

**ELECTRICIANS' EXAMINING BOARD
MEETING MINUTES**

Meeting Date: July 17, 2015
Meeting Location: Central Conference Room, State of Maine – Gardiner Annex
Northern Avenue, Gardiner, Maine

Meeting Began: 8:00 a.m.

Roll Call of Officers:

The following members were present:

Gerard Caron
Earl Sherwood
Brian McDougal
Ryan Morgan
Peter Wilson

The following member(s) were absent:

Don Berry

Staff Present:

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

AAG Present:

Christopher Mann

Hearing Officer:

Rebekah J. Smith

Board Meeting Minutes

A motion was made to table the March 20, 2015 minutes until a quorum is present to vote.

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

Adjudicatory Hearing – #2014-ELE-10399 – Greg Jewell

The hearing commenced at 9:30 a.m. and closed for deliberation at 10:50 a.m. Greg Jewell was present and was not represented by counsel.

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

Location: 199 Ridge Road, Fairfield – Wood frame bookstore with adjacent apartment.

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

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Peter Wilson
Second: Gerard Caron
Opposed: Ryan Morgan

Motion Carried

Location: 71 Western Avenue, Madison – Wood framed daycare center.

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

Motion: Gerard Caron
Second: Earl Sherwood
Opposed: Brian McDougal, Ryan Morgan, Peter Wilson – No permit was submitted
with exhibits

Motion Defeated

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

Motion: Ryan Morgan
Second: Peter Wilson
Unanimous

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

Motion: Ryan Morgan
Second: Earl Sherwood
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

Location: 35 Easy Street, Canaan – Wood framed auto dealership

A motion was made to not find violation #1 as proven. No permit was submitted with exhibits to show dates.

Motion: Peter Wilson
Second: Ryan Morgan
Unanimous

Location: 354 Upper Ridge Road, Fairfield - Radio emergency communications building

A motion was made to not find violation #1 as proven. No permit was submitted with exhibits.

Motion: Ryan Morgan
Second: Peter Wilson
Unanimous

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

Motion: Peter Wilson
Second: Earl Sherwood
Unanimous

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

Motion: Peter Wilson
Second: Earl Sherwood
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Peter Wilson
Unanimous

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

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

Location: 156 Madison Avenue, Skowhegan – Wood framed single family dwelling

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

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

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

Motion: Gerard Caron
Second: Peter Wilson
Unanimous

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

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

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

Motion: Peter Wilson
Second: Gerard Caron

Board Discussion: Ryan Morgan asked for Inspector, Kern Butler, to return to the witness stand. Hearing Officer, Rebekah Smith, approved additional questioning for Mr. Butler. Mr. Morgan asked Mr. Butler if he went back to the site for inspections of the breakers, and if so, were they replaced? Mr. Butler responded that he returned to the location and that the breakers had been replaced.

Unanimous

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

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

Location: 139 Libby Lane West Gardiner – Wood framed single family dwelling

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

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Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

Violation #3 was withdrawn by the State.

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Peter Wilson
Unanimous

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

Motion: Peter Wilson
Second: Gerard Caron

Location: 140 Madison Avenue, Skowhegan – Wood frame multi-unit apartment building with commercial space

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

Motion: Ryan Morgan
Second: Peter Wilson
Unanimous

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

Motion: Peter Wilson
Second: Ryan Morgan
Unanimous

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

Motion: Peter Wilson
Second: Gerard Caron
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: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Earl Sherwood
Unanimous

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

Motion: Peter Wilson
Second: Earl Sherwood
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

Location: 132 Somerset Avenue, Pittsfield – Wood framed church and associated office space

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

Motion: Peter Wilson
Second: Ryan Morgan
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Motion: Ryan Morgan
Second: Earl Sherwood
Unanimous

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

Motion: Ryan Morgan
Second: Earl Sherwood
Unanimous

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

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

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

Locations:

199 Ridge Road, Fairfield – A motion was made to find violations #3 and #4 as serious.

Motion: Ryan Morgan
Second: Gerard Caron

Unanimous

71 Western Avenue, Madison – A motion was made to find violations #3 and #4 as serious.

Motion: Ryan Morgan
Second: Gerard Caron
Opposed: Peter Wilson and Brian McDougal (believed that violation #2 should also be considered serious)
Motion Carried

354 Upper Ridge Road, Fairfield – A motion was made to find violations #3 and #4 as serious.

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

156 Madison Avenue, Skowhegan – A motion was made to find violations #2, #3, #4 and #5 as serious.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

139 Libby Lane, West Gardiner – A motion was made to find violations #1, #6 and #8 as serious.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

140 Madison Avenue, Skowhegan – A motion was made to find violations #2 #4, #7 and # 8 as serious.

Motion: Peter Wilson
Second: Gerard Caron

Board discusson: Ryan Morgan requested the motion be amended to include condition #3.

The motion was amended to include violation #3.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

132 Somerset Avenue, Pittsfield - A motion was made to find violations #2 #3, #4 and # 6 as serious.

Motion: Ryan Morgan
Second: Gerard Caron
Unanimous

A motion was made to: 1) assess a monetary penalty of \$1,000.00 for all serious violations listed and that the penalty is paid within 6 months of the date of the Decision and Order; 2) require Mr. Jewell to complete a live current 2014 45-hour National Electrical Code course within 12 months of the date of the Decision and Order, and 3) send a letter of reprimand to Mr. Jewell requiring to report on the full scope of work to be performed on all future electrical permit applications.

