

Rosemarie S. Baccile, Acting Executive Director
Approved April 5, 2016

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

Meeting # 35 - Tuesday, March 1, 2016 - Public Meeting - Minutes

The Minutes of the Board meeting held on March 1, 2016 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 March 1, 2016 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 March 1, 2016 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 - Board Secretary

Mary Pranzatelli - Public Member 2

Thomas C. Pitcherello
Executive Branch of State Government Representative

Kevin S. Clark - Master HVACR Contractor 1

William C. Barham – Master HVACR Contractor 2

Daniel G. Danko, Jr. - HVACR Journeyperson - Vice-Chairman

Board Complement: (9):

As of this meeting date, one (1) vacancy remains for a Public Member with the resignation of Mr. Griffith.

Attendees:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)

Rosemarie Baccile, Acting Executive Director

Jamie Hall, Agency Services Representative

Court Reporter: Susan Bischoff, State Shorthand Reporters 732-531-9500

Public Session Visitors:

Dave Castner, SMWA L 22

Eric DeGesero, FMA, NJ

Frank Olivo, Blue Ribbon Fuel

Scott Majka, Jos. A. Majka & Sons

Ray Tomasso, Tomasso Brothers

John Levey, Oil Heat Associates

George Lauck, FMA Skylands Energy

1. CALL TO ORDER

2. ROLL CALL

3. ON-LINE LICENSING APPLICATIONS UPDATE As of February 19, 2016

Licensed Master HVACR Contractors by Grandfathering: 19HC007731

Application Review: 12,410 - Total applicants by grandfathering

Deficiency Cue: 1,096

These applicants have been notified by a deficiency letter that documents are required.

696 Active in Criminal History Review – these applicants have also have been notified

2,209 Active in Post Board Review Waiting on Bonds, license fees and processing.

Licensed Master HVACR Contractors BY EXAM: 190 (58 Denied) (3 Approved)

4. APPROVAL OF THE FEBRUARY 2, 2016 MINUTES

A motion was made by Daniel G. Danko, Jr. and seconded by Thomas C. Pitcherello, to approve the minutes of this meeting. A vote was taken and the motion unanimously passed.

5. REGULATORY MATTERS

Charles Manning, Regulatory Analyst – Continuing Education Topics
N.J.A.C.13:32A-4.3

On March 1, 2016, Chuck Manning discussed the publishing of the CE topics as a “Notice” in the New Jersey Register.

N.J.A.C. 13:32A-4.1 requires licensed master HVACR contractors to complete five credits of continuing education every biennial renewal period. N.J.A.C. 13:32A-4.3 requires that one (1) hour of continuing education be in Statutes and Rules governing the practice of heating, ventilating, air conditioning, and refrigeration and that one (1) hour be in propane services. N.J.A.C. 13:32A-4.3 requires the Board to determine the topics required for the remaining three (3) hours. The Board has determined that these three (3) hours shall be devoted to any topic relevant to the practice of heating, ventilating, air conditioning, and refrigeration as defined by N.J.A.C. 13:32A-1.2.

Plumbing Inspectors and Mechanical Inspectors:

A motion was made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr. to request amendments to N.J.A.C. 13:32A-4.4 so that inspectors licensed by the Department of Community Affairs would be required to complete only the hour of continuing education in Statutes and Rules. A vote was taken and the motion unanimously passed.

6. CONTINUING EDUCATION
WELCOMING CONTINUING EDUCATION SPONSORS

All Licensed Master HVACR Contractors are exempt from the Continuing Education (5) five hour requirement for this first biennial renewal of July 1, 2016 to June 30, 2018, according to N.J.A.C 13:32A-4.1 License Renewal; Continuing Education Requirement.

All Licensed Master HVACR Contractors must complete the (5) five hour requirement CE requirement for the following biennial renewal:

July 1, 2018 to June 30, 2020

This requirement must be met before the next renewal date of July 1, 2018.

Continued ...

To assist Master HVACR Contractors with meeting the (5) hour Continuing Education requirement, the Board will approve CE Sponsors and courses and post that information at the HVACR website, once available.

