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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 October 28, 2024

The topics shown below were discussed at the aforementioned meeting:
10:00 A.M. the Chair 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)
John Bagni, MAVA Member
Carlos Caceda, Member
Brendan E. Driscoll, Journeyman Electrician Member
Ellen Dorian, Public Member
Renee Dozier, Master Member
David Edmonds, Dept. of Elementary and Secondary Education Designee
Gerald Graham, Inspector of Wires Member
Brian Ingram, State Fire Marshal Designee
Elizabeth Oconnor, Member
Brian Proctor, Systems Technician Member

DOL Staff present:

Keith Gleason, Executive Director
Tamara Smith, Program Coordinator
Milla Lewis, Administrative Assistant
Philip Chan, Board Counsel

Acknowledged public attendees:

Beverly Kennedy, Kennedy Seminars
Michael Monahan, 2nd District International Vice President, IBEW

Dr. John Breda, Appellant
Candido Carrillo, Appellant
Mike D’Amico, IBEW
Nathan Poland, Advanced Technical School
Scott Chisholm, IOW, Town of Needham
Steve Barry, Business Manager, IBEW Local 223
Tim Long, IBEW Local 103
Kristen Gowin, National Electrical Contractors Association
Joe Walsh, IBEW Local 99

1) **Reviewed** September 23, 2024, meeting minutes.

J. Bagni made a motion, and it was seconded by D. Edmonds, and the members present by majority VOTED: to approve the minutes as presented.

ROLL CALL VOTE:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSED/ ABSTAINED</u>	<u>ABSENT</u>
B. Proctor	X			
J. Bagni	X			
G. Graham	X			
E. Dorian	X			
P. Malagrifa	X			
D. Edmonds	X			
C. Caceda			X	
B. Ingram	X			
B. Driscoll	X			
R. Dozier			X	
E. Oconnor			X	

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

- a) **Executive Director Report**– The Executive Director reported again, that DOL is moving to 1 Federal St, Boston in February/March and there would be more information forthcoming. Webpage, agency letterhead, and renewal notices will be updated in advance of the move to provide ease of transition for the public. He also reported that PSI is in the final development stages of an online application portal that will seek to streamline the submission and approval process. New portal is focused on eliminating slow points and difficulties with submission along better ability to update candidates on application review status. He will update the Board at a future meeting on progress and timeline to roll out.
- b) **Office of Investigations** – No matters reported
- c) **Legal Counsel** – Counsel Chan stated the regulation proposed amendments are still under review by Executive Office of Economic Development. Counsel also stated if EOED had more concerns or questions from the draft regulations, he would present to the Board for review.
- d) **Board of Fire Prevention Regulations** – B. Ingram stated the BFPR met on October 3, and that Deputy Chief Ed Williams from the BFPR, he is retiring and the search for a replacement has begun, no other matters to report.
- e) **Legislative matters** – No matters to report

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

Name	Type
Thomas P. Audet	Journeyman
Austin Bergeron	Journeyman
Franklin D. Boland	Journeyman
Chris Farrell	Journeyman
Cannor T. Griffin	Journeyman
Andrew Howell	Journeyman
Dalton C. LeMay	Journeyman
Deivi T. Margarin	Journeyman
Raul S. Navia Martinez	Journeyman
Boris Nuhanovic	Journeyman
Carlos R. Perez	Journeyman

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

Issued License #	Business Name
20048-FA-C1	Associated Fire Systems Inc
20044-FA-C1	Fast Trek Systems, Inc.
20047-FA-C1	FitzComm LLC.
8867-EL-A1	Goneau Electrical Contracting LLC
8866-EL-A1	InfraServices Group Wireless LLC
8860-EL-A1	INSTALLS, LLC
8873-EL-A1	LEWIS ELECTRIC PLLC
8879-EL-A1	Love Electric LLC
8864-EL-A1	McGee Electric LLC
8876-EL-A1	Morselli Electric LLC
8874-EL-A1	MP Electrical Services LLC
8865-EL-A1	New Era Marketing Consulting LLC
8869-EL-A1	Nexus Building Automation Inc.
8871-EL-A1	Omni Electric LLC
8878-EL-A1	Phase One Electric LLC
8861-EL-A1	Piping Systems Installations LLC
8859-EL-A1	Premier Electrical LLC
8863-EL-A1	Robert Pagliuca Master Electrician LLC
8868-EL-A1	Roussel LLC
20045-FA-C1	SECURITY 101 HOLDINGS, LLC
8858-EL-A1	Shea Electrical Services, LLC
8862-EL-A1	Sinclair Enterprises Inc
8872-EL-A1	sturbidge electric LLC
8877-EL-A1	Whaler Electric LLC

