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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 January 23, 2023

The topics shown below were discussed at the aforementioned meeting:

10:02 A.M. P. Malagrifa called the open meeting to order. He thanked K. Guinee for her excellent service as former chair.

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)

Kathleen Guinee, Systems Technician Member

Thomas Cunningham, Master Electrician Member

John Bagni, MAVA Member

David Edmonds, Dept. of Elementary and Secondary Education Designee

Ellen Dorian, Public Member

James Colleary, Inspector of Wires Member

Dave Clemons, State Fire Marshal Designee

George Condon, Systems Contractor Member

Board members absent:

Brendan E. Driscoll, Journeyman Electrician Member

Daniel C. Cahill, Electrical Contractor Member

DOL Staff present:

Colleen Maloney, Deputy Commissioner of Boards

Keith Gleason, Executive Director

Tamara Smith, Program Coordinator

Milla Lewis, Administrative Assistant

Jennifer Cargill, Legal Counsel

Public attendees:

Peter Diamond
Jessica Donovan, MSCA
Matt Connors, NH Board
Beverly Kennedy, Kennedy Seminars
Henry Szumiesz, NH Board of Electricians

1) **Reviewed** the December 19, 2022, meeting minutes.

J. Bagni made a motion, K. Guinee seconded, and the majority of members present VOTED: to approve the minutes presented. Abstained: G. Condon

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

Executive Director Report– Executive Director Gleason announced that the meeting was being audio recorded via a handheld device as all DOL boards will be returned to recorded Board meetings in the interest of ensuring accurate minutes and facilitate availability of public records. He added that staff is continuously working to resolve issues of license reprinting as complaints come in through Board email. He will be meeting with PSI in the days following to discuss testing and review of the exam questions for the 2023 code year.

Office of Investigations – No matters reported

Legal Counsel – no matters reported

Board of Fire Prevention Regulations – D. Clemons reported that the BFPR met last week as well as the electrical committees and a decision was made to modify the 2023 code and issue an interpretation on the 2020 code regarding GFCI installation requirements. The amendments are in the promulgation process.

Legislative matters – No matters reported

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

Business Name	Issued Business License Number
208 Shaker Clean Energy, Inc.	8415-EL-A1
Black Lab Alarm, Inc.	20008-FA-C1
Bolla Electrical & HVAC Services LLC	8414-EL-A1
Carlton Electrical Construction Corp	8422-EL-A1
CDS Unlimited LLC	8411-EL-A1
Connectivity Point Design & Installation, LLC	20007-FA-C1
Fire Systems Technology	20006-FA-C1
Harrison Electric LLC	8419-EL-A1
J. L.O'Loughlin Electric of Pelham, LLC	8412-EL-A1
Joseph A Wallace /Master Electrician Inc	8423-EL-A1
Lucero Electric Inc	8421-EL-A1
Lyle Electric Inc	8420-EL-A1
O'Lynne Electric LLC	8416-EL-A1
OMNI Resource Management	20005-FA-C1
Roper Electrical Corporation	8410-EL-A1

Sea Bolt Electric Inc.	8413-EL-A1
Top Shelf Electrical Corporation	8417-EL-A1
Vye Electric Corporation	8409-EL-A1
WT Electric Inc.	8418-EL-A1

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

- **Regulation\CMR Subcommittee – No meeting held**
- **Education Subcommittee** – J. Bagni reported that during the December 28 meeting, the subcommittee approved the remainder of submitted CEP and IEP renewals, as well as new applicants. The subcommittee will schedule follow up meetings as needed.
- **Interpretation Subcommittee – No meeting held**
- **Planning and Research Subcommittee** – J. Bagni indicated a meeting will be scheduled after discussion of the reciprocity agreement.

5) **Discussed** Reciprocity Agreement with New Hampshire – The Board invited members of the New Hampshire electrical Board to discuss concerns surrounding the agreement as of late. In attendance were chair, Matt Connors and Henry Szumiesz.

- J. Bagni opened the discussion, reiterating the Board’s main concern with New Hampshire’s pre-licensure education allowance of online programs.
- Matt Connors stated that New Hampshire apprentices require yearly registration from an initial issuance that is based on their education and passing grades. He mentioned that the online education option is utilized by a minor percentage of attendants for various reasons, including childcare obligations and long-distance commutes. He stated that all individuals must complete the work hours requirement and pass the state licensure exam. He opined that MA Board’s pausing the agreement seemed short sighted and hurts both states in view of longevity of the trade. He offered to share the Dark by 2050 publication report by Klein Tools that demonstrates a dire need to encourage trade growth and felt New Hampshire is fostering skilled apprentices through qualified programs that in turn benefits the trade and surrounding states.
- The Chair P. Malagrifa thanked Mr. Connors for the information and stated that the pause on reciprocity was necessary because the Board needed additional clarification, and that the Board’s intention is to preserve the agreement.
- J. Bagni inquired whether the NH Board would be amenable to devising a way to indicate on the license verification forms provided to individuals for the purpose of applying for reciprocity to MA which licensees had completed their education online.
- Matt Connors stated he would need to present the issue and any proposals to the NH Board when they next meet on February 7. He extended an open invitation to the MA Board members to join the February 7 meeting.
- E. Dorian inquired whether the issue of those with online education may not yet have surfaced at the MA Board.
- Matt Connors mentioned that NH has only two Providers with online programs, and he offered to gather student data to add to the discussion at the February meeting.
- K. Gleason asked the Board to bear in mind the implications of its direction for the applicants currently interested in obtaining MA licensure while the states work on the agreement.

