

HEATING, PIPING, COOLING AND SHEET METAL WORK
EXAMINING BOARD
MINUTES

JANUARY 13, 2022

The meeting was called to order by Acting Chairperson Robert Barrieau at 9:02 a.m. on January 13, 2022. This meeting was held via Zoom Webinar.

Members Present:

Robert H. Barrieau, Acting Chairperson	Unlimited Contractor
Thomas F. Casey, Jr.	Unlimited Contractor
David G. Foster	Unlimited/General Contractor
Michael Rosario	Unlimited Journeyman
Cameron G. Champlin, Jr.	Unlimited Journeyman
John T. Higgins, Jr.	Unlimited Journeyman

Members Absent:

Philip H. Benoit	Sheet Metal Journeyman
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Board Vacancies:

Four Public Members
Limited Sheet Metal Contractor

DCP Staff Present:

Karen Layman, License and Application Analyst
Richard M. Hurlburt
Pamela Brown, Director, Investigations
Division
Janita Hamel, Supervising Special Investigator
Paulette Annon, Asst. Legal Director
Paul Grabowski, Staff Attorney

Others present:

None

Note: The administrative functions of the Boards, Commissions and Councils are carried out by the Department of Consumer Protection, Investigations Division. For more information, refer to DCP Agency website: www.ct.gov/dcp.

MINUTES OF PREVIOUS MEETING:

The Board reviewed the draft minutes from the Heating, Piping, Cooling and Sheet Metal Work Examining Board October 14, 2021 meeting and voted unanimously to approve as written.

(Higgins, Rosario)

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

Paulette Annon introduced newly hired staff attorney Paul Grabowski. Paul will be working with the investigation and enforcement for several license examining boards.

Pamela Brown notified the Board that, upon Richard Hurlburt's retirement, all board administration functions are now carried out within the Investigations Division.

DCP INVESTIGATION DIVISION COMPLAINT STATUS REPORT:

The Board reviewed the complaint report dated 11-1-21 to 12-31-21 submitted by the Investigations Division.

OLD BUSINESS:

1. Substitute House Bill No. 6100 - Public Act 21-37 - An Act Concerning Department of Consumer Protection Licensing and Enforcement, Antitrust Issues, and the Palliative Use of Marijuana and Revisions to the Liquor Control Act

At previous meetings, discussion took place regarding changes to Connecticut General Statutes, Chapter 393 requiring written contracts meeting certain specifications for work on private residential property by licensed tradespersons and the right to cancel timeframe prior to performing work. Board members expressed their concern about how these changes would affect the way they currently conduct business.

At today's meeting, Chairperson Bob Barrieau provided the following update: DCP has revised the language in this bill and it is at the Governor's Office at this time pending approval. The revisions will then be addressed at the next Legislative Session. Cameron Champlin will continue to monitor this situation.

2. Continued review of out of state occupational trade licenses for determination of equivalency to Connecticut occupational trade licenses

A. At the September 16, 2021 Application Review Working Group Meeting, it was determined that the following license types are equivalent:

<u>Out of state license type</u>	<u>Connecticut License Type</u>
Rhode Island Pipefitter/Journey 2 PJ2 and Oil Burner Srvc/Journey 2 PJ and Propane Gas Journey2 PJF and Natural Gas Serv Journey2 PJF	CT S-8
Mass. LP Gas Installer, Journey Gas Fitter	CT G-2

B. At the October 26, 2021 Application Review Working Group Meeting, it was determined that the following license types are equivalent:

<u>Out of state license type</u>	<u>Connecticut License Type</u>
Rhode Island Propane Gas Journey2 PJF and Natural Gas Serv Journey2 PJF	CT G-2

The Board reviewed and discussed these license types. The Board voted unanimously to approve and add these license types to the list of approved out of state equivalent licenses.

(Casey, Rosario)

NEW BUSINESS:

1. Application Review Working Group

A. Monthly update to be provided by designated board member

This application review working group continues to review applications on a monthly basis for approval to sit for the license exams.

2. Discussion regarding licensure for radiant ceiling panels

Michael Rosario brought forth the concern regarding HVAC licensure for the installation and servicing of radiant heating ceiling panels. This concern stems from an upcoming project that involves the installation of these panels. The contractors awarded this project are seeking confirmation from DCP as to whether or not this is licensable work so that they can move forward with this project while complying with all applicable licensing laws and regulations.

DCP has been notified of this project via email and has been requested to have a representative be present at an upcoming meeting which will take place at the job site to provide direction in relation to licensure for this type of work.

During discussion, the Board referenced the following court case:

As with the example in this court case of pipe hangers or other supports in connection with a covered piping activity, the “heating” related equipment or components, appliances, devices or accessories for heating systems would also require licensed persons to perform such work.

*Superior Court of Connecticut.
ABINGTON CONSTRUCTORS, INC.,
v.
DEPARTMENT OF CONSUMER PROTECTION et al.
No. CV000503420S.*

May 22, 2001. Memorandum of Decision Document page #2

Question:

Does the assembly of pipe hangers or other supports in connection with a covered piping activity constitute “installation” within the meaning of C.G.S. Section 20-330(3) and (5), and the Occupational Licensing Regulations adopted pursuant to that statute? If so, why?

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**9 The Boards determined in connection with question three that “ ‘installation’ shall include the assembly of pipe hangers or other supports in connection with piping activity. Considerations of public safety require that these tasks be personally performed by a properly licensed individual.”(Revised Ruling, p. 10.) The Boards further concluded that the delegation of this work to other unlicensed individuals would not be appropriate due to “the exacting degree of supervision that would be required to ensure the safe assembly and installation of pipe hangers and other supports ...” (Revised Ruling, p. 10.) This minute degree of necessary supervision “makes it more practical for the licensed individual to personally perform these tasks.”(Revised Ruling, p. 10.)*

**After discussion regarding HVAC licensure, the Board voted unanimously to confirm that the radiant heating ceiling panels are HVAC installations and therefore require a licensed individual to install.
(Casey, Higgins)**

CORRESPONDENCE:

None

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

None

There being no further business, the meeting adjourned at 9:40 a.m.

Respectfully submitted,

Karen Layman,
License and Application Analyst

2022 BOARD MEETING SCHEDULE:

- January 13
- April 7
- July 14
- October 6