



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LT. GOVERNOR

TERRENCE M. REIDY  
SECRETARY

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*  
*Fire Prevention Regulations Appeals Board*  
*P.O. Box 1025 ~ State Road*

*Stow, Massachusetts 01775*

*(978) 567-3181 Fax: (978) 567-3121*

ANTHONY P. CAPUTO  
CHAIRMAN

**Docket # 2022-01**  
**59 Quobaug Avenue**  
**Oxford, Massachusetts**

**FIRE PREVENTION REGULATIONS APPEALS BOARD DECISION**

**A) Statutory and Regulatory Framework**

This matter is an administrative appeal filed in accordance with Massachusetts General Laws Chapter 22D, section 5. The Appellant is seeking the Board of Fire Prevention Regulation's review of an "Order to Correct" issued by the Oxford Fire-EMS Department on April 6, 2022 for the property located at 59 Quobaug Avenue, Oxford, Massachusetts. The "Order to Correct" cites violations of 527 CMR 1.00, Chapter 11 and Chapter 20. The property is owed by Robert J. King and Casey Gerald Fleming (hereinafter referred to as the Appellant).

**B) Procedural History**

By a notice dated April 6, 2022 and received by the Appellant on or about April 11, 2022, the Oxford Fire-EMS Department issued an "Order to Correct" to the Appellant for five (5) violations of violations of 527 CMR 1.00, Chapter 11 and Chapter 20.

The Appellant filed an appeal with the Fire Prevention Regulations Appeals Board on May 23, 2022. The Board held a video conference hearing on this matter on October 27, 2022.

Appearing on behalf of the Appellant were: Casey Fleming and Robert King, property owners. Appearing on behalf of the Oxford Fire-EMS Department and Town of Oxford were: Nicole J. Costanzo, Esq., Town Counsel; Chief Laurent R. McDonald, Oxford Fire-EMS Department; Deputy Chief Kenneth Sellers, Oxford Fire-EMS Department; Patrick Dahlgren, Building Commissioner, and Rike Sterrett, Director of Public Health Services.

Present for the Board were: Anthony Caputo, Chairman and Presiding Panel Member; Dr. Paul Scheiner; W. Jeffrey Cox; and Larry Fisher, Alternate. John H. Dean, Esq., was the Attorney for the Board.

**\*\*The October 27, 2022 was continued and a second video conference hearing on this matter was held on Friday, December 9, 2022.**

Appearing on behalf of the Appellant were: Casey Fleming and Robert King, property owners. Appearing on behalf of the Oxford Fire-EMS Department and Town of Oxford were: Nicole J. Costanzo, Esq., Town Counsel; Chief Laurent R. McDonald, Oxford Fire-EMS Department; and Deputy Chief Kenneth Sellers.

Present for the Board were: Anthony Caputo, Chairman and Presiding Panel Member; Dr. Paul Scheiner; and Larry Fisher<sup>1</sup>. Glenn M. Rooney, Esq., was the Attorney for the Board.

**C) Issue(s) to be Decided**

Whether the Board should affirm, reverse or modify the “Order to Correct” of the Oxford Fire-EMS Department regarding the violations of 527 CMR 1.00, Chapter 11 and Chapter 20?