K. Guinee made a motion, J. Colleary seconded, to remove the hold on reciprocity and resume the agreement pending further research, discussion, and resolution.

After discussion, the motion passed by a majority of the members present. 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
D. Cahill				X

J. Bagni made a motion, J. Colleary seconded, and the members present unanimously VOTED: to research and continue open dialogue with New Hampshire to formulate a modified reciprocity agreement with regard to online education.

6) **Discussed** Form 272 instructions & guidelines/rules for completion

- Executive Director Gleason stated that the candidate information bulletin provides guidance to applicants:
“If an employer fails to complete an “Employment Verification form”, the Apprentice may file a complaint against the licensee responsible for documenting his hours. Do so after receipt of the Employment Verification Form has been confirmed by mailing it certified return receipt to the employer and allowing reasonable time for the employer to respond.”
however, he is seeking a definition as to what the Board considers as reasonable time.
- After minor discussion, the Board agreed for J. Bagni to work with Board Counsel on an advisory.

7) **Discussed** Draft Advisory to IOWs of cities, towns, and municipalities regarding use of DOL website for verification of licensure in the issuing of permits.

- The Executive Director presented a prepared draft of the advisory

After brief discussion on the matter of viewing licensees of record on the business licenses

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

VOTED: to approve the existing advisory language and to submit the advisory for publishing, subject to Legal review.

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

- J. Colleary inquired whether something can be done via the license check portal to make licensees of record available displayed in addition to the business license.
- The Executive Director offered to check with e-licensing on the feasibility of doing so.
- J. Colleary requested an agenda item for the February meeting to discuss an advisory to Inspectors on issuing permits in absence of a business license.
- E. Dorian requested an amendment to the December Executive Session minutes indicating her attendance.

J. Bagni made a motion, J. Colleary seconded, and the members present unanimously voted to so amend the minutes to reflect E. Dorian as present

The chair opened the meeting to the public.

- Adam Norcott, Peterson School asked the Board to clarify whether the Board is considered to have adopted the draft 2023 MEC.
- J. Bagni pointed to the Board’s decision at the December meeting to allow CE to be based on the draft MEC

- D. Clemons mentioned however, that inspections are conducted based on the 2020 MEC until the promulgation of the 2023 MEC is final.
- Peter Diamond asked whether the Board’s direction alters the CE mandate for Inspectors to complete the 15 hours within the first year of promulgation of the new code.
- The Board responded that Inspectors are still required to complete the CE as regulated.

9) Board of Electricians’ Appeals [open hearings, closed deliberations per M.G.L c. 30A, §18] – No matters presented

10) Executive Session (M.G.L. c. 30A, §21 – Closed session)

11:54 A.M. P. Malagrifa made a motion J. Colleary 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 after 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
D. Cahill				X

See Separate Minutes

K. Guinee departed the meeting after the vote.

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

12:32 P.M., P. Malagrifa 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
D. Cahill				X

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

Docket	Board Decision
2022-001095-IT-ENF	Dismiss w/o prejudice

J. Colleary made a motion, J. Bagni 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
D. Cahill				X

b) Discussion of the terms of a negotiated settlement of a complaint
i) 2022-000162-IT-ENF – Prosecutor Barry

J. Bagni made a motion, G. Condon seconded, and the members present unanimously voted to accept settlement and issue advisory.

12) Quasi-Judicial Session (Closed per M.G.L c. 30A, §18)

1:12 P.M., G. Condon made a motion J. Bagni seconded, and the members present unanimously voted to enter Quasi-judicial 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
D. Cahill				X

- a) Review of Proposed Final Decision
i) 2022-000116-IT-ENF

J. Bagni made a motion, G. Condon seconded, and the members present unanimously voted to issue final decision with full sanctions.

<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
D. Cahill				X

13) Adjournment – the next meeting is scheduled to be February 23, 2023, at 10 A.M.

J. Bagni made a motion, G. Condon seconded, and the Board members present unanimously voted to adjourn the meeting at 1:18 P.M.

Items relied upon during the open meeting

Agenda

Minutes December 19, 2022

New Hampshire reciprocity agreement April 5, 2016

New Hampshire reciprocity agreement September 26, 2016

Draft Advisory