as he did not create a greater hazard than already existed. Additionally, Mr. Hunt asks if a master plumber can complete an Electrical Subcode Technical Section?

Motion made by Mrs. Pushpavati Amin and seconded by Mr. Robert A. McCullough, and unanimously passed, that a letter be sent to Mr. Hunt advising him that the installation of gas operating hot water heaters is considered exempt from licensure and does not require the securing of a business permit pursuant to N.J.S.A. 45:5A-18(m) the maintaining, installing, or connecting of automatic oil, gas or coal burning equipment, gasoline or diesel oil dispensing equipment and the lighting in connection therewith to a supply of adequate size at the load side of the distribution board.

Motion made Mr. Robert A. McCullough and seconded by Mr. Thomas J. Demcsak, and unanimously passed, that Mr. Hunt also be advised that he should forward his question about the bonding of hot and cold water pipes to the Department of Community Affairs as this comes under the Rehab Code.

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The Board reviewed Senate Bill No. S-1224 which provides that the Commissioner of Personnel require, for purposes of determining employment eligibility in any title or capacity designated by an appointing authority as having domestic security concerns, the fingerprinting of applicants or employees. The commissioner is authorized to receive, on behalf of the appointing authority, criminal history record information from the Division of State Police, the State Bureau of Identification and the Federal Bureau of Investigation, consistent with the provisions of federal law, for use in determining employment eligibility.

It is the opinion of the Board that Senate Bill No. S-1224 does not apply to the Electrical Board as the Board does not have the authority to take fingerprints of applicants/licensees.

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The Board reviewed the Civil Action Consent Order and Judgement concerning Kenneth Perry, Unlicensed and Herb Broska, Unlicensed. The Order stipulates that James Herb Broska, Unlicensed, shall be permanently enjoined from recommending any unlicensed person to perform electrical contracting services; pay a civil penalty in the amount of \$500.00 to the Board of Electrical Contractors; and \$500.00 in restitution to Colleen Matus. The Order also stipulates that Kenneth Perry, Unlicensed, shall be permanently enjoined from offering to perform or performing any act or acts constituting engaging in electrical contracting in State New Jersey; pay a civil penalty in the amount of \$500.00, plus costs in the amount \$717.51; and attorneys fees in the amount of \$1,000.00.

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A signed cease and desist agreement was received from Daniel Meaney, Madison, New Jersey 07940.

The Board accepted the signed cease and desist agreement.

Mr. Schooley asked that Connie Calisti Chair the Committee to review all Senate and Assembly Bills and then explain the bills to the Board.

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The Board reviewed applications for the written examination to be administered by Experior Assessments, LLC. Fourteen (14) applications were approved.

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Motion made by Mr. Thomas J. Demcsak 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, May 1, 2002, at 9:00 A.M.

Respectfully submitted,

Barbara A. Cook  
Executive Director