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BOARD OF STATE EXAMINERS OF ELECTRICIANS

OPEN SESSION MINUTES

In accordance with the provisions of G.L. c. 30A § 20, the Board of State Examiners of Electricians convened a regular monthly meeting on:

Microsoft Teams Meeting May 22, 2023

The topics shown below were discussed at the aforementioned meeting:
10:03 A.M. P. Malagrifa called the open meeting to order.

INFORMATIONAL NOTE: All votes were taken by roll call. Where each member voted in favor, the vote will be reported as unanimous.

Roll Call, by Chair:

Board members present:

Paul J. Malagrifa, International Municipal Signal Association, Member (Chair)

Dave Clemons, State Fire Marshal Designee

David Edmonds, Dept. of Elementary and Secondary Education Designee

John Bagni, MAVA Member

James Colleary, Inspector of Wires Member

Thomas Cunningham, Master Electrician Member

Brendan E. Driscoll, Journeyman Electrician Member

George Condon, Systems Contractor Member

Kathleen Guinee, Systems Technician Member

Ellen Dorian, Public Member

One Vacancy

DOL Staff present:

Keith Gleason, Executive Director

Tamara Smith, Program Coordinator

Milla Lewis, Administrative Assistant

Charles Kilb, Legal Counsel

Beth Bellew, MECA

Bev Kennedy, Kennedy Seminars

Nathan Poland, Advanced Technical School

Jessica Donovan, MSCA

1) **Reviewed** the April 24, 2023, meeting minutes.

D. Edmonds made a motion, J. Bagni seconded, and the members present unanimously VOTED: to approve the minutes presented.

2) **Reviewed/Discussed** other reports:

- a) **Executive Director Report**– The Executive Director reported that the group of subject matter experts which will review exam questions is awaiting one member addition before scheduling a meeting in June/July. He reported that that C1 business licenses searchability fixes have gone into production so should be available shortly; he has also participated in meetings and expects a new ability to see who a licensee of record is for a business to be added to public searches to be implemented relatively soon.
- b) **Office of Investigations** – No matters reported
- c) **Legal Counsel** – Counsel reported that the Board’s proposed regulations are still under internal review, and he will update the Board as it progresses. He also reminded the Board that it may continue to hold remote meetings through March 31, 2025 based on current legislative extensions.
- d) **Board of Fire Prevention Regulations** – D. Clemons stated a meeting is scheduled for June 1, 2023.
- e) **Legislative matters** – Counsel stated there was nothing new to report.

3) **Reviewed** list of license applicants approved by staff for reciprocity:

Name	Type
Andre Couto	Journeyman
Evan D. Dick	Journeyman
Nicholas Elliot	Journeyman
Sean Gavin	Journeyman
Ricky J. Gehret	Journeyman
Aaron LeFrancois	Journeyman
Patrick T. Negro	Journeyman
Maxavier W. Putnam	Journeyman
Christopher Quaglia	Journeyman
Anthony A. Rosa	Journeyman
Almir Sahacic	Journeyman
Aaron P. Schultz	Journeyman
Garrick M. Slack	Journeyman
Darren C. White	Journeyman
Roger L. Corkum	Master
Kevin P. Foley	Master
Joseph J. Poitras	Master

4) **Reviewed** list of business license approvals by staff

Business Name	Issued License #
Blue Collar Enterprises, LLC	8532-EL-A1
Braga Bros, Inc.	8529-EL-A1
Caramanica Electrical Services, LLC	8522-EL-A1
Choquet Electrical Services. Inc.	8533-EL-A1
Chris Loughran Electric Inc.	8530-EL-A1
COIL, Inc.	20022-FA-C1
Colin Bradley, Inc.	8524-EL-A1
Complete Home Services Corp	8527-EL-A1
Current Energy	8523-EL-A1
Cyr Electric, Inc.	8535-EL-A1
DANDELION ENERGY MA SUBSIDIARY LLC	8525-EL-A1
Ferrara Electric & Alarm LLC	8531-EL-A1
Got Sun Go Solar	8526-EL-A1
Infinite Electric, LLC	8528-EL-A1
Inspired Technology and Communications	8521-EL-A1
Install Sun LLC	8520-EL-A1
James R Boutin licensed electrician LLC	8534-EL-A1
LUX SOLARIS INC	8537-EL-A1
Sheehan Low Voltage, LLC.	20020-FA-C1
SPC Electrical Services, INC.	8536-EL-A1
SST Energy, LLC	8519-EL-A1
TCB Enterprise	20021-FA-C1

