

## **ELECTRICIANS' EXAMINING BOARD MEETING MINUTES**

Meeting Date: February 20, 2015  
Meeting Location: Central Conference Room, State of Maine – Gardiner Annex  
Northern Avenue, Gardiner, Maine

Meeting Began: 8:20 a.m.

Roll Call of Officers:

The following members were present:

Don Berry  
Gerard Caron  
Brian McDougal  
Peter Wilson

The following member(s) were absent:

Earl Sherwood  
Ryan Morgan

Staff Present:

Catherine Carroll, Board Administrator  
Dora Hickey, Board Clerk  
Raymond Stanford, Senior Electrical Inspector  
Edward Mathieu, Electrical Inspector  
Kern Butler, Electrical Inspector  
Robert LeClair, Executive Director of Manufacturing Housing

AAG Present:

Christopher Mann

Hearing Officer:

Rebekah Smith

### **Board Meeting Minutes**

A motion was made to accept the January 16, 2015 minutes as written.

Motion: Gerard Caron  
Second: Don Berry  
Unanimous

### **Adjudicatory Hearings - Reinstatements**

#### **Peter Bates - #2015-ELE-10767**

Peter Bates was present by conference call and not represented by counsel. The hearing opened at 8:31 a.m. and closed for deliberation at 8:45 a.m.

Peter Bates explained that he allowed his license to expire since working for the U.S. Border Patrol came to the Board's attention while discussing Mr. Bates' request to reinstate his license that Mr. Bates never received a license. Mr. Bates, however, passed the journeyman exam and has never applied for a license. The Board concluded that Mr. Bates' pending reinstatement is moot and that Mr. Bates needs to apply for the journeyman license, and show he has accrued an additional 4,000 hours of licensed work experience to qualify for this license.

A motion was made to deny the reinstatement request since there is no license to reinstate.

Motion: Peter Wilson  
Second: Don Berry  
Unanimous

**Michelle Mitchell – #2015-ELE10845 - Journeyman License– Expired March 31, 2009**

Michelle Mitchell was not present. The Board did not hold a hearing on Ms. Mitchell's request.

**Scott Noble – #2015-ELE-10869 – Journeyman-In-Training License– Expired July 31, 2006**

Scott Noble was present and not represented by counsel. The hearing opened at 11:00 a.m. and closed for deliberations at 11:10 a.m.

Mr. Noble's license has lapsed or been revoked over the past nine years due to a history of complying with arrearages in Maine's child support. Mr. Noble has until May 29, 2015 to become licensed by the Board according to the Maine Department of Health and Human Services (DHHS) in order to maintain compliance with DHHS's child support payment schedule.

A motion was made to re-instate Mr. Noble's journeyman-in-training electrician license according to Board policy. This is to include all penalties and fees to be paid and to complete a live 45-hour 2014 NEC by December 31, 2015.

Motion: Gerard Caron  
Second: Don Berry  
Opposed: Peter Wilson  
Motion Carried

Peter Wilson opposed the motion because he had concerns that the terms and conditions for reinstating Mr. Noble's expired license may be inadequate due to the passage of time since the license was last active.

**Adjudicatory Hearing** – #2014-ELE-10142 – Craig Shores

The hearing commenced at 9:24 a.m. and closed for deliberation at 10:0 a.m. Mr. Shores was not present and was not represented by counsel.

The Board first determined if the alleged violation was committed, and then determined if sanctions were warranted.

A motion was made to find violation #1 as having been proven.

Motion: Peter Wilson  
Second: Don Berry  
Unanimous

A motion was made to find violation #2 as having been proven.

Motion: Don Berry  
Second: Peter Wilson  
Unanimous

A motion was made to find violation #3 as having been proven.

Motion: Gerard Caron  
Second: Don Berry  
Unanimous

A motion was made to find violation # 4 as having been proven.

Motion: Peter Wilson  
Second: Gerard Caron  
Unanimous

A motion was made to find violation # 5 as having been proven.

Motion: Don Berry  
Second: Peter Wilson  
Unanimous

A motion was made to find violation #6 as having been proven.

Motion: Gerard Caron  
Second: Don Berry  
Unanimous

A motion was made to find violation #7 as having been proven.

Motion: Peter Wilson  
Second: Gerard Caron  
Unanimous

A motion was made to find violation # 8 as having been proven.

Motion: Don Berry  
Second: Gerard Caron  
Unanimous

A motion was made to find violation # 9 as having been proven.

Motion: Peter Wilson  
Second: Don Berry  
Unanimous

A motion was made to find violation #10 as having been proven.

Motion: Don Berry  
Second: Peter Wilson  
Unanimous

A motion was made to find violation #11 as having been proven.

Motion: Gerard Caron  
Second: Don Berry  
Unanimous

A motion was made to find violation #12 as having been proven.

Motion: Gerard Caron  
Second: Don Berry  
Unanimous

A motion was made to find violation #13 as having been proven.

