



Commonwealth of Massachusetts
Division of Professional Licensure
BOARD OF STATE EXAMINERS OF ELECTRICIANS
1000 Washington Street • Boston • Massachusetts • 02118

Board of State Examiners of Electricians Meeting Minutes

VENUE: *Department of Fire Services Headquarters 1 State Road, Stow, Massachusetts*

Meeting Minutes

Monday, March 26, 2018

10:00 AM

Office: **The Link Conference Room**

MEETING CALLED BY:	BOARD MEMBERS
TYPE OF MEETING:	REGULAR MONTHLY MEETING
CHAIR/MEMBER:	P. Senopoulous, Fire Marshal Designee, Chair
BOARD MEMBERS:	D. Edmonds, S. LeVangie, J. Colleary, E. Dorian, G. Condon III, J. Bagni, T. Cunningham, P. Malagrifa,
STAFF MEMBERS:	C. Kilb, A. Alfonso, R. Paris, D. Quintiliani
ABSENT/Late Arrival:	K. Guinee (arrived 10:12AM), J. Sloane (arrived 10:30AM)

Agenda Topics

MEETING COMES TO ORDER 10:05 AM

FIRE/EMERGENCY INSTRUCTIONS: By P. Senopoulous

PREVIOUS MINUTES APPROVED – Motion by: [D. Edmonds](#) Second by: [P. Malagrifa](#) Board: [Unanimous Vote](#)

[Open Session Review](#)

[Executive Session Review](#) – Motion to approve: [D. Edmonds](#) Second by: [S. LeVangie](#) Board: [Unanimous Vote](#)

REMINDER

FYI ITEMS

E-Licensing – Electrical Unit will strive to be 100% eLicensing (paperless) by June 1, 2018

- ❖ License Renewals
- ❖ License(s) in Reciprocity

Staff is working with our providers, gathering email addresses for all license holders. We must populate our data base by renewal cycle 2019. License holders will need to link their license on-line. They will require a Record Identification Number and an Authorization number from the board.

BOARD OF APPEALS (BEA): *No BEA in March 2018*

LICENSES BY RECIPROCITY – *No Reciprocity applications in March 2018*

CORPORATE LICENSE CHANGESMotion to approve Removals by: D. Edmonds Second by: K. Guinee Board: Unanimous VoteMotion to approve Additions By: D. Edmonds Second by: P. Malagrifa Board: Unanimous Vote

REMOVALS:				
INDIVIDUAL	TYPE	ENTITY	REASON FOR REMOVAL	COMPLAINTS PENDING PROSECUTION
David Balfour	Master	MacFarlane Energy, Inc.	Resigned	None
John M. Bonyman	Master	Total Audio Video, Inc.	Dissolved	None
Jason Dana	Master	Aber Electrical Co., Inc.	Resigned	None
Maria S. Fallon	Master	Maria Fallon Electrical Services, LLC	Name Change	None
Richard W. Irwin	Master	Patriot Electrical Contracting & Service Corp.	Sold Business	None
Scott D. Kohlstrom	Master	Nervine Systems, Inc.	Dissolved	None
Peter S. Liddy	Master	Lidco electrical Contractors, Inc.	Retired	None
Timothy J. Pillarella	Master	BAP Power Corporation	Dissolved	None
Edward J. Porreca Jr.	Master	Waterline Industries Corporation	Resigned	None
Jason Riley	Master	Astrum Solar dba Direct Energy Solar	Resigned	None
Christopher M. Rollins	Master	Rollins Electric, inc.	Dissolved	None
David W. Silva	Master	DWS Electric, Inc.	Dissolved	None

ADDITIONS:

