

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

Meeting # 38 - Tuesday, June 7, 2016 - Public Meeting - Minutes

The Minutes of the Board meeting held on June 7, 2016 have not been formally approved and are subject to change or modification by the Public Body at its next scheduled meeting. A motion was made by Daniel G. Danko, Jr. and seconded by Dominic D. Demico, Jr. to cancel the meeting of August 2, 2016. A vote was taken and the motion unanimously passed.

The notice of the June 7, 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 June 7, 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: Denise Sweet, CCR, State Shorthand Reporters 732-531-9500

Public Session Visitors:

Constantinos Papademas
Kat Kadara, Fuel Merchants Assoc of NJ
David Keith McGowan
Charles Dougherty, United Supply
Patrick LeFleur, Twin Flame Gas Service, LLC
Patrick Stewart, NJACCA
Dave Castner, SWM22

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1. CALL TO ORDER
 2. ROLL CALL
 3. ON-LINE LICENSING APPLICATIONS UPDATE as of May 25, 2016

Licensed Master HVACR Contractors by Grandfathering: 19HC00809200

Application Review: 12, 422- Total applicants by grandfathering

Total applicants in Deficiency Task: 973- Includes those in Criminal History, Student Loan, Child Support and Citizenship Tasks- These applicants have been notified by a deficiency letter that documents are required:

(- 633) Active in Criminal History Review – All applicants have been notified = 340 applicants remaining in deficiency tasks.

2,149 Active in Post Board Review/ Waiting on Bonds, license fees and processing.

Licensed Master HVACR Contractors BY EXAM: 78 pending Board review (7 Approved)

Reciprocity Applicants: 80- Pending Board Review with Regulatory Analyst

4. APPROVAL OF THE MAY 3, 2016 MINUTES

A motion was made by Daniel G. Danko, Jr. and seconded by Thomas C. Pitcherello to approve the minutes of the April 5, 2016 meeting. A vote was taken and the motion unanimously passed.

Administrative

5. Contact Information for Board Members:
The contact information was updated at this meeting.

6. CONTINUING EDUCATION PROGRAM
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.

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:

- A. Robert Dattner, Lead Instructor (HVACR), Camden County College
Master HVACR Contractor #19HC00015000
CE SPONSOR REQUEST

On June 7, 2016, Robert Dattner was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr. to approve Robert Dattner as a CE Sponsor. A vote was taken and the motion unanimously passed.

- B. Constantinos Papademas, PE, Engineer, Consultant and Instructor
Master HVACR Contractor # 19HC00160200
CE SPONSOR REQUEST

On June 7, 2016, Constantinos Papademas was present to discuss his resume and request for approval as a CE sponsor. A motion was made by Dominic D. Demico, Jr. and seconded by Daniel G. Danko, Jr., to approve Constantinos Papademas as a CE Sponsor. A vote was taken and the motion unanimously passed.

- C. Charles Dougherty, Director of Technical Services, United Supply Company
Master HVACR Contractor #19HC00509100
CE SPONSOR REQUEST

On June 7, 2016, Charles Dougherty 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 Paul J. Mitchell, to approve Charles Dougherty as a CE Sponsor. A vote was taken and the motion unanimously passed.

- D. David K. McGowan, Field Service Manager/ Technician, Apollo HVAC Corp
Master HVACR Contractor #19HC0011250
CE SPONSOR REQUEST

On June 7, 2016, David K. McGowan was present to discuss his resume and request for approval as a CE sponsor. A motion was made by William C. Barham and seconded by Kevin S. Clark, to approve David K. McGowan as a CE Sponsor. A vote was taken and the motion unanimously passed.

DISCIPLINARY ACTIONS

7. ADMINISTRATIVE ACTION

Consent Order of Revocation of license

John P. Martin License# 19HC00591200
Filed May 3, 2016

A motion was made by William C. Barham and seconded by Daniel G. Danko, Jr. to ratify this disciplinary action against John P. Martin. A vote was taken and the motion unanimously passed.

