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Board of Engineering Appeals
OPSI Tewksbury
365 East Street
Tewksbury, MA 01876
October 28, 2022

Board Members Present:

Dan Kilburn, Chair
David Vandal, Member
Craig Kimball, Member

Guests Present:

Joseph Stahmer
Israel Faria
Shawn Muise
Roosevelt Brooks
Jim Miller
Ted Violette
Tyler Carvalho
Thomas Haluch

Staff Present:

Jean McCarthy
Charles Kilb
Richard Baldacci

License exam results appeal of Joseph Stahmer: Chairman Dan Kilburn introduced himself and members of the Board. Chairman Kilburn stated he read the appeal and reviewed the exam and answers. He asked Mr. Stahmer the basis for his appeal and Mr. Stahmer stated he cannot read or write very well. He lost his license when he moved to Florida to take care of his mother. Chairman Kilburn asked Mr. Stahmer if he took any courses to prepare for the exam and Mr. Stahmer indicated he did not. He stated he has Dyslexia and doesn't want to pay \$300 dollars to pay for a course. Chairman Kilburn asked if he reviewed the regulations and hand signals. He stated that they use something different for hand signals. Chairman Kilburn stated they should not be using different hand signals as they are in the regulations. Chairman Kilburn stated that Mr. Stahmer can request a special accommodation for the next exam, and he would need to go to a doctor to get a diagnosis. Mr. Stahmer indicated that he couldn't read the terminology very well and him being unable to pass the exam is holding him back. David Vandal stated that Mr. Stahmer missed some regulation questions and stated he should review them. Chairman Kilburn stated that if Mr. Stahmer knew the hand signals, he would have passed the exam. Chairman Kilburn recommended that Mr. Stahmer take a class. Chairman Kilburn asked if the board members had any questions and they indicated they did not. Chairman Kilburn asked Mr. Stahmer if he had anything to add and Mr. Stahmer indicated he did not. Chairman Kilburn stated that no decision would be at this time and concluded the hearing. After the public hearing concluded, the Board deliberated in quasi-judicial session and unanimously denied the appeal.



License exam results appeal of Israel Faria: Chairman Dan Kilburn introduced himself and members of the Board. Chairman Kilburn asked Mr. Faria what the basis for the appeal and Mr. Faria stated he wanted the exam reviewed because he thought there was something wrong with the computer. Chairman Kilburn stated he reviewed the exam and the questions, and they were accurate. Chairman Kilburn asked Mr. Faria if he took a class and Mr. Faria stated he took an online class. Chairman Kilburn stated that most of the information that Mr. Faria missed were specific numbers and things that you need to memorize. David Vandal reviewed the exam and stated that he missed basic operation information. Chairman Kilburn suggested that Mr. Faria take a class and get some assistance from his grandson who helps him with English with the information and he will be able to pass. Mr. Faria stated that he will try again. Chairman Kilburn stated that no decision would be given at this time and concluded the hearing. After the public hearing concluded, the Board deliberated in quasi-judicial session and unanimously denied the appeal.

License exam results of Sean Muise: Chairman Dan Kilburn introduced himself and members of the Board. Chairman Kilburn stated he read Mr. Muise's appeal. Chairman Kilburn asked Mr. Muise if he had anything to add. Mr. Muise stated that this is the 5th time he took the exam, and he got a 68 three times. He keeps over analyzing the questions. He asked if there was a review process for the exam. He had an IEP in school for reading comprehension. He asked Chairman Kilburn if he could overturn a question and Chairman Kilburn responded that we cannot do that. Mr. Muise asked how many times he can take the exam and he was told he could take the exam again in 60 days after the last exam. Chairman Kilburn asked Mr. Muise if he had anything additional to add. Mr. Muise stated he feels like he is over thinking the exam. Chairman Kilburn stated that no decision would be given at this time and concluded the hearing. After the public hearing concluded, the Board deliberated in quasi-judicial session and unanimously denied the appeal.

License exam results of Roosevelt Brooks: Chairman Dan Kilburn introduced himself and members of the Board. Chairman Kilburn stated he read Mr. Brooks' appeal. Mr. Brooks felt there were duplicate questions and he answered them the same way. Chairman Kilburn asked if he asked for clarification during the exam and Mr. Brooks stated he did not. Mr. Brooks has taken the exam three times and took a class that his work provided for their operators. All the preparation information was for telescoping boom equipment. Chairman Kilburn asked if he reviewed the manual for the equipment and Mr. Brooks stated he did. Mr. Brooks stated he thought he tested pretty well but from his grade he didn't. Chairman Kilburn stated that he missed two signal questions. Jim Miller from Salem Glass stated that Mr. Brooks has worked for them for three years. He has seen Mr. Brooks train and practice for the exam and feels Mr. Brooks is a terrible test taker. Mr. Miller feels that he may have made him nervous by asking about the exam. Mr. Miller wants the appeal granted. Chairman Kilburn asked if there was anything anyone wanted to add, and no one had anything. Chairman Kilburn stated that no decision would be given at this time and concluded the hearing. After the public hearing concluded, the Board deliberated in quasi-judicial session and unanimously denied the appeal.

License exam results of Joseph Sweeney: Chairman Dan Kilburn opened the hearing and introduced the board members. Joseph Sweeney was not present for the hearing. After the public hearing concluded, the Board deliberated in quasi-judicial session and unanimously denied the appeal.

License exam results of Tyler Carvalho: Chairman Dan Kilburn introduced himself and members of the Board. Chairman Kilburn reviewed the appeal and exam documents. Mr. Carvalho felt there was more than one answer for the questions. Chairman Kilburn stated that there is only one best answer for each exam question. Chairman Kilburn stated that the exam questions are periodically reviewed and analyzed by industry personnel. Chairman Kilburn asked if that the only basis for his appeal and Mr. Carvalho indicated that it was. Chairman Kilburn asked if he had anything else to add and Mr. Carvalho wanted to know if he could review the exam. Chairman Kilburn stated that he could not that it would give Mr. Carvalho an unfair advantage since they only had so many questions for the exam. Chairman Kilburn stated that no decision would be given at this time and concluded the hearing. After the public hearing concluded, the Board deliberated in quasi-judicial session and unanimously denied the appeal.

License exam results of Thomas Haluch: Chairman Dan Kilburn introduced himself and members of the Board. Chairman Kilburn asked Mr. Haluch the basis for the appeal. Mr. Haluch has taken the exam

twice and each time he is one question short of passing. He indicated that the print on the exam was small, and he had a work injury a few years ago that affected his sight. He stated the exam location needed better lighting. He also stated he erased some of the answers and had to go back to them and thought that may have affected the results. Chairman Kilburn stated that the answers would not have been accepted if there was anything wrong with the answers. Mr. Haluch stated he wants his license back to use in his business. He got nervous taking the exam as he doesn't take a lot of exams. Chairman Kilburn asked if anyone had any questions and no had anything to add. Chairman Kilburn stated that no decision would be given at this time and concluded the hearing. After the public hearing concluded, the Board deliberated in quasi-judicial session and unanimously denied the appeal.

License exam results of Lisha Antoine: Lisha Antoine withdrew appeal prior to hearing.