INDIVIDUAL	TYPE	ENTITY	PRIOR LICENSE	COMPLAINTS PENDING PROSECUTIONS
Corey M. Jadowic	Master	AC Electrical Contractors, Inc.	None	None
Cory M. McKenna	Master	All Connections Electric, LLC	None	None
Christopher M. Rollins	Master	Astrum Solar Inc. dba Direct Energy Solar	Jason Riley	None
Jason Dana	Master	Atlantic Electrical Corporation	None	None
John M. Bonyman	Master	Boston Security Integration, LLC	None	None
Deniz M. Kan	Master	Cityside Power Services, LLC	None	None
David P. Balfour	Master	Coastal Plumbing & Heating, LLC	None	None
Timothy P. LeBlanc	Master	Commercial Technology Corp	None	None
Jason A. Rocca	Master	JRS Electric, Inc.	None	None
Douglas C. Kaake II	Master	Kaake Electric, Inc.	None	None
Peter S. Liddy II	Master	Lidco Electrical Contractor, Inc.	Peter S. Liddy	None
Daniel D. Rollend	Master	Noonan Energy Corporation	None	None
Victor M. Silva	Master	Piping Systems, Inc.	None	None
David W. Silva	Master	RB Our Electrical & Plumbing, LLC	None	None
Michael G. Ritchie	Master	Site Acquisitions, LLC	None	None
Paul A. Vohnoutka	Master	Skyline Security Management, Inc.	None	None
Maria S. Fallon	Master	Swan Contracting, LLC	Same	None
Timothy P. Procopio Jr.	Master	TPro Enterprise, Inc. dba TPro Electric	None	None
Marcelo Kensy	Master	Vicken Electric Corp	None	None
Jeffrey Zitzkat	Master	Waterline Industries Corp.	Edward Porreca Jr.	None

LICENSE(S) ISSUED BY EXAM:

- ❖ February 2017 License Report included in meeting attachments

Licenses Issued: November Exams		
A	Master Electrician	9
B	Journeyman Electrician	75
C	System Contractor	
D	System Technician	5

REPORTS – Candidates for License Exam:

- ❖ Pass/Fail Report(s) for February 2018 included in meeting attachments
 - A. Alfonso and J. Bagni attended the NH Board of Electricians Meeting
 - BSEE, MA members are welcomed and encouraged to attend
 - New Hampshire passing rates for Journeyman Electricians has dropped to 10% since time allowed for testing was lowered. NH will be allowing additional time for testing.
 - NH HB 1327 making changes to apprentice ratios – Board has formed a subcommittee to propose changes.
- ❖ E. Dorian commented that System Technicians have had a below 50% passing rate over the past months.
- ❖ K. Guinee requested that yearly Pass/Fail Reports be submitted annually in January meeting Jan 2017 – Dec 2017 included in meeting minutes
- ❖ E. Dorian motion to continue monthly Pass/Fail Reports until confirmed that PSI is testing from 2017 NFPA 70. Motion second by J. Colleary. Unanimous approval
J. Bagni motion for Board to update the CIB on the Board Website that testing will be based on 2017 NFPA 70 as of February 1st 2018 Motion second by D. Edmonds

LEGISLATIVE UPDATE: *No Legislative update in March 2018*

REPORT FROM THE CHIEF INVESTIGATOR *No Report in March 2018*

REPORT FROM LEGAL COUNSEL – Charles Kilb

- Expiration Provisions of 237 CMR 13.00
Counsel requested that the Board consider reviewing and revising education and work experience expiration clauses in the regulations based on continued legal challenges in adhering to them as well as past statements of members indicating a desire to change them. No formal vote was held, but members agreed conceptually with considering revisiting and possibly removing some of these clauses.
Motion to review expiration clauses through the CMR Subcommittee
By: D. Edmonds Second by: J. Colleary Unanimously Approved
- Interpretation of “Systems”
Counsel advised that third parties have requested the Board issue an expansive interpretation of “Systems”, which would require further deliberation and research. Counsel further indicated that providing a definitive response is proving difficult given the complexity of the existing laws as well as the likelihood that any answer given will create aggrieved parties.
Motion to table further discussion until February Board Meeting
By: D. Edmonds Second by: J. Colleary Unanimously Approved

C. Kilb will give copies of all applicable law

Counsel provided that he was able to research a number of references and content that might aid the Board in its discussion of the matter in February.

