

ELECTRICAL WORK EXAMINING BOARD

Tel. No. (860) 713-6135

March 14, 2011

State of Connecticut
Department of Consumer Protection
Occupational & Professional Licensing Division
165 Capitol Avenue
Hartford, Connecticut 06106

The meeting of March 11, 2011 was called to order by Chairman Laurence A. Vallieres at 8:31 AM in Room 126 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present: Laurence A. Vallieres, Contractor, Chairman
Ronald Bish, Contractor
Eric B. Collett, Public Member
Faith Gavin-Kuhn, Public Member
Frank Halloran, Journeyman
Roger L. Johnson, Jr., Journeyman
Sandy Marino, Public Member
Anthony Soter, Journeyman
John W. Yusza, Electronic Technician

Members Absent: David Munsill, Journeyman
Raymond A. Turri, Contractor
Mario Tolla, Public Member

Member Vacancy: None

DCP Staff Present: Robert M. Kuzmich, RA,
License and Applications Specialist

General Public: Frederic Caplan
David Pereira
Debra Robbins
Jeffrey Ford
Kurtis Alves
Andre Manifold

Ted Stoica
Alan Smith
Ronald J. Albaitis
Thomas Terino
William Kimmel
Jason Grestini
David Palmieri
Jason Hultgren
Paul Costello
Robert Woytowich
Vincent Pietrorazio
Charles Buck
Victor Panzieri
Mark Gustafson
Al Houghtaling
Philippe Lindade
Dan McInerney
Scott Munson
Dannie Samuel
Hain H. Setow
Keri Lamontagne,

Department of Labor
Labor/Apprenticeship
Training

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

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1. 8:30 AM Call to order; Mr. Vallieres called the meeting to order at 8:31 AM.

2. Review Minutes of Previous Meetings:

A. Review Minutes of Meeting of January 14, 2011; The Board voted, unanimously, to approve the minutes as submitted. (Bish/Soter) Mr. Collett abstained from the vote

3. Report from Trade Practice Division; there was no report received from the Trade Practice Division.

4. Appearing before the Board at the Board's Request; no individuals.

5. Request to Appear Before the Board:

A. Mr. Stephen M. Beecher and Attorney Richard Franchi; Mr. Beecher is before the Board today looking for a reinstatement of his E-2 license. Mr. Vallieres noted that Mr. Beecher has an unpaid order. Mr. Franchi noted that Mr. Beecher is financially incapable of paying this order at this time and will file an affidavit with the Board to this effect is needed at that there is a change in his financial circumstances. Mr. Beecher made one payment to date in 2001.

Mr. Vallieres noted that former Department of Consumer Protection Commissioner Jerry Farrell revoked Mr. Beecher's E-2 license until such time as the penalty against him was paid in full. He also expressed his concern regarding the lack of payment on the part of Mr. Beecher and the fact that he did not even make any attempt to pay since his one payment in 2001. In response, Mr. Franchi noted that the appeals filed by Mr. Beecher had to go through the court system and took a very long time all the way through the United States Supreme Court in 2007 which was denied.

Mr. Franchi believes that until all these appeals are exhausted, the actual fines are stayed until that point because if a Court overturns the decision, then a fine would not be due. Mr. Vallieres noted that even after 2007, there was no attempt on Mr. Beecher's part to make payment. Mr. Franchi again noted a very large change in his client's circumstances which is sealed in the Courts' and cannot be divulged.

Mr. Halloran mad a motion to deny Mr. Beecher's request for reinstatement which was seconded by Mr. Johnson. The motion carried unanimously. Mr. Vallieres stated that if Mr. Beecher and his attorney wanted to address the Board in the future with a clearer explanation of the past history which was mentioned earlier, then the Board at that time may entertain revisiting this case again.

6. Comments or Concerns of any Person Present Today; None.

7. Review of Applications(s) for Licensure Examination:

A. Alves, Kurtis J. – E-2 applicant seeking approval to sit on the basis of equivalent experience and training; *the Board voted, unanimously, to deny his application based upon an incomplete application. The application lacked sufficient evidence of the required related classroom instruction and certification of completion of a registered State Apprenticeship program. (Halloran/Soter)*

B. Caplan, Fredric A. – C-7 applicant seeking approval to sit on the basis of equivalent experience and training; *Mr. Caplan was accompanied by his Attorney Ms. Susan Schillaci. The Board voted unanimously to table this application based upon the lack of the required documentation of his education and records from the State Department of Labor showing his documented time as an electrician apprentice. (Soter/Yusza)*

C. Collins, Trevor A. – E-2 applicant seeking approval to sit on the basis of equivalent experience and training; Mr. Collins was not present at today's meeting. As such, the Board took no action on this application.