- 5) **Discussed** subcommittee meetings and reports:
- a) **Regulation\CMR Subcommittee** – No meeting held
 - b) **Education Subcommittee** – D. Edmonds stated the subcommittee met on October 2. The Subcommittee reviewed and approved an IEP, as well as approving new identity security features for a CEP. Also, the subcommittee discussed ways to streamline the process for existing providers to renew their Board approval for the upcoming NEC 2026 provider renewal.
 - c) **Interpretation Subcommittee** – E. Dorian reported that the subcommittee met on October 16 to discuss correspondence from Stephen McCarthy of the Boston Inspectional Services Department, regarding potential safety risks posed by utilities hiring unlicensed subcontractors to replace meters on private residential properties. Two main questions were examined: Can utilities hire non licensed subcontractors to replace meters on private property? Does M.G.L. 141, §7, exempting utilities from certain licensing requirements, extend to subcontractors hired by utilities? The subcommittee found that while the statute exempts utilities from licensing requirements for meter replacement, as it is specifically mentioned in M.G.L. 141, §7, it's unclear whether the exemption applies to subcontractors. The subcommittee noted there are currently no there are no formal complaints in front of the Board at this time relative to this. The recommendation from the subcommittee is that the Board take no immediate action, but to continue to monitor this issue closely, as the members noted a great deal of concern relative to potential public safety issues. G. Graham commented that there existed new information that was unable to be introduced at the subcommittee meeting that had bearing on the discussion and asked to have the full Board discuss. Counsel and the Chair cautioned that since the full Board had not attended the subcommittee meeting and the new materials referenced and subcommittee's materials had not been reviewed, that this topic was not properly noticed as a discussion item, and that the matter be added to the agenda of a future meeting. R. Dozier, C. Caceda, and B. Oconnor expressed that the matter be discussed, and G. Graham objected to delaying discussion at a future meeting, citing safety concerns and noted that the new information was not able to be introduced on October 16 as the member of the public was not permitted to speak. E. Dorian noted that the public comments that were allowed were by individuals who had properly identified themselves at the outset of the subcommittee meeting for the record and there was no intentional effort to exclude public comment The Chair, on advice from counsel ruled the matter would be taken up at the end of public session where matters not anticipated 48 hours in advance of the meeting are raised.
 - d) **Planning and Research Subcommittee** - No meeting held
 - e) **Hybrid Education Workgroup** J. Bagni reported that the newly formed subcommittee discussed what a hybrid model for pre-licensure education, including online class lectures would look like for MA. Subcommittee was able to identify some elements that could be taught via distance learning, while using DESE frameworks to determine which would not be able to be delivered online. Groundwork was laid for the next meeting on November 13th, to review & discuss the criteria on platform, the curriculum for providers, and methods to maintain integrity of student identities as well as ensuring absorption of material. Counsel is also researching information regarding other Boards approach online or hybrid learning models.
- 6) **Reviewed/Discussed** Petition of Lando Bates (20559-EL-A) to serve as Licensee of Record for 3rd Licensed Business-Mass Power Solutions, LLC (3371-EL-A1). After hearing testimony from Mr. Bates regarding his desire and ability to serve as Licensee of Record for the three companies, members inquired as to specifics of number of jobs, and employees he currently and would potentially oversee. J. Bagni made a motion to deny the petition, and it was seconded by G.

Graham, and the members present unanimously, VOTED: to deny the petition of Mr. Bates to serve as the Licensee of Record for Mass Power Solutions, LLC (3371-EL-A1).

