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COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

## Minutes

**Bureau of Pipefitters, Refrigeration Technicians and Sprinklerfitters**  
**Division of Professional Licensure**  
**1000 Washington Street, Room 1D**  
**Boston, MA 02118**  
**May 16, 2018, 10:00 AM**

1. Meeting called to order by the Chair at 10:02 a.m., followed by roll call, the Chair asked that members identify themselves and whom they represent:

**Bureau Members Present:**

Charles Borstel, Chair  
Dan Dumont, NE Mechanical Contractors  
Justin Fishlin, Sprinklerfitter Member  
Pauline Lally, User Member  
Frank Norton, Boston Refrigeration Contractors  
Allan Berry, Refrigeration Technician Member  
Sharon Orr, Mechanical Engineer  
John Viola, Sprinkler Contractor Member  
Jennifer Revill, Public Member  
Brian Kelly, Mass. Building/Construction Trades

**Bureau Members Not Present:**

Leo Fahey, Pipefitter Member

**Guests Present:**

John Miller, SJ Applicant (Conference Call)  
Matthew Allen, PJU Applicant  
John Audet, PJ00 Applicant  
Luc Boucher, SJ Applicant  
Joe Brooker, SJ Applicant  
William LaMountain, PJ02-W & RT Applicant  
Jonathan Wells, SJ Applicant  
Kevin Wells, SJ Applicant  
Stephen Affanato, New England Mechanical  
Contractors Association  
Paul R. Campbell, Pipefitters Local 537  
Bill Fleming  
Bob Gallagher, EMCOR Group  
Peter Gibbons, Sprinkler Fitters Local 550  
Timothy Gibbs, EM Duggan  
Tim Gilligan, Pipefitters Local 537  
Shawn Kerr, TG Gallagher  
Thomas Kerr, Pipefitters Local 537  
Barbara Lagergren, Gould Construction Institute  
Ed Marks, Beacon Piping  
Paul McGrath, Pipefitters Local 537  
Jim O'Brien, Pipefitters Local 537  
Elizangela Barros, DPL  
Charles Kilb, DPL  
Daniel Kilburn, DPL  
Cesar I. Lastra, DPL



2. **Minutes:** The draft minutes from the April 18, 2018 Bureau meeting were reviewed. **Motion to approve the minutes made by John Viola, seconded by Pauline Lally; motion passed by unanimous vote.**

3. **Review of the following applications to examine:**

**John Miller (SJ) – Approved**

Application to examine for Sprinkler Journeyman's license submitted by John Miller was considered. Mr. Miller was present at the meeting via conference call. Mr. Miller completed his sprinklerfitter apprenticeship in 2005 through the US Department of Labor and completed the Automatic Sprinkler Apprentice Training Program through the Penn State World Campus. **Motion to approve the application made by John Viola, seconded by Brian Kelly; motion passed by unanimous vote.**

**Matthew Allen (PJU) – Approved**

Application to examine for Unrestricted Journeyman Pipefitter's license submitted by Matthew Allen was considered. Mr. Allen holds a holds Refrig/Journey 1 and Pipefitter/Journey 1 licenses in Rhode Island and has completed 10,000 job hours and 1,230 classroom hours through Plumbers & Pipefitters Local Union #51. **Motion to approve the application made by Dan Dumont, seconded by Brian Kelly; motion passed by unanimous vote.**

**John Audet (PJU) – Approved**

Application to examine for Unrestricted Journeyman Pipefitter's license submitted by John Audet was considered. Mr. Audet holds a Heating, Piping & Cooling Unlimited Contractor license in Connecticut and the Massachusetts Refrigeration Contractor license (RC-107562). **Motion to approve the application made by Sharon Orr, seconded by Frank Norton; motion passed by unanimous vote.**

**William LaMountain (PJ02) – Approved**

Application to examine for Process Piping Journeyman Pipefitter's license, with Welding, submitted by William LaMountain was considered. Mr. LaMountain holds a Refrig/Journey 2 and Pipefitter/Journey 2 licenses in Rhode Island and attained an Associate in Science Degree in Refrigeration/Air Conditioning/Heating Technology from the New England Institute of Technology. Sharon Orr questioned whether the license would allow him to perform process piping pipefitter work and welding, or just restrict him to welding process piping pipe. Daniel Kilburn informed Ms. Orr that the license would allow Mr. LaMountain to perform process piping pipefitter work and welding. Mr. LaMountain informed the Bureau members that he would be brazing pipe, not welding. **Motion to deny the application made by Brian Kelly, seconded by Allan Berry; motion passed by unanimous vote.** Brian Kelly recommended that Mr. LaMountain takes the Process Piping Journeyman Pipefitter's exam as Mr. LaMountain will not be welding. **Motion to allow Mr. LaMountain to take the Process Piping Journeyman Pipefitter's exam made by Brian Kelly, seconded by Sharon Orr; motion passed by unanimous vote.**