D. Ford, Jeffrey A. – E-2 applicant seeking approval to sit on the basis of equivalent experience and training; The Board voted unanimously to table this application based upon the lack of the required documented On-The-Job Training as certified by the State of Massachusetts and additional detailed documentation of the applicant's school records. (Soter)

E. Garst, Raymond S. RR-1 applicant seeking approval to sit on the basis of equivalent experience and training; Mr. Garst was not present at today's meeting. As such, the Board took no action on this application.

F. Gustafson, Mark A. – T-1 applicant seeking approval to sit on the basis of equivalent experience and training; at the suggestion of the Board, the applicant changed the license type he applying for to a T-2; the Board voted, unanimously, to deny his application based upon lack of the required related classroom instruction. (Halloran/Soter)

G. Heitmuller, Robert R. – E-2 applicant seeking approval to sit on the basis of equivalent experience and training; Mr. Heitmuller was not present at today's meeting and asked that Mr. Kuzmich present his application to the Board on his behalf due to a lat minute change in his work schedule. The Board required the applicant to be present to answer any questions they may have. As such, the Board took no action on this application

H. Hess, Christopher J. – C-7 applicant seeking approval to sit on the basis of equivalent experience and training; Mr. Hess was not present at today's meeting. As such, the Board took no action on this application.

I. Houghtaling, Alfred J. – E-1 applicant seeking approval to sit on the basis of equivalent experience and training; at the suggestion of the Board, the applicant changed the license type he is applying for to an E-2. The Board voted, unanimously, to deny his application based upon lack of the required On-The- Job training and related classroom instruction. (Soter/Halloran)

J. Kimmel, Jr., William B. – E-1 applicant seeking approval to sit on the basis of equivalent experience and training; at the suggestion of the Board, the applicant changed the license type he is applying for to an E-2. The Board voted, unanimously, to deny his application based upon lack of the required On-The-Job training and related classroom instruction. (Johnson/Soter)

K. Manifold, Andre R. - E-2 applicant seeking approval to sit on the basis of equivalent experience and training; the Board voted, unanimously, to deny his application based upon lack of the required educational credits. (Johnson/Soter)

L. Morales, Harry - C-6 applicant seeking approval to sit on the basis of equivalent experience and training; Mr. Morales was not present at today's meeting. As such, the Board took no action on this application.

M. Morand, Thomas J. - E-2 applicant seeking approval to sit on the basis of equivalent experience and training; the Board voted, unanimously, to deny his application based upon lack of the required educational documentation and background. (Johnson/Bish)

N. Palmieri, David M. - E-2 applicant seeking approval to sit on the basis of equivalent experience and training; the Board voted, unanimously, to deny his application based upon lack of the required On-The-Job Training, related classroom instruction, and a detailed work history. (Bish/Johnson)

O. Panzieri, Victor R. - E-2 applicant seeking approval to sit on the basis of equivalent experience and training; the Board voted, unanimously, to deny his application based upon being incomplete by lacking a registered State Apprenticeship Program and the required related classroom instructions. (Halloran/Soter)

P. Pereira, David - E-1 applicant seeking approval to sit on the basis of equivalent experience and training; at the suggestion of the Board, the applicant changed the license type he is applying for to an E-2. The Board voted, unanimously, to table his application based upon lack of detailed work history

Q. Robbins, Debra L. - E-1 applicant seeking approval to sit on the basis of equivalent experience and training; Ms. Robbins was not present at the time she was called by the Board. As such, the Board took no action on this application.

R. Samuel, Dannie N. - T-2 applicant seeking approval to sit on the basis of equivalent experience and training; the Board voted, unanimously, to deny his application based upon lack of the required On-The-Job Training and related classroom instruction. (Soter/Yusza)

S. Setow, Hain H. - E-2 applicant seeking approval to sit on the basis of equivalent experience and training; the Board voted, unanimously, to table his application based upon the lack of the required number of applications the applicant is required to bring to the meeting. As such, the Board took no action on this application. (Soter/Johnson)

T. Terino, Thomas A. - E-2 applicant seeking approval to sit on the basis of equivalent experience and training; the Board voted unanimously to approve Mr. Terino's application to sit for the E-2 Unlimited Electrical Journeyman's Examination conditional upon completion of (7) credit hours of continuing education courses in accordance with Section 20-334d-1 of the Regulation for Continuing Education for Electricians and Plumbers. (Soter/Halloran)

8. Applicant(s) for Licensure reappearing in-person:

A. Albaitis, Ronald J. - E-2 applicant seeking re-consideration of his equivalent experience and training; Attorney David DeRosa distributed copies of Mr. Albaitis's portfolio to members of the Board. Both Mr. Albaitis and Mr. DeRosa noted a letter in the documentation given to the Board which states that the applicant has been invited to teach at the Industrial Management and Training Institute but without an E-2 license he can not do so. Mr. Bish noted that this Board in the past has reviewed Mr. Albaitis's work experience and noted that while he appeared to have all his related classroom instruction, his work experience in the field was not registered. At that this time the Board advised Mr. Albaitis to get registered and accrue the required 8,00 hours of on-the-job training. Further, unless he has done this since the last time he appeared before the Board approximately one year ago, nothing as far as the Board is concerned has changed.