5) **Discussed** subcommittee meetings and reports:

- a) **Regulation\CMR Subcommittee** – No meeting held
- b) **Education Subcommittee** – D. Edmonds reported on the meeting held May 10, 2023 and that the subcommittee has been approving education providers.
- c) **Interpretation Subcommittee** – No meeting held
- d) **Planning and Research Subcommittee** – J. Bagni reported on the meeting held May 10, 2023. He stated that the exam review group is adding one last member and will soon be scheduling its first meeting. He reported that the subcommittee conducted research on surrounding states that have licensure programs on their online education practices, as well as polled students on their preferences and found that most students preferred in-person learning. The subcommittee also did not find many resources or evidence to suggest an urgency to reconsider the Board’s stance. He reported that the subcommittee recommended that the Board take no action to change the Board’s position not permitting online pre-license education at this time.

J. Bagni made a motion to continue not permitting online pre-license education, D. Edmonds seconded, and a majority of the members present

VOTED: to retain the Board’s online education policy. E. Dorian opposed. All other members voted yes.

6) **Discussed** Sanchez Electric, LLC Application, 2023-000109-EL-A1-A (LOR, Willians Alvarado, Lic. #: 23047-EL-A)

Anila Sanchez and Willians Alvarado appeared before the Board as the third business license for licensee of record Willians.

The applicant indicated that the intent was the master of record would only supervise the work of the business one day a week and handle permits. The Board advised them that this arrangement would violate board regulations and could not be approved. Accordingly,

B. Driscoll made a motion, J. Colleary seconded, and the members present VOTED: unanimously to deny the application as submitted at this time. T. Cunningham absent.

7) **Discussed** Better Earth Electric MA, LLC Application, 2023-000120-EL-A1-A (LOR, Roger Gaydou, Lic. #: 13888-EL-A)

Roger Gaydou and COO appeared before the Board as the third business license for licensee of record Gaydou. After questions and discussion by the Board, it was determined given the information presented, it appears the licensee of record provided sufficient demonstration of ability to comply with the requirements of 237 CMR 12.

B. Driscoll made a motion, J. Colleary seconded, and a majority of the members present VOTED: to approve the application as submitted.

ROLL CALL VOTE:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSED/ ABSTAINED</u>	<u>ABSENT</u>
K. Guinee			X	
J. Bagni	X			
J. Colleary	X			
E. Dorian	X			
P. Malagrifa	X			
D. Edmonds			X	
G. Condon	X			
T. Cunningham				X
D. Clemons	X			
B. Driscoll	X			

8) **Discussed** upcoming Board meeting schedule

a) The Executive Director proposed to suspend the July Board meeting due to the scheduling needs and time constraints presented by the Exam review process. He indicated that a special meeting could be arranged if required.

D. Edmonds made a motion, J. Bagni seconded, and the members unanimously

VOTED: to suspend the July Board meeting provided the chair has the authority to convene the Board if an urgent matter for full Board consideration should so arise. T. Cunningham absent

9) **Discussed other** matters not reasonably anticipated 48 hours in advance of the meeting.

– J. Bagni inquired regarding the advisory on sprinklers and landscape lighting. The Executive Director indicated that he would confirm it is posted.

– E. Dorian raised the question as to whether the Board might want to set standards for

reviewing third business license applicants so as not to appear arbitrary in its evaluations of them. Counsel provided the regulatory requirements for this review and indicated it could be on a future agenda if desired. The Executive Director volunteered to conduct a report on the frequency of third business license application occurrences.

- Bev Kennedy inquired as to when the exam would feature the 2023 NEC. The Executive Director indicated that the delayed adoption of the code would likely coincide with a delay in exam updating.

10) **Board of Electricians' Appeals** [open hearings, closed deliberations per M.G.L c. 30A, §18]

12:02 P.M. The Chair opened the Board of Appeals and verified the timeliness and merits of the appeal.

a) BEA-23-000003 (Christopher Polny vs. John Cain, IOW, Town of Marlborough)

- The Chair swore in the parties giving testimony, accepted the exhibits, and gave each party an opportunity to present their position. The Board did not engage in deliberation during the open session. The hearing concluded at 12:09 P.M. The Chair advised the parties that the written decision would be disseminated within 45 days.

b) BEA-23-000004 (Linus Varley vs. William Sinclair, IOW, Town of Plymouth)

- The Chair swore in the parties giving testimony, however upon the Inspector indicating he submitted exhibits which were not received by the Board 2 business days in advance of the hearing and the appellant not having received the exhibits; the parties agreed to continue the hearing to June. The Board did not engage in any deliberation during the open session.