**William LaMountain (RT) – Approved**

Application to examine for Refrigeration Technician's license submitted by William LaMountain was considered. Mr. LaMountain holds a Refrig/Journey 2 and Pipefitter/Journey 2 licenses in Rhode Island and attained an Associate in Science Degree in Refrigeration/Air Conditioning/Heating Technology from the New England Institute of Technology. **Motion to approve the application made by Frank Norton, seconded by Justin Fishlin; motion passed by unanimous vote.**

**Luc Boucher (SJ) – Approved**

Application to examine for Sprinkler Journeyman's license submitted by Luc Boucher was considered. Mr. Boucher was not present at the time of his application's review. **Motion to table the application made by Brian Kelly, seconded by Allan Berry; motion passed by unanimous vote.** Mr. Boucher arrived to the meeting at 10:54 a.m. **Motion to remove the table made by Brian Kelly, seconded by Allan Berry; motion passed by unanimous vote.** Mr. Boucher holds a Fire Protection Unlimited Journeyman license in Connecticut and has completed the AFSA four level apprenticeship training program. **Motion to approve the application made by John Viola, seconded by Justin Fishlin; motion passed by unanimous vote.**

### **Joe Brooker (SJ) – Approved**

Application to examine for Sprinkler Journeyman's license submitted by Joe Brooker was considered. Mr. Brooker holds a Fire Protection Unlimited Journeyperson license in Connecticut and has completed the AFSA four level apprenticeship training program. **Motion to approve the application made by John Viola, seconded by Justin Fishlin; motion passed by unanimous vote.**

### **Jonathan Wells (SJ) – Approved**

Application to examine for Sprinkler Journeyman's license submitted by Jonathan Wells was considered. Mr. Wells holds a Fire Protection Unlimited Journeyperson license in Connecticut and has completed the AFSA four level apprenticeship training program. **Motion to approve the application made by Justin Fishlin, seconded by Frank Norton; motion passed by unanimous vote.**

### **Kevin Wells (SJ) – Approved**

Application to examine for Sprinkler Journeyman's license submitted by Kevin Wells was considered. Mr. Wells holds a Fire Protection Unlimited Journeyperson license in Connecticut and has completed the AFSA four level apprenticeship training program. **Motion to approve the application made by John Viola, seconded by Brian Kelly; motion passed by unanimous vote.**

## **4. Discussion of Draft Guidelines for Applications Going Before the Bureau**

Cesar I. Lastra presented to the Bureau members the proposed changes to the draft guidelines. The proposed draft incorporated the request made by Brian Kelly that the guidelines are in line with the Massachusetts requirements, the request made by Justin Fishlin that letters of good standing are within three months of submitting the license application, and the request made by John Viola to correct the guideline language addressing the level of responsibility to attain the Sprinkler Contractor's license. Mr. Viola raised concerns over denying an applicant the opportunity to go before the Bureau, regardless of their situation. Sharon Orr stated that the intent of the guidelines were to delegate the authority to approve applications to OPSI staff if minimum requirements are met. If the minimum requirements were not met, Ms. Orr continued, then those applications would be forwarded to the Bureau for consideration. Mr. Kelly added that the intent is not to have someone with less schooling and working hours to circumvent the Massachusetts licensing requirements.