**D) Evidence Received**

**Appellant’s Evidence**

- |     |   |           |
|-----|---|-----------|
| 1.  | Application for Appeal filed by Appellant with “Exhibit A” Statement in Support of Appeal   | 5/23/2022 |
| 2.  | Order to Correct issued by Oxford Fire  | 4/6/2022  |
| 3.  | Fire Safety Inspection Report of 59 Quobaug Ave by Oxford Fire  | 3/25/2021 |
| 4.  | Order to Cease and Desist – Oxford Fire-EMS Department  | 4/2/2021  |
| 5.  | Order to Correct – Oxford Electrical Inspector  | 4/2/2021  |
| 6.  | Letter from Attorney Edward M. Pikula to Town of Oxford   | 4/5/2021  |
| 7.  | Letter from the Office of the Electrical Inspector  | 3/10/2022 |
| 8.  | Letter from Attorney Edward M. Pikula to Board of Electrician’s Appeals   | 3/25/2021 |
| 9.  | Application for Appeal of Inspector of Wires Decision   | 3/25/2022 |
| 10. | Decision by the Board of Electrician’s Appeals  | 6/23/2022 |
| 11. | Amazon.com Order Confirmation for 20 Outlet Heavy Duty Metal Socket Power Strips with 15 Foot long Extension Cord with Circuit Breaker (Mounting Brackets included, Workshop/Industrial use, ETL Certified) | 4/4/2021  |

**Oxford Fire-EMS Department Evidence**

1. Submission of the Oxford Fire-EMS Department in Support of the Order to Correct
- A. Relevant M.G.L. and CMR References
- B. NFPA 1: Electrical Fire Safety and Relocatable Power Taps (power strips)  
#FireCodefridays
- C. Appellant Building Permit Application
- D. Town Clerk's Webpage Business License Information
- E. Permit Record for 59 Quobaug Avenue
- F. Photographic Exhibits from First Inspection
- G. DC Sellers Order
- H. HereBDragons Expert Care Guide
- I. Pictures of Commercial Grade Lizard Habitats

**J. Photographic Exhibits from Second Inspection**

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<sup>1</sup> Panel Member W. Jeffrey Cox passed away on November 5, 2022. Panel member Larry Fisher, who had been present at both hearings, moved from Alternate to primary voting member for the conclusion of the proceedings on December 9, 2022.

- K. Oxford Fire and Emergency Services Website
- L. Assistant Town Manager E-Mail regarding April 5, 2021, Letter from Appellants' Counsel
- M. Deputy Chief Sellers E-mail Regarding Setting Up Follow-up Inspections
- N. Oxford Fire and Emergency Services Phone Log History
- O. E-mail from Cliff Denaro Regarding Incoming and Outgoing Phone calls
- P. Appellants Civil Notice to Town of Oxford
- Q. MorphMarket Information and Facebook Reviews
- R. Ten Best Bearded Dragon Sellers in the USA
- S. Oxford ZBA Documents
- T. Technical Review Committee Webpage information
- U. Indeed Employee Recruitment Ad

## POST HEARING MOTIONS

- 1. Appellant's Motion
- 2. Oxford Fire-EMS Department's Motion

### E) **Subsidiary Findings of Fact**

- 1. The Appellant sought this Board's review of the Oxford Fire-EMS Department's ("the Fire Department") Order under the provisions of M.G.L. c. 22D, s. 5.
- 2. The Appellant testified that they purchased the property located at 59 Quoboag Road, Oxford, Massachusetts in 2018. The spaces at issue within the property are the garage, which the Appellant described as being approximately 23' x. 23' in size, and the basement of the home.
- 3. The Appellant stated that the Fire Department obtained an administrative warrant to inspect the property and conducted an inspection on March 23, 2021. Violations found during that inspection were outlined in correction orders issued by the Fire Department on April 2, 2021. The Order indicated that the violations that were found presented an "imminent safety hazard". The Appellant corrected said violations and advised the fire department of the same on April 5, 2021. The Appellant indicated that the fire department did not conduct a re-inspection of the property following the March 2021 inspection to determine whether the corrections had been made.
- 4. On February 10, 2022, the Fire Department conducted said reinspection and on April 6, 2022, the Fire Department issued an "Order to Correct" previous violations of 527 CMR 1.00. The order required the Appellant to correct the following violations of 527 CMR 1.00, 11.00 and 20.00, including:

**11.1.3.1** Multiplug adapters, such as multiplug extension cords, cube adapters, strip plugs, and other devices, shall be listed in accordance with their listing. (Use of multiplug adapters to power numerous UVB, florescent light fixtures and other devices).

