

MINUTES

ELEVATOR INSTALLATION, REPAIR AND MAINTENANCE WORK EXAMINING BOARD

MAY 5, 2015

The meeting was called to order by Board Member Paul Farnsworth at 9:07 a.m. in Room 117 at the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

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

Members Absent: John R. DeRosa, Jr., Journeyperson, Acting Chairperson

Board Vacancies: Three Public Members

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

Others Present: Raul Rodriguez, Assistant Attorney General
Elisa Nahas, Esq. Karen Wackerman, Esq.
Gerson Canhao Clifford Bullock
Owen Golding Gil LeClair
Eric Tragash

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

MOTION FOR APPROVAL OF TEMPORARY CHAIRPERSON:

The Board voted unanimously to elect Board Member Paul Farnsworth to act as temporary chairperson for today's meeting in the absence of Chairperson John DeRosa.

MOTION FOR CHANGE IN ORDER OF AGENDA ITEMS:

The Board voted unanimously to move the agenda item "Request For Declaratory Ruling" so that it may be considered after the review of applications and prior to "Old Business."

MINUTES FROM PREVIOUS MEETINGS:

The Board voted unanimously to table the review and approval of the minutes of the April 7, 2015 Elevator Installation, Repair, and Maintenance Work Examining Board meeting until the next scheduled board meeting due to the lack of a quorum of the only two board members present on April 7, 2015.

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

None

APPLICATIONS:

None

APPEARING IN PERSON FOR RECONSIDERATION:

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

Mr. Canhao's (R-1) application was denied on 2/3/15 due to lack of an (R-2) Unlimited Journeyperson 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 Journeyperson license, submitted additional documentation for the Board's review, and the application was denied due to lack of proof of on the job training. On 4/7/15, this application was on the agenda for reconsideration and was tabled due to lack of a quorum.

Mr. Canhao has submitted additional documentation and appeared seeking reconsideration of his application. The Board reviewed the application and related documentation. In addition, the Board read and reviewed applicable statutes and regulations. Assistant Attorney General Raul Rodriguez was present and provided clarification of how these statutes and regulations pertain to the application process.

Mr. Canhao addressed the Board, thanking them for the consideration of his application and providing an overview of his experience in the field.

The Board voted unanimously to deny Mr. Canhao's application due to the fact that the author of the letter attesting to work-related experience is not licensed.

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

Mr. Elia's (R-2) 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. On 4/7/15, this application was on the agenda for reconsideration and was tabled due to lack of a quorum.

Mr. Elia was unable to appear today however he has submitted additional documentation and is seeking reconsideration of his application. The Board reviewed Mr. Elia's application and related documentation.

The Board voted unanimously to deny Mr. Elia's application due to the fact that the qualifications (i.e. licensed) of the individual signing off on work-related experience are not clear.

REQUEST FOR DECLARATORY RULING:

Attorney Karen Wackerman, *Jeffers Cowherd, P.C., Attorneys At Law*, has submitted a letter dated April 21, 2015 addressed to Commissioner Jonathan Harris requesting a declaratory ruling regarding recent decisions made by the Board for the (R-2) applications of Gerson Canhao and Michael Elia.

Paul Farnsworth requested the guidance of Assistant Attorney General Rodriguez in considering this request. Attorney Rodriguez referred to Connecticut Statute 4-176 - Declaratory Rulings. Petitions. Regulations and informed the Board that since the application was denied today, the Board can state the reasons for denial according to 4-176, Subsection (e).

Paul Farnsworth inquired of Attorney Wackerman as to whether or not she would like to make any changes in the request for declaratory ruling letter dated April 21, 2015 based on what transpired at the meeting today, or if the petition should be considered as submitted. Attorney Karen Wackerman stated that, although that the applications were denied again at today's meeting, she does not wish to make any changes to this letter and that the letter speaks for itself.

The Board voted unanimously to approve the petition for a declaratory ruling.

Paul Farnsworth stated that, according to his understanding, based on the Board's vote to approve the petition for a declaratory ruling, the Board is allowed to conduct informal hearings and solicit information to contribute to the decision of the declaratory ruling, as stated in Section 21a-1-10 for declaratory rulings in the Regulations of DCP.

****SEE PAGE 4 FOR CONTINUED DISCUSSION ON THIS TOPIC****

OLD BUSINESS:

1. Clifford Bullock, (R-5) license holder, appeared to continue discussion on the installation of patient lifts. Mr. Bullock’s goal is that the installation of an overhead lift be recognized by the Board, and that this type of work be done by a licensed individual with a minimum of an R-6 license. He further states that he is not looking for this type of equipment to be a *requirement* of that license, rather, that it be recognized that these installations should be licensed. Mr. Bullock reiterated liability and safety concerns surrounding the installation of patient lifts, and a discussion ensued.

Paul Farnsworth suggests that the next step for the Board would be to continue discussion regarding the enforcement of patient lifts in Connecticut and licensing requirements in other states. This item will be carried over to the agenda for the June 2, 2015 meeting.

REQUEST FOR DECLARATORY RULING (CONTINUED)

Attorney Rodriguez and Attorney Elisa Nahas clarified for the Board that, in the process of making a motion to have proceedings on the request for a declaratory ruling, Mr. Farnsworth had cited Regulation 21a-1-10 in error. The appropriate Regulation to refer to would be 4-176(e), rather than Regulation 21a-1-10, as stated earlier.

Based on this clarification, the Board agrees that it would be more appropriate to quote Statute 4-176, as opposed to the Regulation, which is not applicable to this Board. The Board voted unanimously to reconsider the previous vote on hearings for a declaratory ruling.

After further discussion regarding this reconsideration, the Board voted unanimously that the Board will have further proceedings on the petition for declaratory ruling. In addition, it was noted that this motion is made in reference to Connecticut General Statute 4-176.

NEW BUSINESS:

Review of PSI exam results

Board so noted

CORRESPONDENCE:

None

DCP TRADE PRACTICES DIVISION COMPLAINT STATUS REPORT:

Trade Practices Division reported that there were no complaints this reporting period.

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

None

There being no further business, the meeting adjourned at 10:11 a.m.

Respectfully submitted,

Karen Layman,
Board Secretary

2015 Meeting Schedule:

- **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