

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

Meeting # 25 - Tuesday, April 7, 2015 - Public Meeting - MINUTES

The Minutes of the Board meeting held on April 7, 2015 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 April 7, 2015 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 April 7, 2015 was called to order at 9:00 am with the following Members in attendance:

Michael K. Maloney, Chairman, Mechanical Inspector 2 - ABSENT

Dominic D. Demico, Jr. - Mechanical Inspector 1

Paul J. Mitchell - Master HVACR Contractor 3 - ABSENT

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 - ABSENT

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

NOTE:

Daniel G. Danko, Jr. Served as Chairman for this meeting in the absence of Michael K. Maloney.

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)  
Charles Manning, Regulatory Analyst, Division of Consumer Affairs  
Rosemarie Baccile, Acting Executive Director

Public Session Visitors:

Mike Chokov, Trane  
Ryan Revere  
Robert Allen  
David Casner  
J. Harper

Susan Bischoff, State Shorthand Reporters  
732-532-9500

PLEDGE OF ALLEGIANCE to the FLAG

Serving as Chairman, Daniel G. Danko, Jr. led the Board in the Pledge of Allegiance to the Flag.

1. CALL TO ORDER
2. ROLL CALL

APPROVAL OF MINUTES of the MARCH 3, 2015 MEETING

A motion was made by Dominic D. Demico, Jr. and seconded by Kevin S. Clark to approve the minutes of the March 3, 2015, meeting. A vote was taken and the motion unanimously passed.

- 3, ELECTION OF OFFICERS -  
POSTPONED DUE TO (3) THREE ABSENTEE BOARD MEMBERS

4. ON-LINE LICENSING APPLICATIONS - UPDATE ~ Stats as of March 17, 2015

Applications in cue: 12,499

Applications processed: 5,015

Tracking those licensed as Master HVACR Contractor(s) :  
- Issued # 19HC00 3273 00

Applications on file for Master HVACR Contractors were reviewed in Executive Closed Session.

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Request for a Waiver of existing New Jersey HVACR Regulations:

5. CHARLES MANNING, REGULATORY ANALYST, CONSUMER AFFAIRS  
DISCUSSION OF LICENSEE ACTING AS BFR FOR MORE THAN ONE COMPANY

The Minutes of the March 3, 2015, meeting reflect a discussion on the issue of “Waviers” and note that the Board would consider a waiver of regulations if the waiver was submitted formally, in writing.

Since that meeting, correspondence has been submitted via email from Board Member /Master HVACR Contractor William C. Barham dated March 10, 2015, respectfully requesting a waiver from existing New Jersey HVACR Regulations with respect to several HVACR businesses owned by him.

It is noted that William C. Barham was absent from this meeting and therefore, not a participant in this matter.

A copy of “Waivers from Regulatory Requirements; Application 13:45C-2.1 Applicability; scope” was provided to Board Members by Regulatory Analyst Charles Manning.

Continued ~

5. Request for a Waiver of existing New Jersey HVACR Regulations  
WILLIAM C. BARHAM, Licensed Master HVACR Contractor 19HC00010600  
and Board Member

On April 7, 2015 Board Members held a brief discussion regarding the request of William C. Barham to proceed with his serving as the bona fide representative, operating and supervising several HVACR businesses owned by him. This discussion was held in Open Session and with Counseling Deputy Attorney General Joseph Donofrio in attendance.

On April 7, 2015, a motion was made by Kevin S. Clark and seconded by Thomas C. Pitcherello to approve Mr. Barham's request for a waiver, however, with (A) a time limit of one year for this approval; (B) the assurance that his companies are all registered with the Secretary of State in Trenton, NJ; and © the assurance that the licensee is in compliance with all supervisory requirements as they pertain to these businesses. A vote was taken and the motion unanimously passed.

Charles Manning, Regulatory Analyst, noted that this waiver was granted by the Board based on the assurances presented by William C. Barham in the request correspondence of March 10, 2015, that the licensee does hold a significant ownership interest in these companies while functioning as the bona fide representative for each of them. Mr. Manning advised that the focus of this waiver is on the ownership issue.