**11.1.5.1** Extension cords shall be plugged directly into an approved receptable, power tap, or multiplug adapter and shall, except for approved multiplug extension cords, serve only one portable appliance. (Multiplug adapters plugged into other multiplug outlets (daisy-chained).)

- 11.1.5.5** Extension cords and flexible cords shall not be affixed to structures; extend through walls, ceilings, or floors or under doors or floor coverings; or be subject to environmental or physical damage.  
(Extension cords affixed to and suspended from the floor joists in the basement to power computers, UVB, florescent lights, and other devices in the basement. Multiplug adapters affixed to shelving units, walls, desks, etc. in the converted garage/utility breeding, boarding and sales area.)
- 11.1.5.6** Extension cords shall not be used as a substitute for permanent wiring.  
(Use of multiple multiplug extension cords in place of permanent wiring.)
- 20.13.3.1** General. Interior finish shall be in accordance with the Building Code.  
(Exposed Rigid Polystyrene insulation and plastic sheeting in the ceiling of the garage/reptile breeding, board, and sales area.)

5. The Appellant testified that if the Fire Department believed that “violations” found during the April 2021 inspection were an “imminent safety hazard”, that they should have been addressed sooner than the ten (10) months it took the Fire Department to issue the “Order to Correct” correspondence, which was dated February 10, 2022.
6. The Appellant further indicated that the “Order to Correct” does not meet minimum requirements, as it fails to list all three names of the owners of the property (2 of 3 are listed). In addition, the letter lacks sufficient clarity on each of the violations to read and understand what the exact violation is, so that the Appellant can either correct the violation or otherwise file an appeal of the Fire Department’s Order.
7. As to Violations 1 and 2 listed in the “Order to Correct”, the Appellant stated that 527 CMR 1.00, Chapter 11 clearly defines relocatable power taps (RPT’s), multi plug adapters, and extension cords, all of which are separate items and distinctly different devices. The Appellant contends that the Town of Oxford and the Fire Chief are using these terms interchangeably and denied the use of extension cords in the property. The Appellant further stated that “there are no multi plug adapters in use, but rather single outlet, smart devices” and that those devices have relocatable power taps plugged into them and are all appropriately plugged into hardwired outlets.
8. The Appellant argued that RPT’s are the same as multi plug adapters but are clearly not extension cords. With this in mind, the Appellant’s position was that multi plug adapters are not specifically regulated by a code section that only pertains to extension cords. In addition, the Appellant offered evidence that twenty (20) new multiplug adapters were purchased. Several had 20 outlets and 15 ft. long power cords, others with 10 foot long power cords. The Appellant advised that these replaced relocatable power taps.
9. As to Violation 3, the Appellant disputed the violation and allegations that “cords are affixed and suspended” to the ceiling in basement. The photograph referenced by the Fire Department (page 60, slide 59) states “this appears to be an extension cord”. The Appellant contends that this is a cat 6 cable and in fact not an extension cord. This was supported by co-Appellant, Mr. Robert King, who testified that he personally installed the CAT 6 cable in the basement which runs direct to his personal computers. Further, both

Appellants indicated there is no evidence present to show the cable and cords are attached to floor joists.