12:15PM C. Kilb presents

Mass General Laws Chapter 141 Supervision of Electricians Section 1 Definitions

“Security System”, an inherently power limited system of wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signaling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms.

Mass General Laws Chapter 141 Supervision of Electricians Section 1A Licensure requirement; exceptions

Section 1A. No person, firm or corporation shall enter into, engage in, or work at the business or occupation of installing wires, conduits, apparatus, devices, fixtures, or other appliances for carrying or using electricity for light, heat, power, fire warning or security system purposes, unless such person, firm or corporation shall be licensed by the state examiners of electricians in accordance with this chapter and, with respect to security systems, unless such person, firm or corporation shall also be licensed by the commissioner of public safety in accordance with the provisions of sections fifty-seven to sixty-one, inclusive, of chapter one hundred and forty-seven.

SJC of Massachusetts, Suffolk Murry G. Simon et al. v. State Examiners of Electricians Included in Meeting minutes

12:40PM Chairman requests that all documents and questions submitted to board on this matter be presented today.

Motion to take brief break to gather documents by: D. Edmonds Second by: J. Colleary

1:10 PM A. Alfonso submits

September 26th, 2017 email from Jessica Donovan, Education/Marketing Coordinator MSCA

October 27th, 2017 letter from Wells A. Sampson, MSCA President

December 1st. 2017 letter from Wells A. Samson, MSCA President

1:34PM Motion to table discussion and form an Interpretation Subcommittee by: D. Edmonds Second by:
_____ Unanimous approval

Interpretation Subcommittee

E. Dorian, Public Member – Chairman
John Bagni, MAVA Member
George Condon III, Systems Technician Member
Paul J. Malagrifa, International Municipal Signal Association Member
John M. Sloane, Journeyman Electrician Member

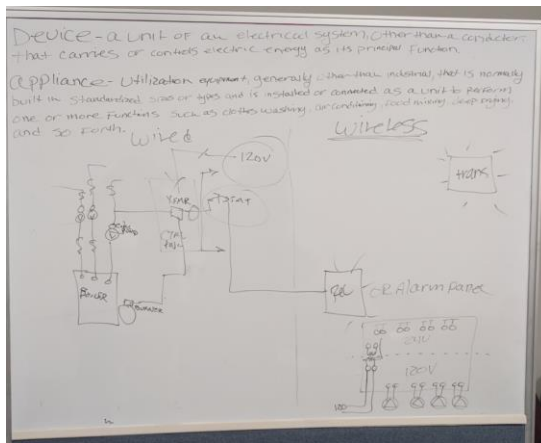
- Additional reported item - Is an Inspector of wires authorized to require the installer to be present during an inspection without regard to complexity of installation or other reasonable justification?
- See attached 12/07/2017 response from BFPR
 - C. Kilb suggests that BFPR's response was not definitive, leaving some room for interpretation; he suggested that if the Board desires to discuss it in detail, it should be added to a future agenda item. J. Bagni motioned to put on a future Agenda for further discussion with BSEE Board. Motion second E. Dorian. Unanimous approval.

