

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

Meeting # 28 - Tuesday, July 7, 2015 - Public Meeting - MINUTES

CANCELLATION OF AUGUST 4, 2015 HVACR MEETING

On July 7, 2015, a motion was made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr. to officially cancel the August 4, 2015 meeting. A notice will be posted to the Board website and letters will be directed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers. A notice will be posted on the Bulletin Board at the Office of the Secretary of State, Trenton, New Jersey.

The Minutes of the Board meeting held on July 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 July 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 July 7, 2015 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 - absent

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 - absent

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
Kerrie Shahan, Government Representative

Public Session Visitors:

David Casner, Local 22
Mike Chokov, Trane
Eric DeGesero, Fuel Merchants Association
James Franchino, Franchino Insurance
Keith Konopka, NJACCA

-
1. CALL TO ORDER
 2. ROLL CALL
 3. ON-LINE LICENSING APPLICATIONS - UPDATE ~ Stats as of June 30, 2015

Grandfathered Master HVACR Contractors

Application Review 12,326 Completed 6,591 Deficiency Cue: 2,661
Active 5,735

Licensed Master HVACR Contractors: 19HC 00 4489 00

Master HVACR Contractors - BY EXAM

Applications pending 130

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

4. APPROVAL OF MINUTES of the JUNE 2, 2015 MEETING

A motion was made by Paul J. Mitchell and seconded by Daniel G. Danko, Jr. to approve the Minutes of the June 2, 2015 meeting. A vote was taken and the motion unanimously passed.

5. EMAIL INQUIRY DATED JUNE 14, 2015
DAVE CASTNER, ORGANIZER, SMWIALU 22

RE: Exhaust fans, smoke detectors, humidifiers, residential ductwork

Mr. Castner attached a letter to his email, expressing the opinion of Sheet Metal Workers Local 22, and addressing some of the topics that were discussed at the June 2, 2015 meeting. Mr. Castner's letter to the HVACR Board is dated June 23, 2015.

A discussion was held on Mr. Castner's correspondence; however, no formal action was taken.

6. INQUIRY DATED JUNE 15, 2015 SUBMITTED By
JOSEPH W. BAHR, JR. VP BAHR AND SONS ELECTRICAL CONTRACTORS
BAYVILLE, NJ

RE NATURAL GAS PIPING INSTALLATION
SEEKS EXEMPTION FROM LICENSURE OR EXTENSION OF GRANDFATHERING

On July 7, 2015, a discussion was held of this matter. The Board concluded based on existing New Jersey HVACR Regulations, gas piping must be performed by Licensed Master HVACR licensees or Licensed Master Plumbers. Mr. Bahr must apply for his Master HVACR by examination since he does not have the option for grandfathering as of September 1, 2014.

7. INQUIRY DATED JUNE 15, 2015 SUBMITTED By
PHILIP L. CHAPMAN, COUNSELORS AT LAW
LUM, DRASCO & POSITAN LLC

APRIL 24, 2015

RE APPLICATION OF NAJIB JAFAR FOR A GRANDFATHERED
HVACR APPLICATION

Mr. Chapman was unable to produce evidence of his client's application for a Master HVACR License within the 6 month grandfathered period; was unable to furnish documentation to support the payment of the application fee by a credit card statement; and could not produce a printed version of the HVACR application or bar-coded receipt bearing an Applicant ID # for Najib Jafar.

Mr. Chapman requested the Board grant his client the opportunity to grandfather for a Master HVACR license after the September 1, 2014 deadline.

On July 7, 2015, subsequent to a discussion of this matter, a motion was made by Daniel G. Danko, Jr. and seconded by Kevin S. Clark to schedule this applicant, Najib Jafar, for an Investigative Inquiry and contact Mr. Chapman regarding the September 1, 2015 calendar appearance. A vote was taken and the motion unanimously passed.

-
8. DISCIPLINARY ACTION

PROVISIONAL ORDER ISSUED AND SERVED MARCH 6, 2015
BOARD CONTACT BY VOICE MAIL & EMAIL to ADDRESS OF RECORD
FAILURE TO RESPOND TO POD

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

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:

Continued...

Continued

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

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.

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...?”

Continued

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

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.

RECUSAL:

Thomas C. Pitcherello recused himself from all discussion of this matter. Mr. Pitcherello advised the Board that he is acquainted with Charles R. Jones since Jones owns a local business in town.

CONCLUSION

On July 7, 2015, the Board concluded in a motion made by Daniel G. Danko, Jr. and seconded by Kevin S. Clark and voted to finalize the Provisional Order of Discipline (POD) issued to Charles R. Jones.

The Board voted in this fashion based on the representations that Jones has been properly served at his Address of Record listed on his HVACR application, via UPS delivery of the POD; an email sent by Acting Executive Director Rosemarie S. Baccile to the email address also reflected in Jones' HVACR application; and telephone messages left at the telephone numbers listed within the application and made personally by the Acting Executive Director.

No reply was received at the Board Office in any capacity, in response to the UPS, email or telephone messages in conjunction with the filed POD. The Board will proceed to issue the FINAL ORDER OF DISCIPLINE.

A vote was taken and the motion unanimously passed.

FUTURE MEETING DATES

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

PUBLIC COMMENT PERIOD

Chairman Michael Maloney permitted each visitor in attendance with an opportunity to address the Board and state their concerns.

Any inquiries concerning the Scope of Practice regulations are welcomed in writing from the public in advance of a Board meeting.

A motion was made by Daniel G. Danko, Jr. and seconded by Kevin S. Clark to close the public comment period. A vote was taken and the motion unanimously passed.

Executive Closed Session Motion:

A motion was made by Thomas C. Pitcherello and seconded by Paul J. Mitchell 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,

Rosemarie S. Baccile, Acting Executive Director