Motion: Peter Wilson
Second: Don Berry
Unanimous

Code Course Review

On-Line Classes.com DBA of Infinity LC/Alex Pesirdis, Kim Hatthaway, Bob Busker, Dennis Bryant –

Brian McDougal, Board Chair, recommended On-Line-Classes.com DBA of infinity LC, with instructors Alex Pesirdis, Kim Hatthaway, Bob Busker and Dennis Bryant be accepted as a provider of the 15-hour 2014 NEC.

A motion was made to approve On-Line-Classes.com DBA of Infinity LC with the additional request that the exams are to be administered by the provider.

Motion: Peter Wilson
Second: Ryan Morgan
Unanimous

Senior Inspector's Report

Raymond Stanford talked about a concern he has regarding HP"E" licenses. He mentioned that the inspectors are seeing more instances of 2 helpers working with 1 supervising electrician and that the field inspectors have no way of corroborating some of the helpers claims to being in a full time course of study. This led him to question whether course providers who are not Community Colleges for example can certify that a student is thus enrolled and thereby eligible for an HP"E" license. Raymond raised this issue to the board and discussion followed indicating that the board would like Raymond, Catherine and Chris Mann to look into this issue and present language to the board that would allow any helper that is enrolled in a complete course of study (576 hours) to be eligible for the HP"E" license. There was also discussion indicating that the board might be interested in making the HP"E" license a permanent option for anyone who has completed the course of study. The HP"E" license would remain free for students enrolled in a course of study (while they are enrolled) but would change to the regular fee upon graduation. Raymond's thought was that this would allow more helpers who should be eligible to work 2 on 1 with a supervisor and also make these particular helpers more valuable (hopefully earning more income) even after school. The intent

is for this license to be available to anyone eligible with no time limitation. Peter Wilson suggested revisiting the issue at the September meeting by reviewing proposed language to incorporate into rules.

Thirty-two (32) issues of not obtaining a permit were mentioned by Raymond Stanford and are a continuing issue.

Raymond addressed the Board suggesting that providers of the 15-hour NEC include an hour to discuss the State of Maine Laws & Rules and common violations. A suggestion was made, by Board member Peter Wilson, to implement the requirement for the 2017 NEC. Peter Wilson stated the live presentation could easily be adjusted for the one hour coverage, online and correspondence courses may have a bit more of an issue with this but could still be done easily. Administrator, Catherine Carroll and Senior Electrical Inspector, Raymond Stanford are to provide a list of the common violations which should be covered.

A motion was made to add to the 15-hour update to include the Laws & Rules and common violations and to keep it within the 15-hours NEC which already exists.

Motion: Gerard Caron
Second: Peter Wilson
Unanimous

Administrator's Report

The Board's laws and rules do not address issuing "conditional" helper licenses to individuals who are incarcerated. Catherine Carroll stated an individual who is incarcerated will be issued a helper license without a "conditional" status. However, the license will be "flagged" in the database to assure that the licensee contacts the Electricians' Examining Board at the time of their release for the Board to consider future licensing.

Catherine explained the process of preliminarily denying and offering consent agreements to those fully or partially not disclosing criminal convictions on their license and renewal applications.

Catherine stated that LD 766 – *An Act to require a medical marijuana primary caregiver cultivating in a residential building to obtain an electrical permit* died and that electrical permits for such installations will be required to be obtained by the Board and not DHHS which was in part the proposal in LD 766.

Catherine continues to review with the assistance of Board Chair, Brian McDougal, applications for licenses that expired 2-10 years ago. The fees administered for these licenses are a \$150 license fee and a \$100 late fee. Individuals whose license expired more than two renewal periods are required to complete a current 45-hour NEC course.

The staff is working on updating the Board's web page by adding prominent links to readily access a list of course providers, the electrical permit requirements, and a list of "did you know?" facts. Office staff and inspectors continue to encourage users to apply for permits and licenses online.

Catherine stated that the Commonwealth of Massachusetts has contacted the State of Maine regarding reciprocity between the two states. Brian McDougal spoke with the Director of the Massachusetts Board and invited him to attend today's meeting or to meet with a representative from their Board outside of a Board meeting. No response has been received from Massachusetts for either invitation. The Board was asked how they wanted to proceed with reciprocity. It was suggested that the chairman and senior electrical inspector arrange a meeting with their Massachusetts counterparts and to report back to the Board.

Catherine mentioned that bids on the RFP for an examination vendor are due July 29, 2015.

Catherine stated that "inactive" licenses will no longer be issued until the board adopts rules for the implementation of inactivating licenses under their authority pursuant to M.R.S. 32, Chapter 17 §1202(4).

Other Business

Chris Mann discussed U.S. Supreme Court decision with the North Carolina Dental Board.

Dora Hickey retires on July 31, 2015 after serving as the Board's clerk for over 10 years. Thank you, Dora. We will miss you.

Adjournment

A motion was made to adjourn the July 17, 2015 meeting at 2:30.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

Respectfully submitted,
Dora Hickey, Board Clerk