SUBCOMMITTEE REPORTS AND SCHEDULING

INTERPRETATION SUBCOMMITTEE

- E. Dorian reported on first subcommittee meeting of March 20th
 1. Purpose of the Subcommittee:
 - a. Clarify our interpretations of “systems” in the code and in the laws and regulations
 - b. If possible, make a policy recommendation to the full board on how to address and accommodate various low voltage systems, wired and wireless
 - c. Make a recommendation to the full board for how to address the request from the Massachusetts Systems Contractors Association (MSCA) letter
 2. Priorities of Subcommittee
To Support the purpose of the Code, which is:
 - a. Ensure the Safety of the installers
 - b. Ensure the safety of the users of the system
 - c. Protect the life and property of all
 - d. Clarify the definitions and interpretations of “systems” and make a set of recommendations for consideration of the full Board
 3. Review of Definitions
 - a) From MGL 141 Section 1: Definitions
 - System
 - Security System
 - Inherently Power Limited System
 - Fire Warning System
 - b) From 2017 NFLPA Code Book
 - Device (Page 70-35)
 - Appliance (Page 70-33)
 - Apparatus (Page 70-33) A/K/A Associated Apparatus
 - Fixture (Page 70-39) A/K/A Luminance
 4. Discussion of Two court cases referenced in the meeting:
 - 1) The Simon Case, which refers to burglar and fire alarm systems
 - 2) The Carroll Case, which refers to Photo-voltaic systems

In both cases, the court rulings limited the jurisdiction of the Electrical Board
 5. Technical discussions of Systems, including:
 - a. Specific discussion about the placement of thermostats in a heating system
 - b. Differences between new installations and retrofit/replacement thermostats
 - c. Overlapping systems in a range of applications, including thermostats, elevator recall systems, fire sprinkler systems, and HVAC shutdowns
 - d. Devices and such that can be part of multiple systems—which devices belong to which systems, and which ones control the others
 - e. Whiteboard Sketch of basic system design:



6. Qualifications and limitations of Systems Contractors and Technicians

- License types
- Reasonable expectation of C&D license holders to identify low voltage and distinguish it from medium or high voltage connections, even when they are co-located in the same panel/housing
- Reasonable expectations that systems contractors and technicians are not looking to do non systems-related electrical work outside of their scope of expertise

7. Next meeting: May 15, 2018-Discussion Topics

- Attempt to identify places in the code where the word "systems" has multiple definitions that are contributing to a lack of clarity
- Extend our investigation to a higher level, beyond the technical aspects or a single specific device, such as a thermostat, in what ways could we generalize the interpretation to a broad range of low voltage systems, and is this a good idea
- Review the full list of applicable court decisions

CMR SUBCOMMITTEE

- J. Colleary will decide best dates for first subcommittee meeting. He suggested that all subcommittees send notification to all board members of meeting dates, agenda and meeting minutes.
 - CMR Subcommittee meeting will be held on March 5, 2018 at DPL Offices
 - CMR Subcommittee meeting will be held on April 2, 2018 at DPL Offices
- [March 5, 2018 Subcommittee meeting minutes attached to agenda](#)
- [Next Subcommittee meeting scheduled for April 2, 2018](#)

EDUCATION SUBCOMMITTEE

- Educations Subcommittee *No scheduled meetings*

EXECUTIVE SESSION (Closed to the Public, M.G.L. c. 30A, 21)

[12:30 PM Motion to enter Executive Session to discuss pending litigation](#)

Roll Call					
MEMBER	PRESENT	ABSENT	YEA	NEA	RECUSED/ ABSTAINED
P. Senopoulous			X		
J. Bagni			X		
J. Colleary			X		
G. Condon III			X		
T. Cunningham			X		
E. Dorian			X		
D. Edmonds			X		
K. Guinee			X		
S. LeVangie			X		
P. Malagrifa			X		
J. Sloane			X		

INVESTIGATIVE CONFERENCE (Closed to the Public, M.G.L. c. 112A, 65C)

11:22 AM Motion to enter Investigative Conference by: P. Senopolous Second By: D. Edmonds Board: Unanimous Vote
A.Alfonso and D. Quintiliani recused themselves from 2018-00011