J. Colleary made a motion K. Guinee seconded, and the members present unanimously

VOTED: to continue the hearing failing a resolution between the parties prior to the June meeting.

J. Bagni made a motion J. Colleary seconded, and the members present unanimously

VOTED: to enter deliberations in quasi-judicial session.

- 12:30 P.M. The Chair announced that as the remaining agenda items would be in closed session, the Board did not anticipate returning to open session, but the Board would adjourn upon conclusion of the Investigative Conference.

12:41 P.M. The Board recessed.

1 P.M. The Board reconvened.

11) **Executive Session** [M.G.L. c. 30A, §21 – Closed session]

a) **To discuss individuals- character, rather than competence**

- a) M. R. D
- b) D. M. P.
- c) J. W. F.

b) **To discuss litigation strategy**

1:00 P.M. J. Bagni made a motion G. Condon seconded, and the members present unanimously

VOTED: to enter Executive Session to discuss individuals' character, rather than competence as well as pending litigation per M.G.L. c. 30A, §21.

The chair noted that following the Executive Session, expected to last 15-30 minutes, the Board would discuss matters in Investigative Conference and then adjourn, the Board would remain in closed session.

ROLL CALL VOTE:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSED/ ABSTAINED</u>	<u>ABSENT</u>
K. Guinee	X			
J. Bagni	X			
J. Colleary	X			
E. Dorian	X			
P. Malagrifa	X			
D. Edmonds	X			
G. Condon	X			
T. Cunningham	X			
D. Clemons	X			
B. Driscoll	X			

See Separate Minutes

12) Investigative Conference (M.G.L. c. 112, § 65C – Closed session)

1:35 P.M., D. Edmonds made a motion J. Bagni seconded, and the members present unanimously VOTED: to enter Investigative Conference.

ROLL CALL VOTE:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSED/ ABSTAINED</u>	<u>ABSENT</u>
K. Guinee	X			
J. Bagni	X			
J. Colleary	X			
E. Dorian	X			
P. Malagrifa	X			
D. Edmonds	X			
G. Condon	X			
T. Cunningham	X			
D. Clemons	X			
B. Driscoll	X			

a) Discussion of complaints prior to the issuance of an order to show cause

Docket	Order
2022-000553-IT-ENF	Forward for prosecution
2022-000574-IT-ENF	Forward for prosecution
2022-000644-IT-ENF	Forward for prosecution
2022-000712-IT-ENF	Forward for prosecution
2022-000727-IT-ENF	Forward for prosecution
2022-000801-IT-ENF	Forward for prosecution
2022-001125-IT-ENF	Forward for prosecution
2022-001143-IT-ENF	Forward for prosecution
2023-000015-IT-ENF	Forward for prosecution
2023-000022-IT-ENF	Forward for prosecution
2023-000024-IT-ENF	Forward for prosecution
2023-000042-IT-ENF	Dismiss w/o prejudice

D. Edmonds made a motion, B. Driscoll seconded, and the members present unanimously voted to

ratify the aforementioned decisions.

ROLL CALL VOTE:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSED/ ABSTAINED</u>	<u>ABSENT</u>
K. Guinee	X			
J. Bagni	X			
J. Colleary	X			
E. Dorian				X
P. Malagrifa	X			
D. Edmonds	X			
G. Condon	X			
T. Cunningham	X			
D. Clemons				X
B. Driscoll	X			

b) Discussion of the terms of a negotiated settlement of a complaint –

- Prosecutor Henderson - 2022-000320-IT-ENF

The Board by unanimous consent dismissed the case without prejudice.

2022-000188-IT-ENF

The Board by unanimous consent accepted the counteroffer.

2020-000280-IT-ENF

The Board by unanimous consent provided a different counteroffer.

- Prosecutor Chan - 2022-000022-IT-ENF

The Board by unanimous consent voted to dismiss the case with an advisory.

13) Quasi-Judicial Session (Closed per M.G.L c. 30A, §18) - No matters reported

14) Adjournment – the next meeting is scheduled to be June 26, 2023, at 10 A.M.

D. Edmonds made a motion, J. Bagni seconded, and the Board members present unanimously VOTED: to adjourn the meeting at 2:53 P.M.

Items relied upon during the open meeting

Agenda

Minutes April 24, 2023

Business application documents