

**STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION**

February 9, 2007

**MINUTES OF MEETING
ELECTRICAL WORK EXAMINING BOARD**

The meeting of February 9, 2007 was called to order by Laurence A. Vallieres, Chairman, at 8:36 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present: Laurence A. Vallieres, Contractor, Chairman
 Ronald Bish, Contractor
 Raymond A. Turri, Contractor
 Roger L. Johnson, Jr., Journeyman
 David Munsill, Journeyman
 Douglas A. Reid, Journeyman
 Kenneth B. Leech, Journeyman
 Michael Muthersbaugh, Electronic Technician

Members Absent: Jack B. Halpert, Public Member

Board Vacancies: Three (4) Public Members

DCP Staff Present: Nelson Leon, Board Secretary
 Richard Hurlburt, Director
 Anthony Santoro, Administrative Hearings Attorney
 Helen Hillman, Consumer Information Representative
 Robert Nakano, Special Investigator Supervisor
 Ray Fuocco, Occupational Trade Inspector
 Janita Hamel, Occupational Trade Inspector Supervisor

The next regular meeting of this Board is scheduled for Friday, March 9, 2007 at 8:30 a.m. in Room-117

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division.
For information, call Director Richard M. Hurlburt at (860) 713-6135 or visit www.ct.gov/dcp.

1. Meeting called to order at 8:36 a.m.
2. Review of the Electrical Board Minutes:

Meeting minutes of the January 12, 2007 meeting were reviewed.

Board Member Bish motioned to approve the minutes with amendments on page-2, to reflect Mr. Zaine short 144 hours of school related instructional experience, and on page-4, to reflect Mr. Paul Aloï issued a Civil Penalty in the amount of \$7,000.00, Board Member Turri 2nd, and the vote carried unanimously.

3. Appearing before the Board at the Board's request: **None**
4. Request to Appear Before the Board: **None**
5. Comments or Concerns of any Person Present Today: **None**
6. CHRO Applicants: **None**
7. CHRO Renewals: **None**
8. Review of Application(s) for Licensure Examination:

Todd A. Bayne, Burlington, CT – (T-1) Limited Contractor Application – Denied

Board member Turri motioned to deny due to a non-qualifying hardship and lack of a required (T-2) Limited Journeyman license for a minimum of two years, Board member Bish 2nd, and the vote carried unanimously.

9. Applicant(s) for Licensure Appearing in Person:

Richard P. Cassarino, Rocky Hill, CT – (C-6) Limited Journeyman Application – Denied

Board member Leech motioned to deny due to lack of a required "Apprenticeship Completion Certificate", Board member Turri 2nd, and the vote carried unanimously.

Pedro J. Ferrer, Danbury, CT – (E-2) Unlimited Contractor Application – No Action Taken

Board Chairman Vallieres suggested that Mr. Ferrer formally meet with a representative of the CT Department of Labor to verify his registered apprenticeship hours and obtain a sign-off letter.

Thomas J. Fickeria, Patterson, NY – (T-2) Limited Journeyman Application – Approved

Board member Reid motioned to approve Mr. Fickeria's application, Board member Bish 2nd, and the vote carried unanimously.

Bryan E. Saulis, Wallingford, CT – (E-2) Unlimited Journeyman Application – Approved

Board member Turri motioned to approve Mr. Saulis' application, Board member Reid 2nd, and the vote carried unanimously.

10. Request for Waiver of the Two Year Journeyman Requirement:

Michael J. Mancini, Watertown, CT – (E-2) Unlimited Journeyman, Issue date (11/21/06)

Board member Johnson motioned to deny waiver of the two year Journeyman requirement due to a non-qualifying hardship, Board member Muthersbaugh 2nd, and the vote carried unanimously. Mr. Mancini did not appear before the Board at today's meeting.

11. Request for Renewal of License: **None**

12. Request for Reinstatement: **None**

13. Request for Reconsideration:

In the Matter of David Mathvink Docket No. 06-2031

Mr. Mathvink appeared before the Board today and requested re-consideration of the Board's 9/8/06 meeting decision, in which a Formal Administrative Hearing was held and the Board decided to on a Final Decision and Order, consisting of an Immediate Order of Discontinuance, Civil penalty in the amount of \$26,500.00, and revocation of Mr. Mathvink's (L-5) Limited Contractor license.

