

MINUTES

ELEVATOR INSTALLATION, REPAIR AND MAINTENANCE WORK EXAMINING BOARD

JULY 13, 2009

The meeting was called to order by John R. DeRosa, Jr. Acting Chairperson at 9:37 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present:	John R. DeRosa, Acting Chairperson Paul Farnsworth, Contractor Thomas J. O'Reilly, Contractor Joseph Bayusik, Contractor Michael D. Griffin, Journeyperson Gaetano T. Zappala, Public Member
Members Absent:	Gary Bazzano, Public Member
Board Vacancies:	Two Public Members, appointed by the Governor
Board Counsel Present:	None
DCP Staff Present:	Nelson Leon
Public Present:	Dom Accarpio Mike Livingstone Steven Roth Paul Tagatac, Esq. Steven A. Bruno

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:** occprotrades@ct.gov

MINUTES FROM PREVIOUS MEETINGS

The Board voted to approve minutes of the May 11, 2009 Elevator Installation, Repair and Maintenance Work Examining Board Meeting. Board member Gaetano T. Zappala abstained from voting due to being absent at the May 11, 2009 meeting.

APPLICATIONS

(The Board voted unanimously to review the following late arriving applications)

Michael Nyholt, Wallingford, CT – (R-2) Unlimited Journeyman – Approved

The Board voted to approve Mr. Nyholt's application. Board members Gaetano T. Zappala and Thomas J. O'Reilly abstained from voting.

Howard D. LaFrance, West Haven, CT – (R-2) Unlimited Journeyman – Approved

The Board voted to approve Mr. LaFrance's application. Board members Gaetano T. Zappala and Thomas J. O'Reilly abstained from voting.

Joseph E. Roman, Plymouth, CT – (R-2) Unlimited Journeyman – Approved

The Board voted to approve Mr. Roman's application. Board members Gaetano T. Zappala and Thomas J. O'Reilly abstained from voting.

Kelly T. Ferrara, Cromwell, CT – (R-2) Unlimited Journeyman – Approved

The Board voted to approve Mr. Ferrara's application. Board members Gaetano T. Zappala and Thomas J. O'Reilly abstained from voting.

REQUESTING REINSTATEMENT OF LAPSED LICENSE

Robert Morgan, Salem, CT – (R-10) Limited Journeyman (Expired 8/31/05) – No Action

Mr. Morgan did not appear today and the Board took no action.

CORRESPONDENCE

1. Correspondence dated 11/6/2000 from Paul Farnsworth, concerning Temporary Hoisting Machines.
2. Correspondence dated 6/10/09 from Richard M. Hurlburt, concerning Temporary Hoists, Construction Employee Elevators and Material Hoists requirements for licensure of trade's persons.

NEW BUSINESS

- **TEMPORARY HOISTING MACHINES**

Board members John R. DeRosa, Jr. and Paul Farnsworth reported meeting with DCP Trade Enforcement Director, Richard Maloney to discuss cab related work and hoisting equipment work and the licensing requirements for such work. Mr. DeRosa referred to previous Board meeting minutes of February 7, 1972, November 1, 1976 and November 6, 2000 which support the necessity of a license concerning cab and hoisting equipment work.

Mr. Bruno expressed his concern for public safety regarding hoisting equipment and said that everyone should be in compliance with the license requirements to do such work in CT.

Mr. DeRosa said that in the interest of preserving the safety of the general public and workers, and being consistent with all State Statutes, offered the following as a ruling of the Board concerning temporary hoisting machines:

The exemption under CT General Statutes, Chapter 393, Section 20-330 (7) does not apply to any temporary hoisting machine used to raise or lower workers and other personnel in conjunction with any construction job or project. This equipment is defined in ANSI A10.4. Hoists for raising and lowering materials that have no provision for carrying personnel, does however, fall under the exemption under CT General Statutes, Chapter 393, Section 20-330 (7) as defined in ANSI A10.5.

The Board voted unanimously to adopt this particular ruling concerning temporary hoisting machines.

- **REMOVAL OF TEMPORARY HOISTING MACHINES OR ANY VERTICAL TRANSPORTATION DEVICE.**

Mr. Roth had asked if a license is required for the removal of temporary hoisting machines or any vertical transportation device.

The Board concluded that if it requires a license to perform the installation, maintenance, alteration or repair, it shall require a license for removal. Board member Gaetano T. Zappala abstained from voting on this matter.

PETITION FOR DECLARATORY RULING

In the Matter of: Asrar Ahmed

Mr. Ahmed's legal counsel, Paul S. Tagatac is petitioning the Board for a "Declaratory Ruling" on behalf of Mr. Ahmed with regard to his (R-5) Limited Contractor application.

The Board denied Mr. Ahmed's (R-5) Limited Contractor application at their 1/12/09 meeting due to lack of required notarized statements from occupational related employers as to dates and duties of employment and lack of required documentation concerning occupational related school instruction experience. The Board denied Mr. Ahmed's (R-5) Limited Contractor application again at their 3/9/09 meeting due to lack of statutory compliance.

Attorney Tagatac seeks a declaratory ruling as to the applicability of Mr. Ahmed's on-the-job training hours and school related instruction, and a detailed statement as to the work experience and/or education Mr. Ahmed purportedly lacks.

Mr. Ahmed and his legal counsel, Paul S. Tagatac appeared before the Board at their 5/11/09 meeting and the Board tabled this matter to their next meeting on 7/13/09 in order to consult their legal counsel, Raul Rodriguez concerning the Declaratory Ruling request by Attorney Tagatac.

Attorney Paul S. Tagatac appeared at today's Board meeting and requested a continuance to the Board's next meeting due to his client being out of the country and unable to attend today's meeting. The Board voted unanimously to continue this matter to their next meeting scheduled for Tuesday, September 14, 2009.

There being no further business, the meeting adjourned at 10:10 a.m.

Respectfully submitted,

Nelson Leon
Board Secretary

The next regular meeting of this Board is scheduled for Monday, September 14, 2009.