10. In addition, the Appellant disputes the Fire Department's assertion that multi plug adapters are attached to "shelving units, walls, desks, etc. in the converted garage/utility breeding, boarding and sales area." The Appellant states that there are no extension cords or flexible cords affixed to any structures, rather they are relocatable power taps which are affixed to shelving units by the brackets they came with.
11. Co-Appellant Robert King also testified that he personally installed all RPTs in the property.
12. In summary, the Appellant testified that there are RPTs throughout the property. All components are plugged into single outlet smart devices, not daisy chained, but plugged into permanently installed wall outlets. These devices are not multi plugs, cannot be overloaded by having multiple RPTs plugged into them. Instead, these devices are solely used to turn the RPTs on and off. The violations being alleged simply do not exist, are not violations of the State Fire Code and do not present a hazard to the property.
13. In support of the Town of Oxford and the Fire Department, Counsel stated that it is their position that the Order issued by Chief McDonald is both proper and sufficient and is based upon the reinspection of the property for violations which had been previously uncorrected.
14. The subject Order was issued by Chief McDonald in response to correspondence sent to the Town by the Appellant dated April 5, 2022 (Exhibit 6) in which the Appellant indicated that new multi plug adapters had been purchased and were being used in the property. Counsel stated that this is further proven by the Appellant's own Exhibit 11, which is a receipt showing the purchase of those items.
15. It is the Town's position that the multi plug adapters are being used to power high load equipment (used by the Appellants for the breeding, raising and caring of bearded dragon lizards), improper use of daisy chains, numerous heat lamps and plastic covering the ceiling.
16. Chief McDonald testified that he saw within the garage space, several white 6 or 18 ft. residential type extension cords with 3 outlet receptacles plugged into OviiTech power strip extension cords; several OviiTech 20 outlet heavy duty metal socket power strips with a 15 foot long extension cord and circuit breaker device, commonly referred to as a RPT (relocatable power tap); and several Amazon Basics 12 outlet surge protectors. The Chief stated that these products clearly indicate that they are for "household use only" and not intended for commercial use, which it appeared to be in his opinion.
17. Chief McDonald further stated that the ANSI UL 1363 listing included in his materials, clearly states that RPT's are for indoor use and shall not be used as fixed wiring. It is the Fire Department's position that the RPT's that are currently in use, are affixed to the cabinets and are being used in place of permanent wiring.
18. Chief McDonald also testified to items he viewed within the property, including extension cords in use, specifically what appeared to be three (3) white residential type extension cords, which were protruding through an opening in the cabinets and appeared

to be used as permanent wiring. He also observed what he described as orange and blue cords affixed to ceiling joists. Chief McDonald disagrees with the Appellant's description that the blue cord is CAT 6 cable and that the orange cord is a home heating oil supply line from the oil tank to the home's furnace.

19. Chief McDonald also stated that the RPTs he saw were filled with heavy duty appliance cords or plugs and that the Amazon basics power strips were plugged into auxiliary devices and then plugged into wall. The RPT's also had numerous cords plugged into them and the cords were all tied together.
20. Lastly, Chief McDonald advised that "grip strain relief" straps that had been installed, had extension cords attached to them and that the outlets were not being directly plugged in, which he contends is a violation of 527 CMR 1.00, 11.1.5.1.
21. Chief McDonald expressed his deep concern that the use of these cords, RPT's and other items on a continuous basis, puts a constant strain and load on these devices and creates an ongoing hazard for the home's occupants, their animals, neighbors, and any first responders who may be called to the scene in the case of an emergency.
22. The Board also heard testimony from Oxford Inspector of Wires, Alfred Banfill. Inspector Banfill testified that did a walkthrough on February 10, 2021 and saw the garage and basement of the property. He testified that he did not witness any extension cords in use or any cords with multiple outlets in use. However, multi outlet strips were seen in the garage but were not plugged into any extension cords or into any relocatable power taps. He advised there were no daisy chains.
23. Inspector Banfill also stated that in reference to the basement, there were no flexible cords or extension cords affixed to floor joists and nothing affixed to structures in garage. He did advise that he saw that the Appellant had installed "grip strain reliefs" to the ceiling, which he had requested be installed.
24. At the request of Counsel for Oxford, Mr. Banfill was requested to describe what are extension cords. He described them as a single male cord typically in 12-15 feet in length with a male plug that plugs into a wall and a single female that can extend the power to appliances. It was also his opinion that multi outlet power strips, are sometimes also referred to as extension cords in layman's terms. Mr. Banfill testified that he did see multi outlet power strips at the property during the February 10, 2022 inspection.
25. In summary, the Town of Oxford believes that the violations do exist, as evidenced in photographs submitted to the Board and that the Order should be upheld in its entirety.

