

**AUTOMOTIVE GLASS WORK AND FLAT GLASS WORK
EXAMINING BOARD**
TEL. NO. (860) 713-6135

-MINUTES-

APRIL 24, 2015

The Connecticut Automotive Glass Work and Flat Glass Work Examining Board held a regular meeting on April 24, 2015 commencing at 9:44 AM in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

Board Members present: Edward J. Fusco (*Unlimited Journeyperson- Flat Glass Work*)
Jennifer Russell-Vanasse (*Unlimited Contractor-Flat Glass Work*)
Frank Pitrone (*Unlimited Contractor-Automotive Glass Work*)
John A. Wisniewski (*General Contractor-Auto Glass Work*)

Board Members not present: Carl Von Dassel (*Unlimited Contractor- Flat Glass Work*)
Brian Blank (*Public Member*)
David A. Wills (*Public Member*)

Board Vacancies: One. (*Public Member*)

Board Counsel: Not present, as requested.

Board Staff Present: Robert M. Kuzmich, *Department of Consumer Protection*
Richard M. Hurlburt, *Department of Consumer Protection*

Others Present: Eileen Meskill, Office of the Attorney General
Larry Satchell, Connecticut Department of Labor
Jessica Olander, Connecticut Glass Dealers Association
Joe Fazzino, IUPAT

Note: The administrative functions of the Boards, Commissions, and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, contact Richard M. Hurlburt, Director, at (860) 713-6135 or Fax (860)-706-1255.

Agency Website: www.ct.gov/dcp

Division E-Mail: dcp.occupationalprofessional@ct.gov

1. 9:30 A.M. MEETING CALLED TO ORDER BY CHAIRMAN.

Chairman Fusco called the meeting to order at 9:44 AM.

2. REVIEW OF DRAFT OF MINUTES OF PREVIOUS MEETING: FEBRUARY 27, 2015.

The Board reviewed and approved the minutes a submitted subject to verification by Mr. Kuzmich of the Board attendance at this meeting. (Russell-Vanasse/Wisniewski)

2. COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

There were no requests to speak from anyone present at today's meeting.

3. OLD BUSINESS:

1. Continuation of discussion concerning the Board's definition of "Glazier".

Ms. Russell-Vanasse distributed to the Board Draft Changes to the Regulations of Connecticut State Agencies pertaining to Flat Glass Work and Automotive Glass Work that she prepared in collaboration with Mr. Hurlburt. This draft expands Sec. 20-332-1. Definitions to include definitions for "Flat Glass Work" and "Glazier". The draft also includes new Sec. 20-332-6b. Licenses issued by the automotive glass work or flat glass work examining board.

This Section includes expanded definitions of Unlimited Contractor's license for Flat Glass Work (FG-1), Unlimited Journeyman's License for Flat Glass Work (FG-2), Unlimited Contractor's license for Automotive Glass Work (AG-1), Unlimited Journeyman's License for Automotive Glass Work (AG-2), Limited Auto Glass Repair

Contractor (AG-3), and Limited Auto Glass Repair Journeyman (AG-4). In addition, the Section also details the qualifications required for each license type. The Board discussed this proposed draft at length. Among the discussion was a revised definition of Automotive glass work as shown below:

(z) "Automotive glass work" means installing, maintaining or repairing glass in motor vehicles, including, but not limited to windshields, door glasses, side and back windows, mirrors, sunroofs, moon roofs and automotive trim work, including the incidental work of the motor, regulator assembly, associated rust remediation and treatment.

The Board agreed to continue their discussion of this proposed draft and present any changes Board Members may have at their next meeting scheduled for July 24, 2015.

4. REVIEW OF CORRESPONDENCE:

1. Statute Section 21a-8. (8) – Department’s and commissioner’s powers and duties re boards and commissions; for the Board’s information. The Board reviewed this correspondence in detail and thanked the Department for the same.

5. NEW BUSINESS:

A. Presentation by the Attorney General’ Office (of the State) regarding the Supreme Court of the United States Ruling; North Carolina State Board of Dental Examiners v. Federal Trade Commission; for the Board’s information.

Assistant Attorney General Eileen Meskill attended this meeting to provide legal advice regarding the following case: *Supreme Court of the United States, North Carolina State Board of Dental Examiners v. Federal Trade Commission*. Attorney Meskill provided the Board with a brief overview of this case noting that it involves a recent decision by the U.S. Supreme Court addressing the authority, role and scope of a State Regulatory Board. This case involved the North Carolina Dental Licensing Board, and was brought by the U.S. Federal Trade Commission. The facts of the case involve actions by the North Carolina Board to prohibit non-dentists from conducting teeth whitening services. The Supreme Court ruled against North Carolina, indicating that there was not sufficient involvement by the State to protect the actions of the Board from anti-trust claims.

