

## MINUTES

### ELEVATOR INSTALLATION, REPAIR AND MAINTENANCE WORK EXAMINING BOARD

APRIL 7, 2015

The meeting was called to order by Acting Chairperson John DeRosa, Jr. at 9:09 a.m. in Room 117 at the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present: John R. DeRosa, Jr., Journeyperson, Acting Chairperson  
Paul Farnsworth, Contractor

Members Absent: Joseph Bayusik, Contractor  
Michael D. Griffin, Journeyperson  
Thomas J. O'Reilly, Contractor

Board Vacancies: Three Public Members

DCP Board Staff: Richard M. Hurlburt, Director  
Karen Layman, Secretary

Dept. of Labor Rep.: Owen Golding

Others Present: Eileen Meskill, Assistant Attorney General  
Michelle Seagull, Deputy Commissioner  
Antonio Santoro, Esq. Lynn Fiore, Esq.  
Vicky Bullock, Esq. Karen Wackerman Michael Elia  
Gerson Canhao Robert Belcher Gil LeClair  
Clifford Bullock

The Elevator Installation, Repair and Maintenance Board shall consist of eight members who shall be residents of this state, three of whom shall be unlimited contractors, two of whom shall be elevator craftsmen, licensed for such occupation under this chapter, and three of whom shall be public members, provided at least one of the unlimited contractors shall be a member of either the National Association of Elevator Contractors or the National Elevator Industries, Incorporated.

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](http://www.ct.gov/dcp)  
Division E-Mail: [dcp.occupationalprofessional@ct.gov](mailto:dcp.occupationalprofessional@ct.gov)

**MINUTES FROM PREVIOUS MEETINGS:**

The Board voted to accept the minutes of the March 11, 2015 Elevator Installation, Repair, and Maintenance Work Examining Board meeting as written.

**COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:**

None

**APPEARANCE FROM OFFICE OF THE ATTORNEY GENERAL:**

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, in which the North Carolina State Board of Dental Examiners issued cease-and-desist letters to non-dentist teeth whitening service providers and, subsequently, the FTC filed a complaint charging the Board with violating the Federal Trade Commission Act. The Supreme Court affirmed the FTC's position that the board, even though they were authorized by state statute, did not have immunity, and the board did not prevail. The board must be actively supervised by the state in order to claim antitrust immunity.

Further discussion ensued regarding what "active state supervision" entails. Attorney Meskill clarified that there has to be actual positive consideration of the record, and a written decision by someone in the state that 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 commissioner, and the proposal must meet a clearly articulated state policy, whether a statute or regulation.

The Office of the Attorney General is in the process of determining what this means to the state boards. It was noted that this does not pertain to regular disciplinary issues, rather to scope of practice or scope of work issues. The AAG 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 procedures.

The Board is encouraged to call the Office of the Attorney General with any concerns regarding this matter.

**APPEARING IN PERSON FOR RECONSIDERATION:**

Attorney Karen Wackerman was in attendance and requested that Chairperson John DeRosa recuse himself from voting on the following two applications due to the fact that he has had communications with her client regarding this matter.

**Gerson Canhao, Danbury, CT – (R-2) Unlimited Contractor – Tabled**

Mr. Canhao's (R-1) application was denied on 2/3/15 due to lack of an (R-2) Unlimited Journeyman license for the required two-year period or equivalent experience and training acceptable to the Board. On 3/11/15, Mr. Canhao amended his application to reflect that he is now seeking an (R-2) Unlimited Journeyman license, submitted additional documentation for the Board's review, and the application was denied due to lack of proof of on the job training.

Mr. Canhao submitted additional documentation and appeared before the Board for reconsideration today.

Board Member John DeRosa stated he would recuse himself from voting on this application, resulting in a lack of a quorum. Paul Farnsworth made a motion to table this application due to lack of a quorum, John DeRosa seconded, and the motion carried. The Board requested that this item be placed on the May 5, 2015 agenda.

**Michael Elia, Staten Island, NY – (R-2) Unlimited Contractor – Tabled**

Mr. Elia's (R-1) application was denied on 2/3/15 due to lack of an (R-2) Unlimited Journeyman license for the required two-year period or equivalent experience and training acceptable to the Board. On 3/11/15, Mr. Elia amended his application to reflect that he is now seeking an (R-2) Unlimited Journeyman license, submitted additional documentation for the Board's review, and the application was denied due to lack of proof of on the job training.

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Board Member John DeRosa, Jr. stated he would recuse himself from voting on this application, resulting in a lack of a quorum. Paul Farnsworth made a motion to table this application due to lack of a quorum, John DeRosa seconded, and the motion carried. The Board requested that this item be placed on the May 5, 2015 agenda.

**APPLICATIONS:**

**Asrar Ahmed, Brookfield, CT – (R-6) Accessibility Journeyman – Denied**

Mr. Ahmed is applying for the (R-6) Accessibility Journeyman examination. He had previously applied for the (R-5) examination and was denied by the Board at the March 9, 2009 meeting.

Mr. Ahmed appeared today to discuss his (R-6) application with the Board. The Board voted unanimously to deny Mr. Ahmed's (R-6) application due to lack of proof of equivalent experience and training. Further discussion ensued regarding the licensing process and qualifications for this type of license.

**OLD BUSINESS:**

Clifford Bullock, (R-5) license holder, appeared for discussion on patient lifts. After a review of his comments with the Board, Mr. Bullock requested that he be placed on the May 5, 2015 Elevator Board agenda.

**NEW BUSINESS:**

Review of PSI exam results  
**Board so noted**

**CORRESPONDENCE:**

None

**DCP TRADE PRACTICES DIVISION COMPLAINT STATUS REPORT:**

DCP Trade Practices Division did not submit a complaint report for the Board's review, as requested.

**COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:**

None

There being no further business, the meeting adjourned at 9:55 a.m.

Respectfully submitted,

Karen Layman,  
Board Secretary

**2015 Meeting Schedule:**

- **May 5, 2015**
- **June 2, 2015**
- **July 7, 2015**
- **August 4, 2015**
- **September 1, 2015**
- **October 6, 2015**
- **November 3, 2015**
- **December 1, 2015**

**Meetings will be held at 9 a.m. in Room 117**