The following individuals have submitted their requests and resumes for consideration to teach HVACR continuing education:

POSTPONED

- A. Garrett R. Pepe, Master HVACR Contractor #19HC00121200
Licensed Master Plumber #36BI00574100
New Jersey Plumbing Inspector HHS # 5922
New Jersey Continuing Education Instructor # 94

CE SPONSOR REQUEST

POSTPONED

- B. Peter T. Hammer, Licensed Master Plumber #36BI00676600
New Jersey Plumbing Inspector ICS and HHS # 8131
CE SPONSOR REQUEST

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- C. George M. Lauck, Master HVACR Contractor# 19HC00548700
Fuel Merchants Association of New Jersey
CE SPONSOR REQUEST

On March 1, 2016, George M. Lauck was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Daniel G. Danko, Jr. and seconded by Kevin S. Clark to approve Mr. Lauck as a CE Sponsor.

A vote was taken and the motion unanimously passed.

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- D. John Francis Levey, President, Oilheat Associates Inc., Wantagh, NY
Fuel Merchants Association of New Jersey
CE SPONSOR REQUEST

On March 1, 2016, John Francis Levey was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Kevin S. Clark and seconded by Dominic D. Demico, Jr. to approve John Francis Levey as a CE Sponsor.

A vote was taken and the motion unanimously passed.

- E. Frank J. Olivo, Master HVACR Contractor #19HC00256700
Licensed Master Plumber #36BI00785100
Licensed Master Electrician #10227
Fuel Merchants Association of New Jersey
CE SPONSOR REQUEST

On March 1, 2016 Frank J. Olivo was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Daniel G. Danko, Jr. and seconded by Paul J. Mitchell to approve Frank J. Olivo as a CE Sponsor.

A vote was taken and the motion unanimously passed.

- F. Thomas C. Pitcherello, Construction Official, Code Specialist
State of New Jersey, Department of Community Affairs,
Division of Code and Standards, Code Assistance Unit,
Trenton, New Jersey - CE SPONSOR REQUEST

On March 1, 2016, Thomas C. Pitcherello was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr. to approve Thomas C. Pitcherello as a CE Sponsor. A vote was taken and the motion unanimously passed.

INQUIRIES

7. Brian Bichkoff – Associate General Counsel, Home Services, Sears Holdings Corporation

EMAIL January 27, 2016 - Bona Fide Representative requirements in New Jersey

EMAIL February 2, 2016 - Bona Fide Representative requirements in New Jersey

EMAIL February 10, 2016 - Bona Fide Representative requirements in New Jersey

On March 1, 2016, the Board discussed this matter while counseled by Deputy Attorney General Joseph A. Donofrio, and concluded that based on existing New Jersey HVACR Statutes and Regulations, Sears must designate an employee to serve as the bona fide representative in accordance with:

Continued ...

N.J.A.C. 13:32A-1.2 DEFINITIONS

"Bona fide representative" means a licensed master HVACR contractor who:

1. In the case of a sole proprietorship, is the owner of the business;
2. In the case of a partnership, is a partner in the business;
3. In the case of a limited liability company, is a manager; or
4. In the case of a corporation, is an executive officer.

Such a designation, and notifying the Board of that designation, will permit Sears to perform HVACR services for consumers in the State of New Jersey. Secondly, Sears must also comply with:

N.J.A.C. 13:32A-5.3 BONA FIDE REPRESENTATIVE RESPONSIBILITIES (6) Maintain a place of business in the State of New Jersey or designate, and notify the Board of the identity of, an agent or entity in New Jersey for service of process. The Board does not have the authority to waive statutory requirements. A motion was made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr. A vote was taken and the motion passed unanimously.

INQUIRIES

8. Dennis Kolb, EMAIL January 19, 2016, Master HVACR Contractor #19HC00319700

Are Master HVACR Contractors allowed to reconnect power wiring on replacement HVACR package units without an electrician after disconnect?

On March 1, 2016, Board Members discussed this matter and concluded in a motion made by Dominic D. Demico, Jr. and seconded by Daniel G. Danko, Jr., that "Yes"

Master HVACR Contractors are allowed to reconnect power wiring on replacement HVACR package units without an electrician after disconnect.

Members clarified that this task is permitted from the disconnect to the unit, and referred the inquirer to N.J.S.A. 45:16A-2. "Definitions relative to licensing of HVACR contractors," "HVACR" means.... in replacement cases only, the connection thereof of the wiring from an electrical service disconnect box of adequate size to accommodate the equipment and controls and previously dedicated to that equipment..."

