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ANTHONY CAPUTO  
CHAIR

**MEMORANDUM**

**TO:** Appellants with cases scheduled before Fire Prevention Regulation Appeals Board

**FROM:** Anthony Caputo, Board Chair

**DATE:** May 7, 2020

**RE:** Fire Prevention Regulations Appeals Board Remote Hearing Procedures

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Per Governor Charles D. Baker's Executive Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A, s.20 signed and dated March 12, 2020 and still in effect, hearings before the Fire Prevention Regulation Appeals Board during this state of emergency related to COVID-19 will proceed as scheduled and will be conducted remotely using the video conferencing platform provided by Cisco WebEx. Upon the termination of the above referenced Executive Order, hearings will resume in person.

All remote hearings will be conducted as if they were in person pursuant to the State Administrative Procedures Act, Massachusetts General Laws Chapter 30A and the Adjudicatory Rules of Practice and Procedure, 801 CMR 1.02 and 1.03, regarding informal hearings will apply.

(1) To appear on camera for your hearing: You need (1) a computer with internet access and a camera, or (2) a laptop with internet access and a camera.

The Board will send an email to all parties prior to the hearing that contains a WebEx invitation and details the process on how to access the hearing remotely. All parties must access the hearing at the start time of the hearing. Parties will follow the below instructions in order to access the hearing:

**Requirements:** You will need to have a WebEx meeting invitation which contains a Join Meeting link and an Access Code. You do not need to download the app.

**Navigation:** Locate the Outlook meeting invitation; no need to take down the Meeting Number (access code).

**Step 1:** From there, select the "Join meeting" button.

**Step 2:** In your browser, scroll to the bottom and select "Join from your browser." If you plan to use your computer audio, make sure to allow a pop-up prompt that asks if Webex/browser can access your microphone.

**Step 3:** Enter your information (any email will be accepted) and then select "Next."

### **Using Computer or Phone Audio**

Before selecting "Join Meeting," determine if you will use computer audio or phone audio. Computer audio is usually easier, as long as your computer has a microphone built in (or connect a phone handset to your computer's headphone jack). If you are unsure about this, please follow the phone directions.

### **Computer Audio (Speaking and Listening)**

Ensure that your computer volume is unmuted and turned up. Selecting the Audio or Video button will turn on/off your microphone and camera (they are both on by default). Select "Join Meeting."

### **Phone Audio (Speaking and Listening)**

If you prefer to use your phone for the meeting audio, select the drop-down button for "Using computer for audio."

**Step 1:** Select "Call me" to enter your phone number and receive a call. After entering your number, select the "Join Meeting" button. You will receive a call; press 1 to be connected into Webex when prompted.

**Step 2:** Selecting "Call in" takes longer. If you prefer, select "Call in" and then "Join Meeting." You will be presented with the screen below; Call in, enter the US Toll Free number, then enter the "Access code" and "Attendee ID."

During the hearing, hover over the buttons on the bottom center of the screen. You can mute/unmute your audio and turn on/off your camera. You can see a list of hearing participants. Additionally, you can see a video preview of your current camera settings on the bottom right side.

Parties must have access to technology that will allow them to be clearly audible to members of the Board and to each other during the hearing. If technical difficulties arise once the hearing is underway, the Chair will determine how to address such difficulties, but the preferred practice will be to suspend the hearing while reasonable efforts are made to correct the problem.

The Board will make all efforts to distribute copies of documents or exhibits expected to be used at the hearing to the remote participants ahead of time. As such, parties are encouraged to submit all documents or exhibits (not previously filed with their initial appeal application) they intend to

use at least fourteen (14) days prior to the scheduled hearing date. If extenuating circumstances prevent parties from accessing technology that would allow for remote participation or the parties are unable to timely submit their documents to the Board in advance of their scheduled hearing, it will be necessary for the Board to postpone the hearing.

### **Tips for All Hearing Participants**

Determine in advance what device you will use to access the hearing (i.e. computer, laptop, tablet). Make sure your device's camera and speakers are working properly.

Be aware others can see what's behind you. Pay attention to lighting—sitting in front of a window can make you difficult to see.

Minimize noises and distractions to the extent possible. When you are not speaking, mute your microphone. Turn your phone on silent and minimize or close other windows on your computer screen to avoid sounds and notifications (this may also help the program run more smoothly).

Speak slowly and clearly. There may be an audio lag, so pause before and after speaking to account for this.

After both parties have finished presenting their respective cases to the Board, the Board will enter executive session utilizing the “move into the Lobby” feature of WebEx prior to rendering a decision. This feature allows the Board to communicate and deliberate outside of the view of the parties and public while also allowing them to remain connected to the subject hearing. While the Board is in executive session, parties are required to stay connected to the hearing and remain accessible for potential questions from the Board. Once the Board reaches a decision, it will end its use of “move into the Lobby” and resume the subject hearing to issue its decision.

Finally, as these hearings will remain open to the public, all spectators must have their microphone muted and they shall not speak or otherwise communicate with any party during the hearing. Members of the public shall further not utilize the chat feature or in any way interfere with the hearing.