**F) Ultimate Findings of Fact and Conclusions of Law**

1. The sections of 527 CMR 1.00, Chapter 11 and Chapter 20 cited by the Fire Department relative to the subject property are as follows:

**11.1.3.1**      Multiplug adapters, such as multiplug extension cords, cube adapters, strip plugs, and other devices, shall be listed in accordance with their listing.

- 11.1.5.1** Extension cords shall be plugged directly into an approved receptable, power tap, or multiplug adapter and shall, except for approved multiplug extension cords, serve only one portable appliance.
- 11.1.5.5** Extension cords and flexible cords shall not be affixed to structures; extend through walls, ceilings, or floors or under doors or floor coverings; or be subject to environmental or physical damage.
- 11.1.5.6** Extension cords shall not be used as a substitute for permanent wiring.
- 20.13.3.1** General. Interior finish shall be in accordance with the Building Code.

2. The provisions of 527 CMR 1.00 Chapter 11 cited above, regulate the use of multiplug adapters and extension cords.
3. Through testimony during the hearing and evidence presented to the Board by the parties, the Board determined that the devices/wiring at issue are relocatable power taps (RPTs) and not multiplug adapters or extension cords.
  - a. 527 CMR 1.00, 3.3.220 defines an RPT as a device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has overcurrent protection
4. As to Violations 1 through 4, RPTs are separately regulated by the Fire Code pursuant to 527 CMR 1.00, Section 11.1.4. Neither the April 2, 2021 nor the April 6, 2022 Orders reference any violations of 527 CMR 1.00, Section 11.1.4.
5. The Board does not opine whether the Appellant's use of RPTs at the subject address are compliant with 527 CMR 1.00, Section 11.1.4, as such issue was not properly before the Board.
6. As to Violation 5, the Board holds that citation to 527 CMR 1.00, 20.13.3.1 alone and without more, provides insufficient notice to the Appellant of any potential violation(s) as it merely describes that interior finish shall be in accordance with the Building Code. This citation, standing on its own, does not provide any detail or specificity, as to how or to what extent the conditions at the subject address may be in violation of 780 CMR (The Massachusetts State Building Code).
7. It is not the responsibility of the Appellant to determine the provision of 780 CMR that the Fire Department is alleging is violated.
8. The Board does not opine whether the interior finishes at the subject address are compliant with all provisions of 780 CMR, as such issue was not properly before the Board.

**G) Decision and Order**

Based upon the forgoing reasons, this Board **reverses** the Order of the Oxford Fire-EMS Department regarding the "Order to Correct" issued for the property located at 59 Quobaug Avenue, Oxford, MA.

**H) Vote of the Board**

Anthony Caputo, Chairman and Presiding Panel Member	In Favor
Dr. Paul Scheiner	In Favor
Larry Fisher	In Favor

**I) Right of Appeal**

You are hereby advised you have the right, pursuant to section 14 of chapter 30A of the General Laws, to appeal this decision, in whole or in part, within thirty (30) days from the date of receipt of this order.

**SO ORDERED,**



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Anthony Caputo, Chairman and Presiding Panel Member  
Fire Prevention Regulations Appeals Board

Dated: December 19, 2022

**A COPY OF THIS DECISION AND ORDER WAS FORWARDED BY E-MAIL AND  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO:**

Casey Fleming  
59 Quoboag Avenue  
Oxford, Massachusetts 01540  
[CaseyFleming85@gmail.com](mailto:CaseyFleming85@gmail.com)

Chief Laurent R. McDonald  
Oxford Fire - EMS  
181 Main Street  
Oxford, Massachusetts 01540  
[LMcDonald@oxfordfd.us](mailto:LMcDonald@oxfordfd.us)