Motion: Don Berry  
Second: Gerard Caron  
Unanimous

A motion was made to find violation #14 as having been proven.

Motion: Peter Wilson  
Second: Don Berry  
Unanimous

A motion was made to find violation #15 as having been proven.

Motion: Don Berry  
Second: Gerard Caron  
Unanimous

A motion was made to find violation #16 as having been proven.

Motion: Peter Wilson  
Second: Gerard Caron  
Unanimous

A motion was made to find violation #17 as having been proven.

Motion: Don Berry  
Second: Gerard Caron  
Unanimous

A motion was made to find violation #18 as having been proven.

Motion: Peter Wilson  
Second: Don Berry  
Unanimous

A motion was made to find violation #19 as having been proven.

Motion: Gerard Caron  
Second: Don Berry  
Unanimous

In view of the evidence presented, and violations found, motions from the Board for penalties and sanctions were as followed:

A motion was made to assess a monetary fee of 1) \$1,000.00 each for violations 1 and 2 (sub-total \$2,000.00); 2) assess a monetary penalty of \$500.00 each for violations 3, 4, 7,10,11, 13, 16 and 19 (sub-total \$4,000.00): and, 3) assess \$250.00 for each of the remaining nine violations (sub-total \$2,250.00). The total fee assessed for violations 1-19 is \$8,250.00 to be paid within 6 months.

Motion: Peter Wilson  
Second: Don Berry  
Unanimous

The Board revoked Mr. Shores' right to seek reinstatement of his license and voted unanimously to instruct Board staff to pursue all available mechanisms to collect the civil penalties imposed herein as well as the civil penalties imposed by prior decisions that have not yet been paid by Mr. Shores. The Board

suggested that a press release on their decision and order be sent to media outlets.

### **Presentation of Complaints**

2014-ELE-10518 – A motion was made to accept the consent agreement as written.

Motion: Peter Wilson  
Second: Don Berry  
Unanimous

2014-ELE-10140 – A motion was made to accept the consent agreement as written.

Motion: Peter Wilson  
Second: Gerard Caron  
Unanimous

### **Code Course Review**

#### **@ A CheapestCourse.com – 15-Hour 2014 Update**

Chairman, Brian McDougal, recommended @ A CheapestCourse.com, with Donald Melchke as the instructor for the 15-hour 2014 NEC update. Mr. McDougal also recommended approving @A CheapestestCost.com for the 15-hour 2014 NEC.

A motion was made to approve @ A CheapestCourse.com, with Donald Melchke as the instructor, for the 15-hour 2014 NEC update.

Motion: Peter Wilson  
Second: Don Berry  
Unanimous

### **Senior Inspector's Report**

Raymond Stanford introduced the new electrical inspector, Edward Mathieu. Inspector Edward Mathieu will be covering Aroostook, Knox, Waldo and Washington counties.

This month, a commercial marijuana grow facility was found at a residential home. The issue is being address by Raymond.

Fire investigation training for the electrical inspectors has been scheduled. A representative from the Fire Marshal's office will be attending the next inspector's meeting to give the training.

PV System Rapid Shutdown requirement, 2014 NEC 690.12, is not currently being enforced. Raymond will be looking into this issue as there have been several questions from installers as to when we would start enforcing this article.

### **Administrator's Report – License "Reinstatement" Application Review Process**

Catherine Carroll reported on her findings on the license reinstatement processes within the Office of Occupational and Professional Regulation, the neighboring states of New Hampshire, Vermont, and Massachusetts, and the State of Colorado. Based on her inquiries with the office's director, staff attorney, board's assistant attorney general, and fellow administrators, and researching the laws and regulations in states licensing boards, she found that an individual whose license lapsed for more than two years is generally subject to the requirements for a new license. There are some exceptions to the rule, but such exceptions are only applied to unique circumstances. Catherine categorized the reasons commonly used by individuals who have allowed their license to lapse. Typically, the reasons were that individuals couldn't find work, moved to another state, or changed careers. Catherine summarized the relevant review criteria in Chapter 130 of the Board's rules for renewal and expiration of licenses. She proposed to have staff process requests for "reinstatements" of licenses that lapsed for more than two years and less than 10 years pursuant to Chapter 130. The staff would consult with the Board's chairman on each of these requests by providing a summary of the request and a recommendation, and based on the recommendation, the request would be approved and a license issued, or preliminarily denied with an option to enter into a consent agreement that would impose meeting terms and conditions to qualify for a license. Alternatively, an individual would appeal a preliminary denial and refuse to enter into a consent agreement by requesting that the Board have a public hearing on their application. She said that this proposal would be in keeping with processing such requests under Chapter 130. The Board gave Catherine and Chairman McDougal permission to work together on reviewing future applications, and Catherine said that she would provide progress reports to the board at their monthly meetings to seek feedback from the Board on the process and applying provisions of Chapter 130.

### **Other Business**

None

### **Adjournment**

The meeting was closed at 12:45

*Respectfully submitted,*  
Dora Hickey, Board Clerk