Board Chairman Vallieres suggested this matter be tabled to their next meeting scheduled for Friday, March 9, 2007, in order to review the 9/8/06 Board meeting hearing tapes and minutes to verify if Mr. Mathvink was present at the meeting. The 9/8/06 hearing minutes state that Mr. Mathvink admitted to pulling permits for 10 sites. Mr. Mathvink informed the Board at today's meeting that he was not present at the 9/8/06 meeting due to family illness and did not notify DCP of his inability to attend the meeting. The 9/8/06 Board meeting guest sign-in sheet did not reflect Mr. Mathvink signing-in, however, at today's meeting, Mr. Mathvink was present and did not sign-in.

14. Request for Waiver of Continuing Education Penalty:

Albert Trazi, Greenville, RI – (E-2) Unlimited Journeyman.

Board member Bish motioned to waive continuing education penalty and accept Mr. Trazi's surrendered (E-2) Unlimited Journeyman license, Board member Turri 2nd, and the vote carried unanimously.

Luis E. De Jesus, Hartford, CT – (E-2) Unlimited Journeyman.

Board member Muthersbaugh motioned to deny waiver of continuing education penalty, Board member Bish 2nd, and the vote carried unanimously.

15. Request to Suspend: **None**

16. Proposed Settlements and/or Stipulations Containing Consent Orders: **None**

Settlements Agreements:

Stipulation Agreements:

17. Notice of Continuance: **None**

18. Request to Dismiss or Request to Dismiss Without Prejudice: **None**

19. Request to Revise: **None**

20. Request to Re-open: **None**

21. Review of Examination Results: **None**

Electrical:

TV & Radio:

22. Review of Correspondence: **None**

23. Old Business:

Board Chairman Vallieres requested that Trade Practice Division provide them with a report concerning all electrical complaint cases being handled.

Mr. Nakano reported to the Board that Trade Inspector Supervisor, Janita Hamel has been working on the report however, she has been out ill. Mr. Nakano further reported that upon Ms. Hamel's return, the report will be worked on for completion and presentation to the Board.

Chairman Vallieres asked Mr. Nakano if there is anything the Board can do to help DCP get additional inspectors or get inspectors out on a more frequent basis. Mr. Vallieres is asking the question because many of the Board members represent the electrical industry and hear very frequently through the industry that inspectors are not out there, no inspections going on, and that apparent violations are going on that the Board hears about. Mr. Nakano informed the Board that DCP is moving through some new legislation with regards to individuals working without licenses, trying to make it a misdemeanor, where something can be done immediately with penalties. Mr. Nakano stated that quite often individuals don't pay penalties and don't have licenses, so there really is nothing you can do from a punitive standpoint to that person. If they don't have a license to take away, then there is no incentive for them to pay the penalty, and it becomes a vicious cycle. Board member Bish said that if there is no one out there enforcing, violations can go on forever, and they could be doing this all day long. Mr. Nakano said that DCP does respond to complaints with inspectors doing site inspections, but the reality is that individuals who are licensed or operating without a license, but the punitive end of it becomes difficult to enforce. Mr. Vallieres said that a project is going on right now in the Greater Hartford area that is being reported to be going around the clock (3 shifts), and DCP will obviously not have inspectors out there on 2nd or 3rd shift. Mr. Vallieres said its a golden opportunity for violations to be taking place, and as members of the industry, the Board is very concerned, and would like to know how they would address this issue to the DCP Commissioner, and that the Board would like to do what it can to help DCP, and understands that DCP is also trying to help the Board's industry. Mr. Nakano informed the Board that a bill that is going before the legislature that would assess, in addition to any civil penalties, a criminal penalty (class B misdemeanor.) The bill would be providing some type of criminal sanction and bring individuals in to the criminal court system, where the fines and punishment is more severe. Issuance of a summons on a job site would deter individuals from not obtaining the required license. Board member Bish expressed concern about DCP having only 4 trade inspectors covering the entire state considering all of the Boards DCP deals with, and are pleading that more trade inspectors are needed, and at different times need to be performing inspections. Board member Turri asked Mr. Nakano why the state does not utilize

municipalities, you license inspectors in municipalities, yet you don't utilize inspectors whose town issues permits for every project, and 99% of the projects that are on-going, whatever discipline, have to be inspected by the state, town, or city. Mr. Nakano informed the Board that the state building official's office indicated that their primary jurisdiction is issuing of permits and checking for code violations, and not checking for licenses, and instruct their building officials in that manner. Board member Turri said that there are inspectors throughout the state of Connecticut, and they would love to share in the percentages of fines that are brought in. Board member Bish indicated that building officials have the powers to shut a job down.