INVESTIGATIONS			
DATE OPENED	DOCKET #	-	BOARD ACTION
1/24/2018	2018-000072-IT_ENF		Refer to Prosecutions
2/6/2018	2018-000070-IT-ENF		Refer to Prosecutions
2/6/2018	2018-000044-IT-ENF		
2/6/2018	2017-0001485-IT-ENF		Return to Investigations
2/12/2018	2018-000131-IT-ENF		Refer to Prosecutions
2/12/2018	2018-000144-IT-ENF		Dismiss without prejudice
2/14/2018	2018-000119-IT-ENF		Refer to Prosecutions
2/28/2018	2018-000193-IT-ENF		Dismiss without Prejudice
2/28/2018	2018-000146-IT-ENF		Refer to Prosecutions

REPORT OF THE ELECTRICAL INVESTIGATOR – Richard Paris**QUASI-JUDICIAL SESSION** (Closed to Public)**MATTERS NOT ANTICIPATED BY CHAIR:**

Staff noted that the master licenses for businesses are still being implemented in the e-licensing systems, no update on when work will be complete.

- License numbers specific to businesses and not license holders is still in process for eLicensing and department. Meeting scheduled for early March 2018 to discuss how to proceed.
- License holders assigned to more than one company is still in process for eLicensing and department. Meeting scheduled for early March 2018 to discuss how to proceed.

P. Senopolous suggested that we form a Planning and Research Committee to review other states policies for licensing:

Sunset hours for apprentices

Valor Act policies

Journeyman to Apprentice ratio

Equal testing

What version of the NFPA 70 Code has each state adopted?

Request a representative from PSI to attend

Motion to add to April Agenda: J. Bagni Second by: D. Edmonds Unanimous vote

We are anticipating that three board members will not be able to attend April 23rd board meeting. A. Alfonso asked that other members be mindful if they are unable to attend we may not have a quorum.

NEXT BSEE MEETING SCHEDULED FOR: Monday, April 23, 2018 10:00AM – DPL Offices 1000 Washington St. Boston

RECESS(es) TAKEN: 11:06 AM

MEETING RECONVENED: 11:20PM

MEETING ADJOURNED: 12:42 PM

SPECIAL NOTES	NEW/UPDATED ITEMS IN <u>BLUE</u>
	PREEXISTING OPEN ITEMS TO BE DELETED [WILL NOT APPEAR IN FUTURE DOCUMENTS] IN <u>RED</u>
	CONTACT INFORMATION FOR ALL PERSONS, AGENCIES AND COMPANIES REFERENCED IN MINUTES WILL BE FURNISHED UPON REQUEST.
	Complete binder of meeting minutes and reference material in DPL office Boston. Binders will be updated at end of each quarter. Any information needed prior to updates please contact Ada.

The above items are assumed correct as published unless sender is notified within forty-eight hours of an error. Please forward corrections and/or additions to Ada Alfonso via email ada.alfonso@state.ma.us

Anticipated Board Meetings dates and locations for 2018:

<u>Meeting Date</u>	<u>Location</u>
1/22/2018	DPL, 1000 Washington St. Boston, MA
2/26/2018	DPL, 1000 Washington St. Boston, MA
3/26/2018	Massachusetts Firefighting Academy 1 State Road Stow, MA
4/23/2018	DPL, 1000 Washington St. Boston, MA
5/21/2018	Westfield Vocational Technical High School 33 Smith Avenue Westfield, MA
6/25/2018	DPL, 1000 Washington St. Boston, MA
7/23/2018	DPL, 1000 Washington St. Boston, MA
8/27/2018	DPL, 1000 Washington St. Boston, MA
9/24/2018	DPL, 1000 Washington St. Boston, MA
10/22/2018	Southeastern Regional Vocational High School 250 Foundry Route 106 South Easton, MA
11/26/2018	DPL, 1000 Washington St. Boston, MA
12/17/2018	DPL, 1000 Washington St. Boston, MA

Reasonable accommodations or modifications will be provided to individuals with disabilities to participate in the meeting taking place on the date listed above. All requests should be directed to Mrs. Cheryl Yebba by calling 617-727-3110 or TTY/TDD: 617-727-2099 by no later than a week prior to the meeting date. While the Board will attempt to honor all requests, those requests received less than a week prior to the meeting may not be provided due to feasibility.

