

Massachusetts State Board of Electricians

Regular Meeting Minutes

August 28, 2017

Held at 1000 Washington Street Room 1D, Boston, MA

Boston, MA 02118

Board of State Examiners of Electricians convened its regular board meeting. Items listed in order of consideration.

- 1) The meeting was called to order by the vice Chair at 10 A.M.

The following Board members were present:

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

Absent Board members:

Peter Senopoulos, Fire Marshal Designee, Chair

The following members of Staff were present:

Robert Fortes, Deputy Director
Chris Lee, Investigator
Tamara Smith, Program Coordinator
Charles Kilb, Board Counsel

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- 2) The Board considered minutes from previous sessions:

- a) June 26, 2017 – Open Session
- b) June 26, 2017 – Executive Session
- c) July 24, 2017 – Open Session
- d) July 24, 2017 – Executive Session

A motion was made by Mr. Edmonds and seconded by Mr. Malagrifa and it was so unanimously

Voted: To approve the minutes as presented

- 3) The vice chair announced that the next scheduled Board meeting will be on September 25, 2017.
- 4) The Board considered recommendations for the issuance of licenses by reciprocity.
 - a) Nathan R. Carter, Journeyman

- b) Michael D. Dunham, Journeyman
- c) Bradley J. Lacasse, Journeyman

A motion was made by Mr. Edmonds and seconded by Mr. Malagrifa and it was unanimously
 Voted: To approve the recommendations for issuance of licenses

5) The Board considered Corporate and individual license changes submitted to the Board office:

Removals

Daniel J. Reagan
 (Vertex TCS LLC)

Additions

Daggett Electric LLC
 (Bruce F. Long)

E. Sousa Electric Inc.
 (Evandro R. Sousa)

J Gallant Electrical Services Inc
 (Jerry J. Gallant)

McBride Electric LLC
 (Owen H. McBride)

MTS Electrical Contracting LLC
 (Michael T. Sarat)

Scott D. McKinnon Electric Inc
 (Scott D. McKinnon)

Technical Construction Services Inc
 (Daniel J. Reagan)

A motion was made by Mr. Edmonds and seconded by Mr. Cunningham and it was so unanimously
 Voted: to approve the applications as presented.

6) Applications for reciprocity, corporate, and individual license changes processed by staff
 administratively after the agenda deadline.

None reported, no action required.

7) Reports

a) July Exam License issuances

Journeyman	59
Master	28
Systems Technician	7
Systems Contractor	2

b) Legislative update -- Mr. Colleary noted for the Board two bills of interest, HB136, which would require apprentices to be registered with the Division of Apprentice Standards and HB147, which would require cities and towns issue permits to homeowners. These bills are refiles, neither of them have emerged from the committee process, thus at this time, they are for information only.

No formal action.

c) Report of Chief Investigator. Nothing reported

8) The Board held a discussion regarding reciprocity with the state of Rhode Island.

This matter was brought up at the request of certain members of the industry who have contacted the agency. As a preliminary matter, the vice-chair requested an update regarding the continuing reciprocity agreement proposal sent to Rhode Island. Legal counsel noted that he had not gotten a response, however, Rhode Island is still in the process of updating the NEC to the 2017 edition, thus it may be waiting to finalize that update prior to considering the agreement. With regards to a licensing reciprocity agreement, the members generally indicated interest in researching the matter further. The Deputy Director and Legal Counsel will reach out to Rhode Island to gauge interest and will report back once a response is received.

No formal action required.

9) The vice chair opened the meeting to any matters not reasonably anticipated.

- Mr. Condon inquired regarding the licensing requirements for thermostat installations. It was noted that, due to its low voltage, there may be some confusion regarding the practice. No formal action taken.
- The Deputy Director reported that the process for obtaining a new Executive Director is still ongoing.
- Mr. Edmonds indicated that the Education Subcommittee would need to further address the issue of inspector education. No formal action taken

10) Board of Electricians' Appeals (after hearing, deliberations in closed quasi-judicial session)

At 11:07 AM A motion was made by Mr. Edmonds and seconded by Mr. Cunningham and it was so unanimously

Voted: to enter the quasi-judicial session to conduct a hearing.

Landry Communications, LLC v. Great Barrington Inspector of Wires (BEA-17-00003-AP)

After conducting the hearing, a motion was made by Mr. Edmonds and seconded by Ms. Dorian and it was so unanimously

Voted: To enter deliberative session closed to the public.

On exiting deliberations, a motion was made by Mr. Edmonds and seconded by Mr. Malagrifa and it was so voted by a majority (9 to 1):

Voted: To reverse the decision of Inspector of Wires, in part, and issue a formal written opinion consistent with the Board's discussion.

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

- a) Discussion of pending litigation where an open meeting may have a detrimental effect on the litigating position of the Board.

At 3 P.M. the Vice Chair announced that the next agenda item would require the Board to close the open session and enter executive session per M.G.L. c. 30A, §21 to discuss pending litigation where an open meeting may have a detrimental effect on the litigating position of the Board. The Chair estimated that the Board would be in Executive Session for approximately 20 mins.

A motion was made by Mr. Edmonds and seconded by Mr. Colleary and it was so unanimously approved by roll call vote: To enter into Executive Session (Separate Minutes maintained)

In favor: James Colleary, David Edmonds, George Condon, Steven LeVangie, Thomas Cunningham, Paul J. Malagrifa, John M. Sloane, Kathleen Guinee, John Bagni

Opposed: None

Abstained: None

Recused: None

At 3:18 p.m. the Board exited Executive Session and returned to open session.

Mr. Cunningham left the room and did not participate in the Investigative Conference

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

A motion was made by Mr. Colleary, seconded by Mr. Edmonds and it was so unanimously

Voted: to enter into Investigative Conference to review complaint matters.

Upon conclusion of the Investigative Conference, the following decisions on cases were noted for the public record:

- a) 2016-000765 – The Board offered settlement terms.
- b) 2017-000084 – The complainant in this matter sought reconsideration, however, upon further review, the Board members agreed with the original decision to dismiss the matter without prejudice.

Complaints investigated by Christopher Lee:

2017-000902 – forward for prosecutions

Complaints investigated by Richard Paris:

- | | |
|---|---|
| i. 2017-000726 – Dismiss w/o prejudice | vii. 2017-000823 – forward for prosecution |
| ii. 2017-000733 – forward for prosecution | viii. 2017-000846 – forward for prosecution |
| iii. 2017-000769 – Dismiss w/Advisory | ix. 2017-000865 – Dismiss w/o prejudice |
| iv. 2017-000789 – Dismiss w/o prejudice | x. 2017-000896 – Dismiss w/o prejudice |
| v. 2017-000799 – Dismiss w/Advisory | xi. 2017-000899 – forward for prosecution |
| vi. 2017-000822 – Refer to DOT | xii. 2017-000915 – Close |

13) Quasi-Judicial session.

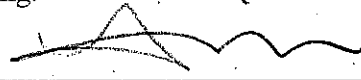
None required, no formal action taken.

14) The chair requested a motion to adjourn

At 3:18 p.m., the vice chair noted that the Board had completed all agenda items and requested a motion to adjourn the meeting.

A motion to adjourn was made by Mr. Colleary and seconded by Mr. Bagni and it was so voted unanimously to adjourn the meeting.

ATTEST: _____



9/25/17

List of Documents used at the meeting

1. Meeting agenda
2. June and July meeting minutes.