ROLL CALL VOTE:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSED/ ABSTAINED</u>	<u>ABSENT</u>
B. Proctor	X			
J. Bagni	X			
G. Graham	X			
E. Dorian	X			
P. Malagrifa	X			
D. Edmonds	X			
C. Caceda	X			
B. Ingram	X			
B. Driscoll	X			
R. Dozier	X			
E. Oconnor	X			

- 7) **Reviewed/Discussed 2024 Exam results**; Board was presented with score reports from 2020-2024 for A, B, C, & D licensure exams. Members noted that the veteran scores were significantly higher than non-veterans. Question was also raised whether test takers are provided a score report, to which the Executive Director replied all candidates are provided a score report and the opportunity to review sections they did not pass. D. Edmonds also questioned whether the 5 points given to veterans on the exam could result in a passing score where it would otherwise be a fail. Executive Director will research and report back after consulting with PSI.
- 8) **Reviewed/Discussed New FAQs for Board Webpage**; Board was presented new and re-vamped FAQs for review. G. Graham noted that an FAQ on IOW's responsibility on Certificate of Completion for solar/PV should be added.
- 9) **Board of Electricians' Appeals** [open hearings, closed deliberations per M.G.L c. 30A, §18] 10:56 A.M. The Chair opened the Board of Appeals and verified the timeliness and merits of the appeal.
- a) BEA-24-000003 Candido Carrillo & John Breda v. Scott Chisholm, Inspector of Wires, Town of Needham
- The Chair swore in the parties giving testimony, accepted the exhibits, and gave each party an opportunity to present their position. The parties came to an agreement to proceed with the hearing. The Board did not engage in deliberation during the open session and took no further action. The hearing concluded at 11:39:49 A.M. The Chair advised the parties that a letter confirming the outcome would be disseminated to both parties within 45 days.
- 10) **Discussed** other matters not reasonably anticipated 48 hours in advance of the meeting.
- The Chair entertained the topic raised after the Interpretation Subcommittee report, that there may have been new information not made available at the 10/16 meeting, and entertained what action, if any be taken. Board counsel advised that introducing the topic of new information would be allowable in a limited scope. Where the topic had not be public noticed on the agenda and that not all Board members had an opportunity to review past information and any new purported

information, that the discussion was better served at a later meeting after being properly noticed on an agenda. The Chair and some members agreed. Concern was raised that if it were to go back to subcommittee, the full Board might not be able comment on it. Chair noted all subcommittee meetings are public and that all Board members are permitted and even encouraged to attend. They may also participate in the discussion. The recommendation of the subcommittee can be voted on by the full Board, as the subcommittee does not have the ability to make unilateral decisions without the board ratifying those decisions. G. Graham expressed concern about waiting for a public safety incident to occur and not act on the information, despite there not being a case in front of the Board yet. The Chair allowed G. Graham to provide some context on the alleged new information, with the intention of then putting the issue back to subcommittee for a more substantive discussion, allowing full public attendance, and then bring it back to the Board with a more informed a recommendation. G. Graham then referenced two documents, an opinion solicited of the MA Attorney General, Frank Bellotti in 1977, relative to exempted work of a public works department, and a decision of a complaint heard by the Board in 2012, relative to unlicensed electrical work on traffic signals. G. Graham stated that both documents outlined reasons for a utility to not allow unlicensed electrical work as well as utilities not being permitted to allow subcontractors to work under the exemption in MGL 141 §7. He further stated that the inherently dangerous work of changing residential electrical meters was the work of licensed electricians and that the utilities own handbook clearly stated the customer owned equipment is the responsibility of the customer to keep it maintained and in good working order, not the utility. G. Graham also stated that the utility has no jurisdiction to touch a premise wiring system and the intent of the exemption in MGL 141 §7 is outdated and does not pertain to customer owned equipment defined by the Massachusetts Electrical Code as a premise wiring system. Finally, the question was posed how a utility company could change these meters without a licensed electrician, and if the subcontractors hired by said utility pose a public safety threat as they are not licensed electricians or employees of the utility with proper training. E. Dorian commented that in the past, the interpretation subcommittee has investigated the areas where statutes being outdated conflict with the code or regulations. This is to allow the full Board discussion with all information examined, documented and reported. It also allowed for any relative precedential court decisions to be examined and presented to the Board for deliberation and discussion. Counsel advised that there were many questions still to be answered, and it did not appear to rise to an emergent circumstance, as the Board still did not have a case in front of them. He also cautioned that not all interested parties to a further discussion were not able to participate or observe, as the topic was not publicly noticed. He advised that all Board members be properly informed and were able to digest all raised and relevant materials. G. Graham again expressed concern with delaying the discussion. J. Bagni expressed concern with having a full Board discussion without all potential concerned parties be allowed to be in attendance, and for all members to be provided all relevant materials. The Chair expressed concern with continuing a discussion further and proposed adding it for discussion at a future meeting in either subcommittee or full Board meeting. D. Edmonds asked Counsel if continuing a discussion was problematic; to which Counsel expressed concern with the topic not being properly noticed for discussion, and recommended the item being added for an earlier subcommittee meeting. D. Edmonds questioned if there was any potential exposure for the Board by continuing the discussion, to which Counsel answered there could be. The Executive Director noted he could schedule a Subcommittee meeting on 11/13/24, to ensure the discussion could be had as quickly as possible with an eye toward protecting public safety, while also making sure all relevant information and documents could be reviewed. Chair then delegated the topic to be taken up at the upcoming Interpretation Subcommittee meeting to be held on 11/13/24. The Chair allowed a question from Mike Monahan, IBEW was just if the Supervising Inspector of Wires for Boston, Steve McCarthy's

