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Minutes

Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters

Division of Occupational Licensure Video Conference Call Meeting

March 16, 2022, 10:00 AM

1. Meeting called to order by the Chair at 10:02 AM, followed by roll call, the Chair asked that members identify themselves and whom they represent:

Bureau Members Present:

Karalyn O'Brien, Chair
Dan Dumont, NE Mechanical Contractors
(arrived @ 10:05 AM)
Scott King, Pipefitter Member
Justin Fishlin, Sprinkler Fitter Member
Pauline Lally, User Member
Frank Norton, Boston Refrigeration Contractors
Sharon Orr, Mechanical Engineer
(arrived @ 10:09 AM)
John Viola, Sprinkler Contractor Member
Brian Kelly, Mass. Building/Construction Trades

Bureau Members Not Present:

VACANT, Public Member
Allan Berry, Refrigeration Technician Member

Pursuant to St. 2021, c. 20, § 20, An Act Relative to Extending Certain COVID-19 Measures, all board members and staff appeared by videoconference. Public access was provided via videoconference or telephone connection. The Chair informed the Bureau members of the following meeting protocols in order to comply with the Open Meeting Laws:

- Meeting is conducted by the Chair and speakers must be recognized in order to address the Bureau.
- Meeting is a public meeting, not a public hearing.
- Anyone not speaking is to be kept on mute.
- All votes require a roll call by the Bureau members.
- All speakers must identify themselves by name.

2. **Minutes:** The draft minutes from the February 16, 2022 Bureau meeting were reviewed. **Motion to approve the minutes made by Frank Norton, seconded by Justin Fishlin; motion passed by a majority roll call**



vote. (Karalyn O'Brien, Scott King, Justin Fishlin, Pauline Lally, Frank Norton, John Viola, and Brian Kelly. Dan Dumont and Sharon Orr were not present at the time of the vote.)

3. Review of the following apprentice application

Mark Warren (RA) – Deny

The renewal of the Refrigeration Apprentice license submitted by Mark Warren was considered. Mr. Warren was present in the meeting. Mr. Warren informed the Bureau that he is self-employed and not working on refrigeration systems over 5 tons. **Motion to deny the renewal of the Refrigeration Apprentice license made by Brian Kelly, seconded by Scott King; motion passed by unanimous roll call vote. (Karalyn O'Brien, Dan Dumont, Scott King, Justin Fishlin, Pauline Lally, Frank Norton, Sharon Orr, John Viola, and Brian Kelly)**

Robert Bouvier (SA) – Approved

The renewal of the Sprinkler Apprentice license submitted by Robert Bouvier was considered. Mr. Bouvier was present in the meeting. **Motion to approve the renewal of the Sprinkler Apprentice license for a final renewal cycle made by John Viola, seconded by Justin Fishlin; motion passed by unanimous roll call vote. (Karalyn O'Brien, Dan Dumont, Scott King, Justin Fishlin, Pauline Lally, Frank Norton, Sharon Orr, John Viola, and Brian Kelly)**

Dylan King (SA) – Approved

The renewal of the Sprinkler Apprentice license submitted by Dylan King was considered. Mr. King was present in the meeting. **Motion to approve the renewal of the Sprinkler Apprentice license for a final renewal cycle made by Justin Fishlin, seconded by John Viola; motion passed by unanimous roll call vote. (Karalyn O'Brien, Dan Dumont, Scott King, Justin Fishlin, Pauline Lally, Frank Norton, Sharon Orr, John Viola, and Brian Kelly)**

Derik Costa (SA) – Approved

The renewal of the Sprinkler Apprentice license submitted by Derik Costa was considered. Mr. Costa was present in the meeting. **Motion to approve the renewal of the Sprinkler Apprentice license for a final renewal cycle made by John Viola, seconded by Justin Fishlin; motion passed by unanimous roll call vote. (Karalyn O'Brien, Dan Dumont, Scott King, Justin Fishlin, Pauline Lally, Frank Norton, Sharon Orr, John Viola, and Brian Kelly)**

Richard Duquette (SA) – Tabled

The renewal of the Sprinkler Apprentice license submitted by Richard Duquette was considered. Mr. Duquette was not present in the meeting. **Motion to table the review of the Sprinkler Apprentice license made by Brian Kelly, seconded by Frank Norton; motion passed by unanimous roll call vote. (Karalyn O'Brien, Dan Dumont, Scott King, Justin Fishlin, Pauline Lally, Frank Norton, Sharon Orr, John Viola, and Brian Kelly)**

Matthew Salem (SA) – Approved

The renewal of the Sprinkler Apprentice license submitted by Matthew Salem was considered. Mr. Salem was present in the meeting. **Motion to approve the renewal of the Sprinkler Apprentice license for a final renewal cycle made by John Viola, seconded by Sharon Orr; motion passed by unanimous roll call vote. (Karalyn O'Brien, Dan Dumont, Scott King, Justin Fishlin, Pauline Lally, Frank Norton, Sharon Orr, John Viola, and Brian Kelly)**

4. Discussion of draft Policy on Criminal Convictions or Pending Criminal Charges

Lynn Read, Bureau Counsel, addressed the Bureau members on the topic of adopting the Draft Policy on Criminal Conviction or Pending Criminal Charges at the request of DOL. DOL will begin checking the CORI (Criminal Offender Record Information) for each new applicant for Bureau licenses. Bureau Counsel stated that the purpose of the draft policy is to allow the Bureau to identify which criminal convictions would require review by the Bureau and discussion with the applicant, in executive session, to consider whether

the criminal offenses are related to the licensed occupation and may be serious enough to deny the applicant a Bureau license for protection of the public.