Charles Kilb, Bureau Counsel, referenced the language of 528 CMR 11 where an applicant may be admitted for examination by a majority vote of the Bureau if they possess "qualifications other than those specified in 528 CMR 11.00" and "possessing a ... license or certificate from any other state or foreign country without serving the required time as an Apprentice as specified in 528 CMR11.00." Counsel added that a vote of the Bureau to allow an applicant, who openly admits not having formal training, may result in a viable legal claim to have future denial votes being overturned. Bureau Counsel reiterated that it is OPSI staff's intent to implement the Bureau's decisions or provide assistance when changes need to be made. Ms. Orr noted that the Bureau's intent is to establish consistency amongst themselves and codify the consistency, but to still have the opportunity to address extenuating circumstances. Frank Norton acknowledged Ms. Orr's concerns, but warned the members that doing so may equate to "opening Pandora's box". Mr. Fishlin raised the concern of an applicant, with 30 years of experience, not being able to provide documentation of attaining formal training throughout their career. Allan Berry asked Bureau Counsel whether language can be written or interpreted to allow an applicant, with no license, to go before the Bureau and still establish a minimum requirement. Bureau Counsel recommended the language, "Applicant with no formal education must document X", where "X" is what the Bureau chooses to recognize. Bureau Counsel added that it is not the intent to approve or deny the Bureau's applications to review, but make sure that the Bureau reviews a complete application that met their minimum requirements. Mr. Viola made a recommendation to strike the phrase regarding formal training out of the guidelines. Mr. Kelly stated that he has no knowledge of accepting applications to examine without formal education and recommended the language, "Applicants with no formal training may petition to the Bureau to further explain their qualifications to sit for the exam." Mr. Berry raised concerns over the Bureau setting the acceptable level of experience. Bureau Counsel stated that an alternative option would be to have the Bureau review all incoming applications that did not comply with 528 CMR, adding that the speed at which the reviews are taking place is a direct result of Mr. Lastra verifying that the documentation going before

the Bureau meets the minimum qualifications for approval. Mr. Kelly asked Mr. Lastra if he found the language of the draft guidelines acceptable. Mr. Lastra stated that he will follow the decisions made by the Bureau, the only issue is when the applicant cannot produce the requested documentation. Ms. Orr stated that she interpreted that language as applying to an applicant who is licensed in another jurisdiction where formal training is not required and has had a shift in understanding. Ms. Orr added that her initial thought of the guidelines were so as to delegate the approval of applications to OPSI staff, but now sees these guidelines as a method to help OPSI staff review applications that will go before the Bureau. Mr. Lastra added that he assumed the intent was to get as much information to go before the Bureau for their review so as not to table incomplete applications. Mr. Viola raised concerns that the regulations did not correspond to the draft guidelines. Bureau Counsel acknowledged that the regulations should be modified to properly address the matter, but it was OK to adopt via a Bureau majority vote. **Motion to approve made by Brian Kelly, seconded by Justin Fishlin; motion passed by unanimous vote.**

## 5. Proposed Changes to 528 CMR

Bureau Counsel, Charles Kilb, reminded the Bureau members that the draft version of 528 CMR 11.00 that was presented at the February 21<sup>st</sup> meeting added language to allow students in a vocational school to get credit towards attaining a Bureau license. Allan Berry questioned whether the draft regulation changed the age requirement to attain the Refrigeration Apprentice license. Bureau Counsel informed Mr. Berry that the age requirement is bound by statute, but the language of the draft regulation would encompass any future statutory changes. Brian Kelly notified the Bureau members that he was informed that Senator Rodriguez filled an amendment to strike the statutory age requirement language and allow the Bureau to write the requirements. Pauline Lally questioned the intent of the reciprocity agreement draft language under 11:07(1)(b). Bureau Counsel stated that the draft language under 11:07(1)(b) is common language and does not mandate the Bureau to enter a reciprocity agreement. Bureau Counsel added that the draft language would give the Bureau the option to enter an agreement in the future. Dan Dumont questioned the formal education draft language under 11:07(1)(d)(2.). Bureau Counsel noted that the section starts with language acknowledging, “absent special Bureau approval”, and gives the Bureau the flexibility to establish guidelines to grant credit towards obtaining a license.

Sharon Orr inquired whether the Bureau can make changes to the entire regulation at this time. Bureau Counsel stated that it is the Bureau’s decision to open the entire regulation for review. Mr. Kelly recommended to take a month to review the regulation to see if further changes should be made and discuss them at the next Bureau meeting. Ms. Orr added that she would like to revisit the breakdown and understanding of the pipefitter sub tier licenses, specifically the welder’s license. **Motion to table the draft regulations, as presented, for further review made by Sharon Orr, seconded by Jennifer Revill; motion passed by unanimous vote.** The Chair recommended that the Bureau entertains a listening session if their intent is to make changes to 528 CMR.

## 6. Open Discussion of Apprenticeship and Pre-Apprenticeship Matters with Division of Apprenticeship Standards Deputy Director Henry Mattuchio

Dave Sullivan spoke to the Bureau members in place of Henry Mattuchio. Mr. Sullivan informed the Bureau that he made a request to Mr. Mattuchio that an audit of the Bureau approved schools be conducted to verify that schooling hours matched the hours listed at the time of the school’s approval. Mr. Sullivan added that, until the audit is complete, the Division of Apprenticeship Standards’ Certificate of Completion of Apprenticeship was modified to display the work hours and school hours completed by the apprentice. At the time of this Bureau meeting, no status update of the audit was available.