Mr. Waytowich informed the Board that at their 6/9/06 meeting, DCP Trade Enforcement Director, Richard Maloney was present and informed the Board that there was a meeting scheduled with the State Building Inspector, Chris Laux to try and work out a solution of getting municipal inspectors involved in the inspection of licenses. Mr. Nakano said that Mr. Laux's office has maintained their position that their job as state building inspectors is to check for code violations and not for licenses, and that DCP is in charge of checking for licenses, and that his inspectors will continue to do code violations and issue permits, and DCP should continue to check licenses, and that it is not the jurisdiction of his inspectors. Mr. Waytowich said that in accordance to the National Code, you have to be qualified to do the work, wouldn't that be a violation of the National Code; if you are required to have a license in the state and you are doing work without it? Mr. Nakano said that is a question Mr. Laux would have to address because that is his jurisdiction.

Mr. Nakano presented a list provided by Mr. Hurlburt reflecting 112 electrical on-going complaints from 2005 to 2007, with 30 complaints closed.

24. Formal Administrative Hearings:

In the Matter of Gerald Bach

Docket No. 06-2601

Board member Leech motioned to issue a Civil Penalty in the amount of \$2,500.00 and suspend Mr. Bach's electrical license for a period of 6 months, Board member Johnson 2nd, voted carried unanimously.

In the Matter of Precision Electric Corp.

Docket No. 06-2602

Board member Leech motioned to issue a Civil Penalty in the amount of \$1,000.00, Board member Reid 2nd, vote carried unanimously.

In the Matter of Bharat Jagessarsigh

Docket No. 06-2603

Board member Bish motioned to issue a Civil Penalty in the amount of \$1,000.00, Board member Turri 2nd, vote carried unanimously.

In the Matter of Richard A. Spence

Docket No. 06-2604

Board member Bish motioned to issue a Civil Penalty in the amount of \$250.00, Board member 2nd, vote carried, Board member Johnson opposed.

A Formal Administrative Hearing was conducted today concerning the above matter and the hearing was concluded. After further review and discussion, the Board decided as noted above.

25. Request for Waiver of Continuing Education:

Edward A. Crocco, Higganum, CT – (L-5) Limited Contractor.

Letter dated 1/8/07 requesting waiver of continuing education to maintain his license based on his attendance in several classes concerning National Electrical Code and Safety over the past two years.

Board member Johnson motioned to deny Mr. Crocco's request for waiver of continuing education, Board member Turri 2nd, and the vote carried unanimously.

26. Continuation of Formal Administrative Hearings:

In the Matter of Paul Aloï

Docket No. 06-586

A Formal Administrative Hearing was continued today and the hearing was concluded. After further discussion concerning this matter, Board member Turri motioned to issue a Civil Penalty in the amount of \$7,000.00, Board member Johnson 2nd, and the vote carried unanimously.

In the Matter of Thomas Charles

Docket No. 06-1941

A Formal Administrative Hearing commenced on 1/12/07 and the hearing was continued to 2/9/07. The Board was presented today with a "Notice of Stay" by reason of a Bankruptcy Petition filed by Mr. Charles. Chairman Vallieres informed the Board that he communicated with the Board's legal counsel, Raul Rodriguez, AAG, who advised Mr. Vallieres that the Board has the authority to act upon the "Notice of Stay" as to accept it or reject it, and move forward with the hearing. Board member Turri motioned to deny the "Notice of Stay" and move forward with the hearing at the next Board meeting scheduled Friday, March 9, 2007, Board member Leech 2nd, vote carried unanimously.

27. New Business:

The Board raised concern regarding proposed bills mentioned by Mr. Nakano. The Board's feels that any proposed bills that affect this particular Board should be brought to the Board's attention for discussion and input. Chairman Vallieres said that the Boards and Commissions were developed for a purpose, and that a particular portion of the proposed bills take away from that purpose, in that the bills provide DCP Commissioner discretionary powers over the Boards and Commissions, where it is so mentioned in the proposed bills. Mr. Vallieres said that the Board needs to develop some sort of way to be made aware of these proposed bills and to be able to discuss them and offer their opinions to the legislators. The Board reached a unanimous consensus that any proposed statute or regulation by DCP, affecting the electrical industry, should be presented to the Board in advance.

Chairman Vallieres suggested the Board put their concerns together for presentation to the DCP liaison for review and feedback. Mr. Vallieres said that individuals who were issued an "Assurances of Voluntary Compliance" and have not paid, need to be brought before the Board. Mr. Vallieres said that more things need to be happening to give credibility back to this industry, and that without having the inspectors out there, we may as well not have this Board.

The Board mentioned that the latest Board minutes on the DCP website are for the meeting of August 2006, and that the DCP license verification system has been down for quite some time.

28. Masters Previously Head Pending Decision: **None**

29. Final Decisions Pending Signature: **None**

30. Adjournment at 12:30 p.m.

Respectfully Submitted,

Nelson Leon
Board Secretary