8. ADMINISTRATIVE ACTION- CONSENT ORDERS

IN THE MATTER OF THE APPLICATION FOR A
HEATING, VENTILATING, AIR CONDITIONING AND
REFRIGERATION CONTRACTING LICENSE IN NEW JERSEY
FILED MARCH 15, 2016

CONSENT ORDERS HAVE BEEN FILED IN THE MATTERS OF THESE
APPLICANT(S) AS A CONDITION OF THEIR RESPECTIVE LICENSES:

<u>Applicant Name</u>	<u>APPLICANT #</u>
Michael W. Avato	186 7562
James L. Barry	186 3995
Wayne E. Headly	186 9367
Joseph Haggard III	187 2822
Mark Trawinski	181 8801
Andrew A. Zagula	183 1230

On June 7, 2016 Deputy Attorney General Joseph A. Donofrio outlined the above actions now filed at the Board concerning the above applicants.

All filed disciplinary actions have been posted to the Board's website at:
<http://www.njconsumeraffairs.gov/hvacr/Pages/actions.aspx>.

- INQUIRIES -

9. Letter of Appeal- April 12, 2016
RE: DOMINICK DI MINNI, APPLICANT #1998302
FROM- JOHN H, KOPP – ATTORNEY-AT-LAW
Request to be grandfathered

On June 7, 2016, the Board considered the inquiry submitted by John H. Kopp on behalf of his client Dominick DiMinni. Subsequent to a discussion among Members and DAG Donofrio, a motion was made by Daniel G. Danko and seconded by Paul J. Mitchell, as follows:

Continued...

Continued ...

9. Letter of Appeal- April 12, 2016
RE: DOMINICK DI MINNI, APPLICANT #1998302
FROM- JOHN H, KOPP – ATTORNEY-AT-LAW
Request to be grandfathered

- The applicant did not apply for the grandfathering during the required time frame of March 1, 2014 to September 1, 2014;
- Existing New Jersey HVACR Statutes and Regulations do not permit an exemption or exception to allow anyone to apply to grandfather beyond the deadline date of September 1, 2014;
- Mr. Di Minni is licensed as a Master Plumber, and is, therefore, permitted to perform heating services;
- Without the Master HVACR license, Mr. DiMinni may consider his options to continue to provide HVACR services by either subcontracting to a licensed Master HVACR contractor, or, he may hire a licensed Master HVACR contractor to serve as the bona fide representative for his company;
- Mr. DiMinni does not meet the statutory requirements as a candidate for the HVACR examination.

A vote was taken and the motion unanimously passed.

10. LETTER- MAY 24, 2016
RE: WORK PERMITTED UNDER THE MASTER HVACR LICENSE
FROM: SALVATORE P. LA BRUZZA, JR., MASTER HVACR# 19HC00597500

Requesting an outline of the work a Master HVACR Contractor is allowed to perform.

On June 7, 2016 the Board discussed this inquiry and concluded in a motion made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr., to refer Mr. Concourse to existing New Jersey HVACR Regulations and Statutes, under “Scope of Practice” at:

N.J.A.C. 13:32A-1.1 PURPOSE AND SCOPE at
<http://www.njconsumeraffairs.gov/hvacr/Pages/default.aspx>

A vote was taken and the motion unanimously passed.

11. APPEAL REQUESTING BOARD APPROVAL FOR
HVACR EXAMINATION BASED SOLELY ON HIS EXPERIENCE
FROM: VINCENT SCAGGS, APPLICANT # N/A [no application on file]

On June 7, 2016 the Board discussed this matter and concluded in a motion made by Dominic D. Demico, Jr. and seconded by Daniel G. Danko, Jr. to advise Mr. Scaggs:

- The licensing files of the Board indicate that Vincent Scaggs has not applied on-line for a Master HVACR Contractor's license by examination;
- This file was reviewed based on the letters of appeal submitted by Mr. Scaggs;
- Mr. Scaggs submitted a copy of his 1987 transcript from Lincoln Technical School;
- While Mr. Scaggs must further his education to meet the requirements, "credit" is recognized as an HVACR examination candidate based on his completion of the program at Lincoln Technical School, as outlined below:

13:32A-2.2 EDUCATION REQUIREMENTS

b) Pursuant to N.J.S.A. 45:16A-13, successful completion of an HVACR program given by a technical school, trade school, county college, or community college accredited by a regional accrediting body recognized by the United States Department of Education, Office of Postsecondary Education, shall satisfy two of the four years required by (a)1i.