question would be answered, to which the Chair informed him that the discussion from his inquiry would continue, and the Board would indeed answer his question.

12:27 P.M. The Board entered deliberations. The Chair noted that following deliberations the Board will be entering Executive Session, expected to last 15-20 minutes, then the Board would discuss matters in Investigative Conference after which it will adjourn, the Board would remain in closed session.

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

12:27 P.M. J. Bagni made a motion, B. Driscoll seconded, and the members present unanimously, VOTED: to enter Executive Session to discuss individuals' character, rather than competence and/or pending litigation per M.G.L. c. 30A, §21.

ROLL CALL VOTE:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSED/ ABSTAINED</u>	<u>ABSENT</u>
B. Proctor	X			
J. Bagni	X			
G. Graham	X			
E. Dorian	X			
P. Malagrifa	X			
D. Edmonds	X			
C. Caceda	X			
B. Ingram	X			
B. Driscoll	X			
R. Dozier	X			
E. Oconnor	X			

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

1:05 P.M., J. Bagni made a motion B. Driscoll 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>
B. Proctor	X			
J. Bagni	X			
G. Graham	X			
E. Dorian	X			
P. Malagrifa	X			
D. Edmonds	X			
C. Caceda	X			
B. Ingram	X			
B. Driscoll	X			
R. Dozier	X			
E. Oconnor	X			

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

Docket	Status
2024-000394-IT-ENF	Forward for Prosecution
2024-000406-IT-ENF	Forward for Prosecution

2024-000410-IT-ENF	Forward for Prosecution
2024-000454-IT-ENF	Dismiss w/o Prejudice
2024-000458-IT-ENF	Forward for Prosecution
2024-000594-IT-ENF	Dismiss w/o Prejudice
2024-000603-IT-ENF	Forward for Prosecution
2024-000621-IT-ENF	Forward for Prosecution
2024-000660-IT-ENF	Forward for Prosecution
2024-000667-IT-ENF	Forward for Prosecution
2024-000670-IT-ENF	Forward for Prosecution
2024-000718-IT-ENF	Forward for Prosecution
2024-000765-IT-ENF	Forward for Investigation

The Board members present unanimously voted to accept the decisions and orders.

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

- Prosecutor Henderson - 2023-000103-IT-ENF
The Board unanimously voted to issue counteroffer.
- 2023-000316-IT-ENF
The Board unanimously voted to issue counteroffer.
- 2023-000814-IT-ENF
The Board unanimously voted to accept settlement offer.
- 2024-000041-IT-ENF
The Board unanimously voted to maintain the offer.
- 2024-000057-IT-ENF
The Board unanimously voted to dismiss without prejudice.
- Prosecutor Chaves - 2023-000168-IT-ENF
The Board unanimously voted to issue counteroffer.

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

14) Adjournment – the next meeting is scheduled for November 25, 2024, at 10 A.M.

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

VOTED: to adjourn the meeting at 3:00 P.M.

Items relied upon during the open meeting.

Agenda

Draft minutes September 23, 2024

Updated FAQs

Lando Bates Petition & Correspondence

PSI Score Report