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# The Commonwealth of Massachusetts Department of Public Safety

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Daniel Bennett  
Secretary

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Commissioner

## Minutes

Board of Elevator Examiners

365 East Street - Tewksbury, MA - Anne Sullivan Building

October 21, 2015 @ 9:30 AM

### Board Members Present:

Patrick Coyle, Chairman  
Edward Sandell, Member  
Lenny Chase, Member  
George Dahlquist, Member  
George Ramian, Member

### Guests Present:

Casey Proper  
Patrick Moriarty (Elevator Services Inc)  
Deirdre Hosler (DPS)

### Board Members Absent:

1. The Board of Elevator Examiners ("Board") reviewed the Meeting Minutes from August 5, 2015. A motion was put forth by George Ramian to accept the minutes as read. The motion was seconded by Edward Sandell. **Vote 5-0; All in Favor.**

### 2. Complaint Against Patrick Moriarty, Licensed Elevator Mechanic EM-006067:

Deirdre Hosler, DPS Deputy General Counsel, presented the Board with a complaint filed by Casey Proper (Oxford Court Apartments) against Patrick Moriarty (Elevator Services Inc). Mrs. Hosler introduced a list of exhibits to the Board members and guests present. Casey Proper testified to the Board that Oxford Court Apartments hired Elevator Services Inc and Patrick Moriarty to provide service and maintenance for its two elevators (State IDs #64-P-15 and #64-P-16). Mr. Moriarty allegedly failed to correct problems with the elevators before Associated Elevator Inc ("AEI") took over the maintenance contract. AEI employees found alcohol bottles in the machine room. The DPS issued two civil fines each totaling \$20,000 because ESI did not submit the applications for inspections before the unit's certificates expired. Mr. Moriarty was accused of providing the DPS with a fraudulent continuing education certificate. The Board heard testimony from both Casey Proper and Patrick Moriarty. Edward Sandell made a motion to take this case under advisement. The motion was seconded by George Dahlquist.

**Motion by:** Edward Sandell

**Seconded by:** George Dahlquist

**Vote:** 5-0; Granted

### Matters Not Reasonably Anticipated 48 Hours in Advance of Meeting

**Exhibit List:**

Exhibit 1: Meeting Minutes from August 5, 2015

Exhibit 2: List of Exhibits from Complaint Against Patrick Moriarty.

Exhibit 1: Application for Complaint, dated August 28, 2015, filed by Casey Proper against Mr. Moriarty, Elevator Mechanic License #EM-006067; accompanied by August 28, 2015 letter from Oxford Court Apartments (“OCA”), signed by Casey Proper, OCA’s property manager;

Exhibit 2: Letter attached to Complaint written by Casey Proper dated August 28, 2015;

Exhibit 3: Contract between ESI and OCA, dated December 30, 2012;

Exhibit 4: August 24, 2015 letter to ESI from Claremont Residential, signed by James Letton, OCA’s vice president;

Exhibit 5: Photo of empty alcohol bottles in OCA’s elevator machine room;

Exhibit 6: Invoices issued by ESI to OCA, dated August 1, 2015, March 1, 2015, and January 14, 2015;

Exhibit 7: Email correspondence from ESI and Associated Elevator Inc. (“AEI”) to OCA, dated August 27, 2015 and December 8, 2014, respectively, regarding maintenance contract services;

Exhibit 8: Email correspondence between Edward Sandell, DPS, and Curt Devillers, National Elevator Industry Education Program (“NEIEP”), dated October 14, 2015;

Exhibit 9: Email correspondence between Edward Sandell and Curt Devillers dated October 14, 2015;

Exhibit 10: Email correspondence between Edward Sandell and Curt Devillers dated October 14, 2015;

Exhibit 11: Email correspondence from Faith Fitch, former OCA property manager to Mr. Moriarty, regarding experience working with Mr. Moriarty dated October 20, 2015;

Exhibit 12: Photographs, dated July 16, 2014, July 18, 2014, and August 5, 2014, text history from August 2014, and email correspondence, dated 8/5/2014, from Patrick Moriarty to Marlinda Moriarty;

Exhibit 13: Email correspondence from Marlinda Moriarty to Casey Proper regarding payment for cost of annual state elevator inspection on December 8, 2014;

Exhibit 14: Email correspondence between ESI and OCA and text message correspondent and photos, regarding elevator service and maintenance requests;

Exhibit 15: Maintenance Agreement from ESI to OCA, dated December 30, 2012, and associated materials;

Exhibit 16: Location services records, dated August 12, 2014, August 13, 2014, August 14, 2014, August 15, 2014, August 20, 2014, August 29, 2014, and August 30, 2014, showing locations and aspects of mechanical room for elevators;

Exhibit 17: Various photographs of the subject elevators, fuses, and equipment; and

Exhibit 18: Email correspondence from Mr. Moriarty to BEE counsel, including attachments, dated November 1, 2015.

Motion to Adjourn by Patrick Coyle, seconded by George Ramian. Hearing concluded at 10:30 a.m.

Prepared by: Ethan J. Clough