INCLUDED IN MEETING NOTES:

- ❖ March 2018 Meeting Agenda
- ❖ February 2018 Meeting Minutes
- ❖ CMR Subcommittee Meeting Minutes
- ❖ February 2018 License Report(s)
- ❖ February 2018 Pass/Fail Report(s)
- ❖ Summary of Investigations

BOARD MEMBERS:

Peter Senopoulos, Fire Marshal Designee – Chair
 John Bagni, MAVA Member
 James Colleary, Inspector of Wires Member
 George Condon III, Systems Technician Member
 Thomas Cunningham, Master Electrician Member
 Ellen Dorian, Public Member
 David Edmonds, Department of Elementary and Secondary Education Designee, Clerk
 Kathleen Guinee, Systems Contractor Member, Vice Chair
 Stephen LeVangie, Electrical Contractor Member
 Paul J. Malagrifa, International Municipal Signal Association Member
 John M. Sloane, Journeyman Electrician Member

STAFF MEMBERS and CONTACT INFORMATION:

Ada Alfonso, Executive Director Electrical Board Unit, email: ada.alfonso@state.ma.us
 Charles Kilb, Electrical Board Counsel, email: Charles.g.kilb@state.ma.us
 Richard Paris, Investigator Electrical Unit, email: Richard.g.paris@state.ma.us
 Tamara Smith, Program Coordinator, email: tamara.t.smith@state.ma.us
 Milla Lewis, Office Support Specialist, email: milla.lewis@state.ma.us
 Denise Quintiliani, Office Support Specialist, email: denise.quintiliani@state.ma.us

PUBLIC MEMBER ATTNEDEES:

Paul Kennedy, Town of Andover, IOW
Bev Kennedy, Kennedy Seminars
Thomas Lee, ADT
[Brian Espinoza](#)
Nick Catizone Jr.
[Matt Markham](#)
[Matt Piantedosi, Tesla](#)

DEFINITIONS AND CLARIFICATIONS:

BEA – Board of Electrical Appeals
BFPR – Board of Fire Prevention Regulations
BSEE - Board of State Examiners of Electricians
CIB – Candidate Information Bulletin
CMR – Code of Massachusetts Regulations
Code – Massachusetts Electrical Code as currently promulgated in 527 CMR 12.00
DPL – Division of Professional Licensure
ED – Executive Director
eLicensing -
FYI – For your information
IAEI – International Association of Electrical Inspectors
I.B.E.W – International Brotherhood of Electrical Workers
Inc. - Incorporated
IOW – Inspector of Wires
JATC – Joint Apprenticeship Training Committee
License – A – Master Electrician, B – Journeyman Electrician, C-System Technician, D- System Contractor
License by Reciprocity – By Reciprocity agreement with the State of New Hampshire if New Hampshire License was obtained through testing
LLC – **Limited Liability Corporation**
MA - Massachusetts
MECA – Massachusetts Electrical Contractors Association
MAVA – Massachusetts Association Vocational Administrators
MEIA – Municipal Electrical Inspector Association
M.G.L. – Massachusetts General Laws
M.S.C.A. – Massachusetts Systems Contractors Association, Inc.
NECA – National Electrical Contractors Association
NFPA – National Fire Protection Association
NH – New Hampshire
SJC of Massachusetts – Supreme Judicial Court of Massachusetts

[Rule 1.](#) All installations, repairs and maintenance of electrical wiring and electrical fixtures used for light, heat, power, signaling and communications purposes in buildings and structures subject to the provisions of M.G.L. c. 143 shall be reasonable safe to persons and property.

[Rule 4.](#) Where an actual hazard exists, the owner of the property shall be notified in writing by the authority enforcing this Code. The notification shall contain specifications of the actual hazard that exists, together with a reference to the rule of this Code that is now in violation. (See M.G.L. c. 166 Section 32 and 33, for enforcement authority.