Charles Manning also advised that this waiver sets a precedent and the Board may consider future waivers on a case by case basis.

6. DISCIPLINARY ACTION

IN THE MATTER OF THE APPLICATION OF  
CHARLES R. JONES  
FOR A HEATING, VENTILATING AIR CONDITIONING AND  
REFRIGERATION (HVACR) LICENSE IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION  
PROVISIONAL ORDER OF DENIAL OF LICENSURE  
FILED MARCH 3, 2015

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This matter was opened to the HVACR Board upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions are made:

Charles R. Jones (Respondent) applied for a grandfathered HVACR license in New Jersey. However, during the processing of his HVACR license, a check of the files of the State Board of Examiners of Master Plumbers ("SBEMP"), determined that Jones was previously licensed as a master plumber, having been issued a plumbing license on September 1, 1993, however, was listed in a "Revoked" status.

On June 27, 1996, the SBEMP filed an "Order Entering Default" and revoking Respondent's plumbing license—the finding that Jones had secured his plumbing license under false pretenses by submitting a work certification which he knew contained false information, in violation of NJSA 45:1-2(B). Further, the SBEMP then found that respondent obtained his plumbing license under false pretenses which constituted professional misconduct in violation of NJSA 45:1-21(e).

The SBEMP found in 1996 that Respondent Jones submitted a work certification in support of his plumbing license application toward his experience, which purported to be certified by a Licensed Master Plumber. It was later determined that the Licensed Master Plumber of the work certification had never signed a work certification on behalf of Jones, and he had never employed the Respondent.

Respondent Jones testified at an Investigative Inquiry proceeding that he never worked for the Licensed Master Plumber listed on the work certification; and secondly, admitted that he knew the work certification submitted in connection with the application for a Master Plumber's license contained a signature purported to belong to the Licensed Master Plumber, whom he alleged to be his employer.

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On his May 5, 2014, grandfathered application for a Master HVACR Contractor's license, Jones responded "No" to the question within the Crime section: "Have you ever been disciplined or denied a professional or occupational license or certificate of any kind in the State of New Jersey or any other State....?" Jones also responded "No" to the second question "Have you ever had a professional or occupational license or certificate of any type suspended, revoked or surrendered in New Jersey, or an other state...?"

The above preliminary findings of fact provide grounds for denying respondent's application for a Master HVACR Contractor, pursuant to NJSA 45I:1-21 (a) and (b), in that his false responses on his HVACR application involved his engaging in the use and employment of dishonesty, fraud, deception and misrepresentation.

His application is hereby provisionally denied. The POD provides the respondent with a 30 day time frame by which to submit his response.

All facts, details and exhibits are made part of the POD.

7. PUBLIC COMMENT PERIOD

Acting Chairman Daniel G. Danko, Jr. permitted each visitor in attendance with an opportunity to address the Board and state their comments and concerns.

A motion was made by Dominic D. Demico, Jr. and seconded by Kevin S. Clark to close the public comment period. A vote was taken and the motion unanimously passed.

8. FUTURE MEETING DATES

Dates are now posted to the State WEBSITE at the HVACR Board

8b. PROPANE SERVICES ~ PROPOSAL SIGNED BY GOVERNOR'S COUNSEL:

CHARLES MANNING, REGULATORY AFFAIRS,  
PROPOSED AMENDMENTS  
STATE BOARD OF HVACR CONTRACTORS  
NJAC 13:32A -1.2, 2.2 AND 4.3

AUTHORITY: NJSA 45:16A -4 AND PL 2011 c43

Discussed without comment.

9. ADJOURN TO EXECUTIVE SESSION

Executive Closed Session Motion:

A motion was made by Dominic D. Demico, Jr. and seconded by Thomas C. Pitcherello to proceed into Executive Closed Session for a review of HVACR applications and to discuss 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 these matters in Executive Closed Session are no longer applicable.

A vote was taken and the motion unanimously passed.

Submitted by,

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Rosemarie S. Baccile, Acting Executive Director