Mr. DeRosa noted that this Board has the authority to grant hours according to the regulations if they are so inclined. The problem is that the main past employer of his client, Naugatuck Rubber, no longer exists and the people he worked for are dead. He asks how his client is supposed to give the Board what they are looking for. Mr. Vallieres noted that a letter in given to the Board as a part of his portfolio from Thomas Curtin that Mr. Albaitis did the electrical work on commercial work that he owned. The Chairman noted that the owner of commercial property use licensed individuals to perform electrical work on the same. The owner cannot perform his own work if he is not licensed. Mr. Vallieres noted that this letter is in fact an admission of doing illegal work.

The Board explained in detail how the law works relative to who can perform electrical work and on what type of use group and construction classification. Further they noted that the Board's prior decision to deny Mr. Albaitis's application was appealed to Superior Court and that is still an ongoing case. Mr. DeRosa confirmed this and noted that he is trying to resolve this case by demonstrating to the Board by means of a more complete employment portfolio his client's work experience.

Mr. DeRosa is very troubled by the Board's position in this case because they are not giving his client a realistic way to get licensed even though he believes that they have the authority to do so according to his interpretation of the regulations.

After more discussion, the Board gain voted to deny Mr. Albaitis's application to sit for the E-2 Unlimited Electrical Journeyman Examination on the basis of a lack of registered apprenticeship training. (Bish/Soter)

B. Hayes, Gary R. – E-2 applicant seeking re-consideration of his equivalent experience and training; Mr. Hayes was not present at today's meeting. As such, the Board took no action on this application.

C. Herskovits, Ephraim - E-2 applicant seeking re-consideration of his equivalent experience and training; Mr. Herskovits was not present at today's meeting. As such, the Board took no action on this application.

D. Lindade, Jr., Philippe; - E-2 applicant seeking re-consideration of his equivalent experience and training (Agenda Add-On); the Board voted, unanimously, to again deny his application to sit for the E-2 Unlimited Electrical Journeyman Examination on the basis of a lack of on-the-job training hours and State of Connecticut certified school related instruction. (Soter/Johnson)

9. Applicant(s) for Licensure Appearing in Person

A. Pietrorazio, Vincent J.; consideration to sit for the E-1 license examination on the basis of education and experience; this application was withdrawn by the applicant prior to the Board taking any action.

B. Smith, Alan R. – E-1 applicant seeking approval to sit on the basis of equivalent experience and training; at the suggestion of the Board, the applicant changed the license type he is applying for to an E-2. As such, the Board voted unanimously to approve Mr. Smith's application to sit for the E-2 Unlimited Electrical Journeyman's Examination conditional upon completion of (7) credit hours of continuing education courses in accordance with Section 20-334d-1 of the Regulation for Continuing Education for Electricians and Plumbers. (Johnson/Bish)

C. Henley, Jeffrey L. – E-1 applicant seeking approval to sit on the basis of equivalent experience and training; this application was withdrawn by the applicant prior to the Board taking any action.

10. Request for Renewal of License: None

11. Request for Reinstatement:

A. Buck, Charles F. E-1 licensee seeking reinstatement of a lapsed license (09-30-2009) without retesting and a waiver of the continuing education requirements for hardship reasons; Mr. Buck explained that he was arrested on January 22, 2009 and charged with a murder that he did not commit. He was in Walker Correctional Institute in Suffield, Connecticut until September 22, 2010 at which time he

was bonded out and had a trial before three judges in New London Superior Court. On December 15, 2010 that found him not guilty. Immediately after his release, he inquired about making up his continuing education requirements for his license and was advised to come before the Board by the CEU provider.

Mr. Buck was asked if he made any attempt to contact the department during his incarceration to which he replied that he did not because he was not allowed. He was incarcerated for twenty months. All his correspondence went to his home address and then to his Power of Attorney. In addition, all his personal belongings were lost during his confinement and later returned to him with the help of his lawyer.

Mr. Vallieres understands Mr. Buck's hardship but noted that the Statutes do not give the Board any leeway in this case and he read the Statutes aloud to Mr. Buck. It was determined that he is the sole proprietor of his own company which sat idle during the time he was away. He is older now and wishes to downsize the scope of his work. Mr. Vallieres noted that retesting would probably be easier than making up all his continuing education credits. In addition, he could have had his attorney contact the Department during his incarceration as a good faith effort to maintain his license.

As such, the Board voted, unanimously, to deny the reinstatement of Mr. Buck's lapsed license and require that he reapply and retake the E-1 Unlimited Electrical Contractor's Examination in accordance with the General Statutes of Connecticut.

