



MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Occupational Licensure
Board of State Examiners of Electricians

1000 Washington Street, Suite 710
Boston, Massachusetts 02118

EDWARD A. PALLESCHI
UNDERSECRETARY OF CONSUMER
AFFAIRS AND BUSINESS
REGULATION

LAYLA D'EMILIA
COMMISSIONER, DIVISION OF
OCCUPATIONAL LICENSURE

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 February 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:

Keith Gleason, Executive Director

Tamara Smith, Program Coordinator

Milla Lewis, Administrative Assistant

Charles Kilb, Legal Counsel

Jennifer Cargill, Legal Counsel

1) **Reviewed** the January 23, 2023, meeting minutes.

K. Guinee made a motion, B. Driscoll seconded, and the majority of members present VOTED: to approve the minutes presented. Abstained: D. Edmonds

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

a) **Executive Director Report**–

- The Executive Director mentioned that he will be coordinating with PSI and through the Planning & Research committee to devise and convene the exam questions review committee. He also mentioned that e-licensing reported an error in the December license prints series for a number of Boards and asked the members to forward any licensee inquiries that may have been affected.

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
Jason Bohan	Journeyman
Liam Devaney	Journeyman
John Foley	Journeyman
John Christian Gilbert	Journeyman
Kevin Kelly	Journeyman
Max Perrault	Journeyman
Joseph Rallo	Journeyman
Mark Robarge	Journeyman
Michael Sliz	Journeyman
Ethan Stohl	Journeyman

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

Business Name	Issued Business License Number
Coastline Electric, Inc.	8430-EL-A1
Energy Source LLC	8426-EL-A1
J.S. Petitpas Electric, Inc.	8428-EL-A1
JP O'Brien Electric LLC	8431-EL-A1
Mass Power Electrical Solutions LLC	8434-EL-A1
M Ryan Electric, INC.	8427-EL-A1
McDonald Electric LLC	8424-EL-A1
Polarity Electric LLC	8432-EL-A1
Power Line Electric INC	8425-EL-A1
RJO ELECTRIC LLC	8433-EL-A1
Valence Electric LLC	8429-EL-A1

- 5) **Discussed** subcommittee meetings and reports:
- a) **Regulation\CMR Subcommittee** – No meeting held
 - b) **Education Subcommittee** – No meeting held
 - c) **Interpretation Subcommittee** – No meeting held
 - d) **Planning and Research Subcommittee** – the subcommittee is scheduled to meet February 28, 2023.
- 5) **Discussed** Reciprocity Agreement with New Hampshire.
- The chair stated the matter was returned to the education subcommittee.
- 6) **Discussed** use of electronic communication (email) to meet the requirements of MGL Part I, Title XX, Chapter 143, § 3L
- J. Colleary stated that requests for inspections by email are becoming more prevalent therefore he asked for the Board to opine as to whether email is an acceptable means of notification.
 - Counsel Kilb mentioned MGL c110G Uniform Electronic transactions Section 7. “(a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form...” and added that the BFPR has the authority to regulate the permit process by way of regulations and the permit form whereas the Board would only be involved when issuing rulings on appeals.
 - D. Clemons asked that the Board compile the issues in writing that he can then convey to his board.
 - The chair opened the meeting to public comment:
 - Peter Diamond mentioned that rule 8 of the MEC was already amended to address and reference MGLc110G and iterated the caveat in section 5 “(b) *This chapter applies only to transactions between parties each of which has agreed to conduct transactions by electronic means...*”
 - The Board moved the matter to the Planning and Research committee to formulate the letter.
- 7) **Discussed** potential advisory to Inspectors on issuing permits in absence of a business license.
- J. Colleary mentioned that he believes there is confusion among Inspectors as to when it is appropriate to issue permits in absence of a business license.
 - Counsel Kilb stated that regarding the issuance of permits to businesses that hold an A1/C1 licenses, the Licensee of record and business name would be indicated on the permit form as published by the BFPR. Journeyman or Technician licensees, however, would not be allowed to obtain an A1/C1 license or conduct business like a Master/Contractor because they can only practice in their own name and technicians are not eligible for obtaining permits on their own. He further noted that institutions or other entities not engaged in the electrical business would not be required to obtain the business licenses.
 - The Executive Director confirmed that the new permit form has been published by the BFPR and link referenced via the Board’s website.
 - The Chair stated that the Board would not be taking action on this matter at this time.

- 8) **Discussed** approval for Licensee, Roger Gaydou to be Licensee of record for a third electrical business
- The Executive Director stated he invited Mr. Gaydou to address the Board and asked for the Board’s guidance as to assigning a third business to a licensee of record.
 - Mr. Gaydou stated that the business had not yet applied for the license but was seeking guidance.
 - J. Bagni reiterated that the Board directed in the past that three or more businesses must appear before the Board once the application is submitted.
 - Mr. Gaydou was instructed to make application first, then the matter will be addressed.
- 9) **Discussed** other matters not reasonably anticipated 48 hours in advance of the meeting. No Matters presented.

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

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

11A.M. J. Colleary 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			
D. Cahill				X

See Separate Minutes

12) 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	Determination
2022-000471-IT-ENF	Forward for prosecution
2022-000798-IT-ENF	Forward for prosecution
2022-001074-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

i) Prosecutor Pixley

1. 2021-000308-IT-ENF

After discussion the members indicated that they would reject the counteroffer and remain with the original proposal.

2. 2021-000631-IT-ENF

After discussion the members indicated that they would reject the counteroffer and remain with the original proposal.

3. 2021-000912-IT-ENF

After discussion the members rejected the counteroffer but made a new settlement offer for consideration.

13) 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.

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 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

14) 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 1:11 P.M.

Items relied upon during the open meeting

Agenda

Minutes January 23, 2023