Attorney Meskill elaborated on what “active state supervision” entails. She further clarified what may be implied by the Court’s recent decision and that there has to be actual positive consideration of the record, and a written decision by someone in the State who is not on the Board or Commission. The Board can develop the record and

propose a written decision, however, the decision needs to be reviewed by the State by appropriate personnel in some capacity, and the proposal must meet a clearly articulated State policy, whether a statute or regulation.

Ms. Meskill noted that this case in point is a “scope of practice case”. This case is brought to the attention of the Connecticut Boards and Commissions because the potential exists for the same situation to occur to them although the facts of such cases may differ in detail from those in the North Carolina matter. Ms. Meskill encouraged the Board to read summaries of this case which can be found on line or elsewhere. Mr. Pitrone asked if the concern with this Board is that they sit in judgement of their competitors to which Ms. Meskill confirmed.

The Office of the Attorney General is in the process of determining what this case means to the State Boards and Commissions. Ms. Meskill again noted that this matter does not pertain to systematic disciplinary issues, rather to scope of practice/work issues. The Attorney General’s Office will be meeting with the Governor’s Counsel regarding this decision and discuss the overall impact. At that point, it can be decided if anything needs to be addressed or changed within State agencies and Board/Commission procedures.

The Board is encouraged to call the Office of the Attorney General with any concerns regarding this matter. The Board thanked Ms. Meskill for bringing this matter to their attention.

B. First review of Applications received by the Department:

1. Application of Mr. Brandon J. Count for a Flat Glass Journeyman’s license (FG-2); for review and discussion by the Board. The Board voted, unanimously, to conditionally approve this application pending receipt by the Department of notarized documentation from the applicant's employer detailing his complete work history. (Wisniewski/Pitrone) Upon receipt of this documentation by the Department, the testing company will be notified to authorize the candidate for his respective examination type.

2. Application of Mr. Thomas W. Gallagher, II for a Flat Glass Journeyman’s license (FG-2); for review and discussion by the Board. The Board voted unanimously to approve this application. (Pitrone/Wisniewski)

3. Application of Mr. Douglas H. Green for a Flat Glass Journeyman’s license (FG-2); for review and discussion by the Board. The Board voted, unanimously, to deny this application based upon a lack of documentation of the required on-the-job training hours and related classroom instruction hours. (Pitrone/Wisniewski)

4. Application of Mr. Michael F. Lampron for a Flat Glass Journey person's license (FG-2); for review and discussion by the Board. The Board voted unanimously to approve this application. (Wisniewski/Russell-Vanasse).

5. Application of Mr. Aldo Navarro for a Flat Glass Journey person's license (FG-2); for review and discussion by the Board. The Board voted, unanimously, to deny this application based upon a lack of documentation of the required on-the-job training hours and related classroom instruction hours. (Russell-Vanasse/Pitrone).

6. Application of Mr. Marco A. Nunez for a Flat Glass Journey person's license (FG-2); for review and discussion by the Board. The Board voted, unanimously, to deny this application based upon a lack of documentation of the required on-the-job training hours and related classroom instruction hours. (Russell-Vanasse/Pitrone).

7. Application of Mr. James E. Pike for a Flat Glass Contractor's license (FG-1); for review and discussion by the Board. The Board voted, unanimously, to deny this application based upon it being incomplete and providing no evidence of the required on-the-job training hours and related classroom instruction hours. (Russell-Vanasse/Wisniewski)

8. Application of Mr. Joe Sandbichler for a Flat Glass Journey person's license (FG-2); for review and discussion by the Board. The Board voted, unanimously, to deny this application based upon it being incomplete and providing no evidence of the required on-the-job training hours and related classroom instruction hours. (Russell-Vanasse/Wisniewski)

9. Application of Mr. Rafael Severino for a Flat Glass Journey person's license (FG-2); for review and discussion by the Board. The Board voted, unanimously, to deny this application based upon it being incomplete and not providing evidence of completion of the required on-the-job training hours and related classroom instruction hours. (Russell-Vanasse/Wisniewski)

10. Application of Mr. Matthew W. Viera for a Flat Glass Journey person's license (FG-2); for review and discussion by the Board. The Board voted, unanimously, to deny this application based upon it being incomplete and providing no evidence of the required on-the-job training hours and related classroom instruction hours. (Russell-Vanasse/Wisniewski)

6. OTHER BUSINESS:

No items were discussed.

7. COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

There were no requests to speak from anyone present at today's meeting.

There being no further business, the meeting adjourned at 11:20 AM.
(Vanasse/Wisniewski)

NEXT MEETING DATE; JULY 24, 2015.

**STATE OFFICE BUILDING
165 CAPITOL AVENUE, RM. 117
HARTFORD, CONNECTICUT**

TIME: 9:30 AM

Respectfully Submitted,

Robert M. Kuzmich, R.A.
License and Applications Specialist