B. Grestini, Jason N. - E-2 licensee seeking reinstatement of a lapsed license (09-30-2005) without retesting; *the Board voted, unanimously, to deny the reinstatement of Mr. Grestini's lapsed license and require that he reapply and retake the E-2 Unlimited Electrical Journeyperson' Examination in accordance with the General Statutes of Connecticut. In addition, they would like the Department to investigate his employer for employing unlicensed individuals to perform electrical work. (Soter/Halloran)*

C. Hultgren, Jason J. - L-6 licensee seeking reinstatement of a lapsed license (09-30-2009) without retesting; *the Board voted, unanimously, to deny the reinstatement of Mr. Hultgren's lapsed license and require that he reapply and retake the L-6 Limited Electrical Journeyperson's Examination in accordance with the General Statutes of Connecticut. In addition, they would like the Department to investigate his employer for employing unlicensed individuals to perform electrical work. (Halloran/Soter) It is noted that Mr. Yusza abstained from the vote.*

D. Sibilias, Ted E-2 licensee seeking reinstatement of a lapsed license (09-30-2004) without retesting; Mr. Sibilias stated that he has been battling a very serious illness for the past 4 ½ years and attempted suicide twice. Recently he has received medication that allows him to function better and has kept up with his continuing education during the period in which his license lapsed. His house went into foreclosure and his elderly mother continues to work to help pay off his bills. Now that

his health is better, he wishes to work to pay his mother back. He has a potential employer who will hire him but he needs to get his license back first. He was asked by the Board if he could handle retesting and responded that he believes the stress of testing would be hard for him to take.

Mr. Johnson noted that while he sympathizes with the Mr. Sibia, the State has gone through two Building Code cycles and continuing education courses are not enough to keep up with such changes. Mr. Johnson believes that it would be advantageous for Mr. Sibia to study and pass the E-2 examination. Mr. Halloran noted that the Board could provide him with special accommodations to help him take the test. He also noted that unlike the other reinstatement applicants before him today, Mr. Sibia's license lapsed over six years ago and that there is no way they could waive the examination. *The Board voted, unanimously, to deny the reinstatement of Mr. Hultgren's lapsed license and require that he reapply and retake the L-6 Limited Electrical Journeyman's Examination in accordance with the General Statutes of Connecticut. (Johnson/Bish) It is noted that Mr. Soter abstained from the vote.*

E. Stoica, Theodore J. E-2 licensee seeking reinstatement of a lapsed license (09-30-2009) without retesting; the applicant stated that he never received a renewal notice from the Department to renew his license and as such, became unaware that his license had lapsed. *In consideration of this possibility, the Board asked the Department to verify if a renewal notice had been sent to Mr. Stoica. If a renewal had not been sent, then he will be allowed to reinstate his license by payment of all back fees plus late charges; otherwise, the applicant must retest. (Halloran/Yusza)*

12. Request for Reconsideration: None

13. Request to Suspend: None

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

Settlements Agreements:

Stipulation Agreements:

15. Notice of Continuance: None

16. Request to Dismiss or Request to Dismiss Without Prejudice: None

17. Request to Revise: None

18. Request to Reopen: None

19. Review of Examination Results: None

Electrical:

TV & Radio:

20. Review of Correspondence:

A. Letter to Stephen Beecher, dated February 14, 2011 from Elisa A. Nahas, Director, Department of Consumer Protection Legal Division; discussion for this correspondence is included under Agenda Item 5(A.) above.

21. Old Business:

1. Mr. Vallieres noted that he submitted testimony (which the Board had copies of prior) regarding H.B. 6337 as it pertains to photo-voltaic work and his opposition to this bill as written. For the record, Mr. Halloran commended Mr. Vallieres for his efforts. Mr. Bish asked the Board if the Department can provide the Board with copies of the twenty three PV-1 applications that never can before them. Mr. Bish would like to look at these applications to see if the licensees have any other training should the Board ever had to testify in the future as to their experience relative to their license and to take appropriate actions if the licenses were granted improperly. *As such, the Board voted, unanimously, to ask the Department for copies of these applications. (Bish/Soter)*

22. New Business: no items.

23. Continuation of Formal Administrative Hearings: none before the Board today.

24. Matters Previously Heard Pending Decision: none before the Board today.

25. Final Decisions Pending Signature: none before the Board today.

26. Adjournment:

The meeting adjourned at 11:57 AM. (Bish/Soter) The next regular meeting of the Electrical Work Examining Board is scheduled for Friday, April 8, 2011 at 8:30 AM; State Office Building; Room 126; 165 Capitol Avenue, Hartford, Connecticut.

Respectfully Submitted,

Robert M. Kuzmich, R.A.
License and Applications Specialist