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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 March 27, 2023

The topics shown below were discussed at the aforementioned meeting:

10:00 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

Board members absent:

Daniel C. Cahill, Electrical Contractor Member

DOL Staff present:

Colleen Maloney, Deputy Commissioner of Boards

Tamara Smith, Program Coordinator

Milla Lewis, Administrative Assistant

Charles Kilb, Legal Counsel

Jennifer Cargill, Legal Counsel

1) **Reviewed** the February 27, 2023, meeting minutes.

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

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

- a) **Executive Director Report**– No matters reported
- b) **Office of Investigations** – No matters reported
- c) **Legal Counsel** – No matters reported
- d) **Board of Fire Prevention Regulations** – No matters reported
- e) **Legislative matters** – No matters reported

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

Name	Type
Tyler Bedard	Journeyman
Thomas Brens Taveras	Journeyman
John Carland	Journeyman
Kyle Conley	Journeyman
Tylor Couillard	Journeyman
Anthony Crudale	Journeyman
Lee Harris	Journeyman
Nicholas Hewitt	Journeyman
Isaac Laffely	Journeyman
Anthony Minicucci	Journeyman
James Mortell	Journeyman
Steven Sicard	Journeyman
Victor Smith	Journeyman
Robert Torrey	Journeyman
Camron Tracy	Journeyman
Charles Williams	Journeyman
David Augusta	Master

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

Business Name	Issued Business License Number	Licensee of Record
ALT Install LLC	8440-EL-A1	Mark Derubeis
B & B Engineering Corp dba LW Bills Company	8463-EL-A1	Michael J. Harrington
Cameron Electric LLC	8442-EL-A1	Ralph E. Cameron
Cyber Comm Enterprises LLC	20009-FA-C1	Jess Bly
DJ Electric Inc	8461-EL-A1	David P. Balkcom
ECON Electrical Contractors, Inc.	8438-EL-A1	Brian N. Ferreira
Efficient Buildings Inc	8455-EL-A1	John P. Lavery
Electrical Contracting & Design Inc	8453-EL-A1	Michael J. Field

Elux Electrical Solutions INC	8439-EL-A1	Mauricio DaSilva
GH Electrical Services LLC	8445-EL-A1	Stephen Hassett
ICOR Electric LLC	8457-EL-A1	Tady C. Ibrahim
Ion electric solutions, Inc.	8436-EL-A1	Charles A. Bishop
Joe's electrical Corp	8464-EL-A1	Joseph G. Elkhoury

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

- a) **Regulation\CMR Subcommittee** – No meeting held
- b) **Education Subcommittee** – P. Malagrifa reported on the meeting held March 16, 2023, he indicated the subcommittee reviewed provider applications and held a discussion of online prelicensure education, the committee agreed to return the matter to the full Board with a request that the Planning and Research subcommittee take the task of reviewing what online education is allowed by other state boards. The subcommittee tabled the matter of reciprocity with New Hampshire until April in order to collaborate with a committee being formed by the New Hampshire board. The subcommittee intends to meet next on May 3.
- c) **Interpretation Subcommittee** – No meeting held
- d) **Planning and Research Subcommittee** – J. Bagni reported that the Subcommittee met on February 28, 2023 to discuss permits, ratios, and the process of exam questions review with PSI, which will be occurring in the next couple of months. He reported that the subcommittee had referred the issue of Reciprocity with NH back to the Education Subcommittee, which it was noted, will now go back to Planning and Research.

6) **Discussed Correspondence**

- a) Joseph Bednarik, Smart Green Solar requesting the Board facilitate a standardized permit and inspection process for solar installations.
- b) Joseph Bednarik, Smart Green Solar requesting an amendment to MGL 143 3L

Mr. Bagni noted that these requests were seeking a statutory change which was outside the Board's purview. He did note some of the requests had merit, but the Board could not act on them. Members noted in discussion that some of the problems involved concerns with the role of the Inspector of Wires in approving projects and whether they are being asked to approve things outside of their purview.

No formal action taken.

7) **Discuss** Reciprocity Agreement with the State of New Hampshire – It was noted that this was a placeholder. The chair noted that the next step of the review would be the planning and research committee seeing what other states are doing.

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

- B. Driscoll reported to the Board that there is a Somerville city ordinance that requires permit applicants sign an affidavit of wage payment compliance. He indicated that there was concern that Somerville can't require additional information with a permit. Counsel noted that the matter would need to be referred to the Board of Fire Prevention Regulations if no appeal was filed.

- The chair opened the meeting to public attendee Beverly Kennedy who inquired as to when the examination would be updated based on the new code, staff will review.

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

10:52 A.M. The Chair opened the Board of Appeals and verified the timeliness and merits of the appeal.

- a) BEA-23-0000002 Smart Green Solar v John Cain, Inspector of Wires, Town Marlboro

The matter was taken out of order because both parties for the first matter were not present.

- The parties in this matter reported that they have resolved the matter and just wanted the Board's opinion, counsel noted that the Board would generally not issue rulings in such case a case, therefore the parties withdrew the appeal.

- b) BEA-23-0000001 Martin Julien v Wisler Louifaite, Inspector of Wires, City of Boston

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 11:21 A.M. J. Bagni made a motion J. Colleary seconded, and the members present unanimously voted to close the hearing and deliberate in quasi-judicial session.

The Chair advised the parties that the written decision would be disseminated within 45 days.

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.

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

11:37 A.M. D. Edmonds 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 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			
D. Cahill				X

See Separate Minutes

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

11:33 A.M., J. Colleary made a motion J. Condon 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	Order
2022-000503-IT-ENF	Forward for prosecution
2022-000806-IT-ENF	Forward for prosecution
2022-001032-IT-ENF	Forward for prosecution
2022-001104-IT-ENF	Forward for prosecution

B. Driscoll made a motion, J. Colleary 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 – None presented

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

1:02 P.M., J. Colleary made a motion B. Driscoll seconded, and the members present unanimously voted to enter Quasi-judicial session to deliberate on the Board of Electricians' Appeals matters.

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) 2022-000052-IT-ENF

D. Edmonds made a motion, J. Colleary 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 March 27, 2023, at 10 A.M.

J. Bagni made a motion, B. Driscoll seconded, and the Board members present unanimously voted to adjourn the meeting at 12:40 P.M.

Items relied upon during the open meeting

Agenda

Draft Minutes January 23, 2023

Appeal exhibits

Correspondence from Joseph Bednarik