A vote was taken and the motion unanimously passed.

9. Joseph Battaglia, EMAIL January 29, 2016, - owner of small appliance repair company

Do we need an HVACR license to repair small household refrigerators seeing that we do not do any electrical, plumbing or heating and cooling work?

On March 1, 2016, Board Members discussed this matter and concluded in a motion made by Dominic D. Demico, Jr. and seconded by Daniel G. Danko, Jr., that "Yes" a Master HVACR Contractor's license is required for the repair of small household refrigerators.

A vote was taken and the motion unanimously passed.

10. Mayur Amin, EMAIL February 15, 2016, Master HVACR Contractor #19HC00157000

Can a HVACR Contractor do the electrical work on walk- in coolers that he installs?

On March 1, 2016, Board Members discussed this matter and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr. , that, "No"

A Master HVACR Contractor cannot perform the electrical work on walk-in coolers that he installs. The Board referred to N.J.A.C. 13:32A-1.3 ELECTRICAL WORK.

A vote was taken and the motion unanimously passed.

INQUIRIES

11. CORRESPONDENCE January 28, 2016 - various code and scope of practice issues

Eric DeGesero, EMAIL January 28, 2016, re letter of Scott Majka –

LMP# 12613

HVACR# 19HC0024800 & HIC# 13VH0249660

On March 1, 2016, the Board discussed this matter while DAG Donofrio counseled Members who all agreed that the issues raised in this correspondence are within the jurisdiction of the Department of Community Affairs, and would be best addressed if referred to that Agency.

Board Member Thomas C. Pitcherello advised that he will respond to this correspondence from his office in Trenton, NJ.

12. EMAIL, JANUARY 21, 2016

FROM: Francesca Flanagan

RE: Action taken by the Governor on January 19, 2016

This document was provided for the information of the Board, and no comments were made. None of these actions affect the HVACR Board.

13. LETTER, JANUARY 19, 2016

FROM: John Pace

Seeking a grandfathered HVACR license

On March 1, 2016, the Board discussed the correspondence from John Pace seeking to grandfather as a Master HVACR Contractor. Members agreed that while the circumstances are unfortunate with regard to Mr. Pace's situation, the existing New Jersey HVACR Statutes and Regulations do not permit a waiver allowing him to grandfather for his license.

Mr. Pace, however, may consider the option to apply for his license by examination. That application and the qualifications are available at the Board's website. A motion was made by Dominic D. Demico Jr. and seconded by Daniel G. Danko, Jr.

A vote was taken and the motion unanimously passed.

14. EMAIL, JANUARY 27, 2016

FROM: Gregory C. Fontaine- Army veteran and owner of A&E Construction

Seeking a grandfathered HVACR license

On March 1 2016, the Board discussed the request of Army veteran Gregory C. Fontaine and concluded in a motion made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr., that: existing New Jersey HVACR Statutes and Regulations do not permit an exemption that would allow Mr. Fontaine to gain his license through grandfathering.

The Board suggested that Mr. Fontaine consider the option to test for his Master HVACR license and recommended that he submit a "...Joint Services Transcript..." in compliance with N.J.A.C. 13:32A-2.7 CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES (b)(2)(ii) to complete his applicant file.

A vote was taken and the motion unanimously passed.

15. FY 2016 BUDGET REPORT

Darlene Kane, Budget Officer, February 3, 2016

On March 1, 2016, the Board accepted this report without comment.

16. CORRESPONDENCE

FROM: DCA Regulations Department - Notice of proposal

DIVISION OF CONSUMER AFFAIRS

STATE BOARD OF EXAMINERS OF HEATING, VENTILATING,
AIR CONDITIONING, AND REFRIGERATION CONTRACTORS

Renewal of License; License Reactivation; License Reinstatement

Proposed Amendments: N.J.A.C. 13:32A-31

Proposed New Rules: N.J.A.C. 13:32A-3.2 and 3.3

CITE 48 N.J.R.116 (a)

The text of the above proposal(s) as published in the New Jersey Register on
Monday, January 19, 2016 is attached.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Dominic D. Demico, Jr., and seconded by Daniel G. Danko, Jr. to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, and review matters within the attorney-client relationship exception to the Open Public Meetings Act.

The subject of this discussion shall remain confidential until such time as the reasons for having this matter in Executive Closed Session are no longer applicable. A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director