Discussion ensued amongst the Bureau members. John Viola inquired on the information presented in the CORI report and how the matter will be brought to the Bureau. Bureau Counsel stated that the CORI report presents convictions and pending criminal charges, adding that OPSI staff will review the CORI reports to determine if a review is required by the Bureau under the standards to be adopted by the Bureau in this Policy. Dan Dumont questioned whether this process would also apply to renewal applications. The Chair stated that CORI reviews will only be performed on new applications, at this time. Mr. Dumont inquired whether the CORI reviews will be discussed in the public meeting. Bureau Counsel stated that reviews will be done in executive session closed to the general public, unless the applicant chooses to have his or her appearance in Open meeting of the Bureau. Frank Norton inquired whether there was a risk of exposure to the Bureau members based on their decisions. Bureau Counsel stated that state employees are generally protected from liability if duties were performed in good faith, but she would review the CORI law for any special rules of liability. Pauline Lally inquired how the office would be handling out of state applications when the CORI only applies to criminal offenses in Massachusetts. Bureau Counsel stated that all applicants will be asked to disclose all pending criminal cases and convictions, regardless of state. All applicants would be checked for Massachusetts CORI. Mr. Dumont questioned whether prior fines or judgements from OSHA would be part of the review. Bureau Counsel stated that the draft policy is not designed to address that topic unless there is an overlap between OSHA violations and criminal convictions.

Scott King questioned how far the Bureau would have to go to disqualify applicants. Bureau Counsel stated the Bureau will develop its own standards, and that in the current draft, the focus is on felonies and offenses reasonably related to the Bureau trades. The Chair added that there will be no automatic denials as the responsibility is on the Bureau to make the determination. Mr. Viola referenced item #4 in the draft policy, conviction or pending criminal case that is reasonably related to the practice of pipefitting, refrigeration, or sprinkler fitting, or relates to failure to pay a prevailing wage, or fraud in any business activities, and inquired whether there were specific examples. Bureau Counsel stated that the intention of item #4 was to allow the review of convictions related to running a business with Bureau licensees. Ms. Lally expressed concerns that CORI reviews felt discriminatory to people who live in Massachusetts. The Chair stated that the intent is to capture self-identification and supporting documentation from out of state applicants in addition to checking their Massachusetts CORI. Bureau Counsel added that she will bring the Bureau's concerns to DOL for further discussions. Mr. Norton questioned whether the intent of the draft policy is to have the Bureau disqualify the issuance of the license for committing criminal offenses. Bureau Counsel stated that the intention is to fulfill the Bureau's duty to protect the public by focusing on serious convictions that relate to Bureau licenses, recognizing the inherent value of having a livelihood in the Bureau trades. Mr. Norton inquired about licensees who've committed criminal offenses after the issuance of their license. Bureau Counsel stated that an attestation will be included in the renewal application to disclose criminal offenses following the issuance of the license. **Motion to table the policy for the next session made by Scott King, seconded by Frank Norton; motion passed by unanimous roll call vote. (Karalyn O'Brien, Dan Dumont, Scott King, Justin Fishlin, Pauline Lally, Frank Norton, Sharon Orr, John Viola, and Brian Kelly)**

5. Discussion of Bureau requirements on apprentice hours

The Chair informed the members that the joint draft letter has moved to the final stages for approval.

6. Status update on proposed amendments to 528 CMR

Lynn Read, Bureau Counsel, stated that draft regulations are still under review by DOL's parent agency.

7. Jurisdictional Report by the Office of Public Safety and Inspections

Daniel Kilburn presented the OPSI jurisdictional report to the Bureau members. Mr. Kilburn stated that 35 inspections (12 – Pipefitting, 14 Sprinkler Fitting, 9 – Refrigeration Technician) were performed in the month of February, with \$2,750 in fines issued (\$1,250 – Pipefitting, \$1,500 – Sprinkler Fitting, \$0 – Refrigeration Technician).

8. Matters not reasonably anticipated 48 hours in advance of meeting

- No discussion on matters not reasonably anticipated 48 hours in advance of the meeting.

9. Motion to adjourn made by Frank Norton, seconded by Sharon Orr; motion passed by unanimous roll call vote (Karalyn O’Brien, Dan Dumont, Scott King, Justin Fishlin, Pauline Lally, Frank Norton, Sharon Orr, and John Viola. Brian Kelly was not present at the time of the vote.), meeting adjourned at 11:37 AM.

The next meeting of the Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters will be on Wednesday, April 20, 2022 at 10:00 AM.

List of Documents/Exhibits Used at this Meeting

- a. Draft minutes from the Bureau meeting on February 16, 2022
- b. RA License – Mark Warren
- c. SA License – Robert Bouvier
- d. SA License – Dylan King
- e. SA License – Derik Costa
- f. SA License – Matthew Salem
- g. Draft Policy on Criminal Convictions or Pending Criminal Charges
- h. Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters – Compliance Inspection Report (February 2022)