## 7. Jurisdictional Report by the Office of Public Safety and Inspections

Daniel Kilburn, District Engineering Inspector Supervisor, presented to the Bureau members the OPSI jurisdictional report. Mr. Kilburn noted that he requested to change the name of the agenda topic from “enforcement report” to “jurisdictional report” to introduce new information to the Bureau members. A

handout titled “Pass Fail Rates – Bureau Licenses – October 2017 to April 2018” was distributed to the Bureau members. Sharon Orr inquired whether there was a difference between the pass fail rates of the pipefitting sub tier licenses. Mr. Kilburn stated that he would look in to the request and provide the results to Ms. Orr, unless the entire Bureau was interested to see the results. John Viola inquired on what is considered to be an acceptable pass rate. Mr. Kilburn stated that a passing rate of 60% to 80% is a reasonable expectation, however, the 56% and 57% passing rates for the Journeyman Sprinklerfitter exam and the Refrigeration Technician exam, respectively, grabbed his attention. Mr. Kilburn added that these passing rates may be related to the study habits to prepare for the exam, but there is no way to check on second exam attempts. Justin Fishlin inquired whether the handout included applicants who did not appear to their scheduled exam. Mr. Kilburn stated that the data comes from applicants who sat for their scheduled exam. Frank Norton questioned whether the examinations were made too difficult. Mr. Kilburn stated that, based on his past experiences of exam development with industry experts, it would be best to consult with an expert with credentials in education and testing to address the issue. Mr. Kilburn added that other jurisdictions have stricter pass rates and is not too concerned with the current pass rates. It is up to the Bureau to decide their pass rates. Allan Berry inquired on when was the last time the Refrigeration Technician’s exams reviewed. Mr. Kilburn stated that the Refrigeration Technician’s exams were reviewed three or four years ago and Mr. Kelly and Mr. Norton participated in the review.

#### **8. Further Discussion on the Pipefitters License Clarification Letter**

The Chair requested that the discussion be tabled for further legal review. **Motion to table the discussion made by John Viola, seconded by Sharon Orr; motion passed by unanimous vote.**

#### **9. Matters not reasonably anticipated 48 hours in advance of meeting**

- No discussion on matters not reasonably anticipated 48 hours in advance of the meeting.

#### **10. Motion to adjourn made by Sharon Orr, seconded by Jennifer Revill; motion passed by unanimous vote, meeting adjourned at 11:26 a.m.**

**The next meeting of the Bureau of Pipefitters, Refrigeration Technicians, and Sprinklerfitters will be on Wednesday, June 20, 2018 at 10:00 AM. The meeting will be held at the Division of Professional Licensure, 1000 Washington Street, Room 1D, Boston, MA 02118.**

#### **List of Documents/Exhibits Used at this Meeting**

- a. Draft minutes from meeting on April 18, 2018
- b. SJ Application – John Miller
- c. PJU Application – Matthew Allen
- d. PJU Application – John Audet
- e. PJ02-W Application – William LaMountain
- f. RT Application – William LaMountain
- g. SJ Application – Luc Boucher
- h. SJ Application – Joe Brooker
- i. SJ Application – Jonathan Wells
- j. SJ Application – Kevin Wells
- k. Draft Guidelines for Applications Going Before the Bureau (May 16, 2018)

- l. Proposed Changes to 528 CMR 11.00: PREREQUISITES FOR EXAMINATIONS FOR PIPEFITTERS, REFRIGERATION TECHNICIANS, AND SPRINKLER FITTERS (February 21, 2018)
- m. Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters – Compliance Inspection Report (May 16, 2018)
- n. Pass Fail Rates – Bureau Licenses – October 2017 to April 2018
- o. Pipefitters License Clarification Letter from Thomas P. Kerr Jr., Assistant Business Manager, Pipefitters Local 537 Boston and Vicinity
- p. Pipefitters License Clarification Letter from Charles Kilb
- q. Letters from James F. Grosso, representing the Associated General Contractors of Massachusetts, Inc. and the Labor Relations Division of Construction Industries of Massachusetts (Dated April 3, 2018 & April 4, 2018)
- r. Letter from Tom Coffey, representing the Massachusetts and Northern New England Laborers' District Council of the Laborers' International Union of North America, AFL-CIO and its Business Manager Joseph Bonfiglio