



Agenda Date: 3/18/15  
Agenda Item: 8H

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
**44 South Clinton Avenue, 9<sup>th</sup> Floor**  
**Post Office Box 350**  
**Trenton, New Jersey 08625-0350**  
**www.nj.gov/bpu/**

CLEAN ENERGY

IN THE MATTER OF THE MEMORANDUM OF )  
UNDERSTANDING BETWEEN THE BOARD OF )  
PUBLIC UTILITIES AND THE NEW JERSEY )  
COMMISSION ON SCIENCE AND TECHNOLOGY; )  
AND )

ORDER

IN THE MATTER OF THE EDISON INNOVATION )  
COMMISSION ON SCIENCE AND TECHNOLOGY )  
CLEAN ENERGY FUND – AMELIO SOLAR, INC. )

DOCKET NOS. EO08070471  
and EO10010030

**Parties of Record:**

**Dr. Zoltan Kiss**, Amelio Solar, Inc., 200 Ludlow Drive, Suite C, Ewing, NJ 08638

**BY THE BOARD:**

By this order, the Board of Public Utilities (Board) considers the Office of Clean Energy's (hereinafter, "Staff") recommendation to terminate the Commission of Science and Technology ("CST") - Edison Innovation Clean Energy Fund ("Edison Innovation Fund") awarded to Amelio Solar, Inc. ("Amelio Solar").

**BACKGROUND**

On March 16, 2009, the CST posted a public competitive solicitation for the Edison Innovation Fund. The Solicitation offered financial assistance to New Jersey technology companies in the form of grants to support the developmental and ancillary activities necessary to commercialize identified renewable energy technologies and innovative technologies that significantly increase energy efficiency.

The expected benefits of the Edison Innovation Fund include encouraging the growth of the clean energy technology sector in New Jersey by leveraging public and private resources to support a vibrant renewable energy industry. The products developed as a result of this program were expected to benefit the New Jersey ratepayers by providing long-term energy needs in an environmentally sound manner, and by facilitating a competitive and diverse electricity supply for New Jersey.

On March 17, 2010, the Board approved a \$500,000 grant to Amelio Solar for the development of a low cost, high-performance, thin-film solar cell that would improve efficiency and lower the cost of the cell. In re the Edison Innovation Commission on Science and Technology Clean Energy Fund Solicitation – Award Recommendation, Docket Nos. EO08070471, EG10010030 at 1 (Mar. 17, 2010). On June 2, 2010, a Grant Agreement (was signed between the Board and Amelio Solar under which Amelio Solar received an initial grant disbursement of \$125,000 at the time of the awards, and subsequent payments were made on a reimbursement basis upon submission of a signed data sheet and payment voucher (“Grant Agreement”).

On December 7, 2010, the New Jersey Department of Labor and Workforce Development, Division of Wage and Hour Compliance (“DWHC”) issued a final administrative order against Amelio Solar and Zoltan Kiss, individually, as CEO and principal of Amelio Solar, for failure to pay employee wages in violation of N.J.S.A. 34:11-56(a)(4). On March 1, 2011, DWHC filed the final administrative order as a docketed judgment with the Clerk of the Superior Court for New Jersey. On September 13, 2011, DWHC filed a second final administrative order against Amelio Solar and Zoltan Kiss, individually, for additional failure to pay employee wages. On or around September 29, 2011, Staff was informed by DWHC of the labor complaints against Amelio Solar. On this same date, Staff issued a letter informing Amelio Solar that, in light of the labor complaints, the Grant Agreement was suspended until further notice.

On January 5, 2012, the Board received a subpoena duces tecum from the New Jersey State Police requesting all documents and records submitted to the Board on behalf of Amelio Solar and Kiss concerning the Edison Innovation Clean Energy Grant. It was later brought to Staff’s attention that an investigation was being conducted by the Criminal Justice Division of the Office of the Attorney General. On November 12, 2013, Amelio Solar and, Zoltan Kiss pled guilty to one count of theft by deception in the third degree, under N.J.S.A. 2C:20-4. Specifically, Zoltan Kiss admitted that he submitted invoices to the Board and received reimbursement for salaries that he did not actually pay out to Amelio Solar’s employees.

Based on Zoltan Kiss’s admission of criminal conduct and the violation of the State’s labor laws, Staff asserts Amelio Solar has breached the express terms of the Grant Agreement and recommends that the Board terminate Amelio Solar’s grant award. Staff also recommends that the Board authorize Staff to reallocate the remaining grant funds to other New Jersey Clean Energy Programs.

## **DISCUSSION AND FINDINGS**

The Grant Agreement provides that the “Grantee warrants and represent that all statements, representations and warranties made by Grantee in its application and proposal package submitted to the Board, and other material furnished in support of the request for funding are true.” See Grant Agreement, Section XXIV. The terms of the Grant Agreement further provides that the Board, in its sole discretion, may deem the Grantee in non-compliance with the terms of this grant if “[t]he Grantee materially fails to comply with any term of this Agreement or state or federal statute or regulation.” Ibid.

In this matter, Zoltan Kiss, as principal and CEO of Amelio Solar, admitted that he knowingly submitted false invoices to Board for salary expenses that he had not incurred. Zoltan Kiss and Amelio Solar were criminally charged and pled guilty to theft by deception of grant funds. Based on these facts, the Board **FURTHER FINDS** Amelio Solar violated the express terms of the Grant Agreement by submitting false information to the Board, known to be untrue, and failing to

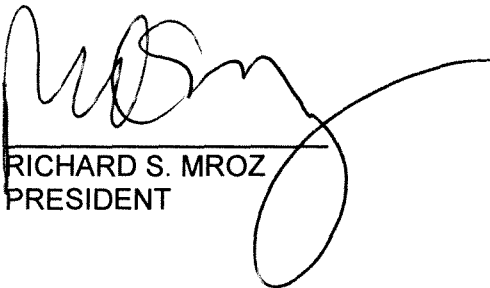
comply with State laws. The Board hereby **HEREBY ADOPTS** Staff's recommendation to terminate Amelio Solar's grant award.

The Board **HEREBY TERMINATES** the grant award to Amelio Solar and **HEREBY ORDERS** Staff to reallocate the remaining grant funds to other New Jersey Clean Energy Programs, subject to Board approval.

The effective date of this Order is March 27, 2015.

DATED: 3/18/15

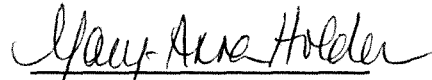
BOARD OF PUBLIC UTILITIES  
BY:



RICHARD S. MROZ  
PRESIDENT



JOSEPH L. FIORDALISO  
COMMISSIONER



MARY-ANNA HOLDEN  
COMMISSIONER

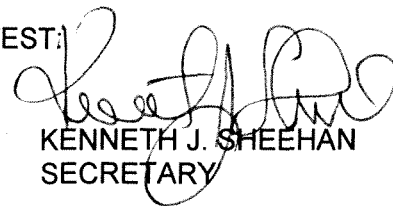


DIANNE SOLOMON  
COMMISSIONER



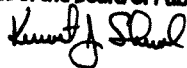
UPENDRA J. CHIVUKULA  
COMMISSIONER

ATTEST:



KENNETH J. SHEEHAN  
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



IN THE MATTER OF THE EDISON INNOVATION COMMISSION ON SCIENCE AND  
TECHNOLOGY CLEAN ENERGY FUND – AMELIO SOLAR  
DOCKET NOs. EO08070471 and EG10010030

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