- With respect to the business owned and operated by Vincent Scaggs, dba S & S Heating, Mr. Scaggs may consider hiring a licensed Master HVACR Contractor to serve as the bona fide representative for this entity; Or, Mr. Scaggs may subcontract those HVACR services to a Master HVACR Contractor who holds an active license with this Board. The Board has licensed 8,092 Master HVACR Contractors as of this date.

A vote was taken and the motion unanimously passed.

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12. DISCUSSION- WALL CERTIFICATES FOR HVACR LICENSEES

A sample wall certificate is provided from the State Board of Examiners of Master Plumbers. Members of the HVACR Board are requested to develop the language for the Master HVACR wall certificate.

[POSTPONED]

13. FOR REVIEW- RECIPROCITY UPDATE LETTER TO APPLICANTS DATED 5/17/2016
EIGHTY (80) PENDING APPLICANTS FOR RECIPROCITY

A review of Delaware HVACR regulations was presented by Charles Manning at the May 3, 2016 meeting. Consideration will also be given to the applicants from other States and those files will be scheduled for Board review.

Executive Closed Session (ECS) A motion was made by Daniel G. Danko, Jr. and seconded by Paul J. Mitchell, to discuss this matter in ECS. A vote was taken and the motion unanimously passed. The Board did not return to report any further action this date in Open Session.

14. REVISITING "CONDENSATE ISSUE" FROM THE MAY 3, 2016 AGENDA/MINUTES

On June 7, 2016, HVACR Members were updated that this issue has been referred to the State Board of Examiners of Master Plumbers (SBEMP) and scheduled on the SBEMP agenda for the June 23, 2016 meeting. Additionally, on June 7, 2016, HVACR Board Members edited the language for this 'condensate issue,' and approved same in a motion made by Thomas C. Pitcherello and seconded by Domenic D. Demico, Jr. A vote was taken and the motion unanimously passed.

15. REVISITING:

ENFORCEMENT OF NEW JERSEY HVACR STATUTES AND REGULATIONS
STATE OF NEW JERSEY- STATE BOARD OF HVACR CONTRACTORS
-AND- THE DEPARTMENT OF COMMUNITY AFFAIRS-

OFFICIAL DATE: ~ JULY 1ST, 2016 ~

On June 7, 2016, HVACR Members discussed this matter noting that the Board has reached a point in the licensing process with 8,092 Master HVACR Contractors, and therefore, agreed to officially enforce the Statutes and Regulations of HVACR for the State of New Jersey as of JULY 1ST, 2016. Contact will be made with Director Ed Smith of the Department of Community Affairs, Trenton, NJ, as this enforcement will directly impact Uniform Construction Code requirements.

No longer will the Home Improvement Registration (HIC) be permitted for HVACR services in the State of New Jersey. In the case where a pressure seal has not been manufactured and issued to a Licensed Master HVACR Contractor, the license of that individual is acceptable in the interim— in place of that seal. A motion was made by Domenic D. Demico, Jr. and seconded by Daniel G. Danko, Jr. A vote was taken and the motion unanimously passed.

16. NOTICE OF CONTINUING EDUCATION (CE) TOPICS

~ SCHEDULED FOR PRINTING IN THE NEW JERSEY REGISTER - JUNE 6, 2016-

“Notice” provided by Regulatory Analyst Charles Manning. Mr. Manning advises that the publishing of these topics is scheduled for the June 6, 2016 New Jersey Register.

Approved CE sponsors will be provided with a copy of this Notice in preparation of their course outlines for their CE programs. Regulatory Analyst Chuck Manning advises that CE instruction may now begin with the publishing of these topics.

PUBLIC COMMENT:

Chairman Michael Maloney opened the meeting for public comment. A motion was made by William C. Barham and seconded by Dominic D. Demico, Jr. to close the comment period. A vote was taken and the motion unanimously passed.

A-224 POOL AND SPA CONTRACTORS LICENSING ACT:

A motion was made by Domenic D. Demico, Jr. and seconded by Paul J. Mitchell, that the Board does not object to this legislation.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Kevin S. Clark 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