

MINUTES
STATE ELECTRICAL WORK EXAMINING BOARD

The meeting of January 9, 2004 was called to order by Laurence A. Vallieres, Chairman, at 8:36 a.m. in Room 126 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present: Laurence A. Vallieres, Contractor, Chairman
 Jack B. Halpert, Public Member
 Roger L. Johnson, Jr., Journeyman
 Kenneth B. Leech, Journeyman
 Michael Muthersbaugh, Electronic Technician
 Douglas A. Reid, Journeyman
 Raymond A. Turri, Contractor

Members Absent: Beverly A. Ceuch, Journeyperson
 Lewis J. Stanio, Contractor

Member Vacancy: This Board currently has the following vacancies:
 Three (3) Public Members

Board Counsel Present: None

DCP Staff Present: Richard Hurlburt, Director of Occ./Pro. Licensing Division
 Anthony Santoro, DCP Administrative Attorney
 Judith R. Booth, Electrical Board Secretary

Others Present: Robert Tworkowski, Electrical Contractor
 Antoinette Tworkowski, Visitor

The next meeting of this Board is scheduled for February 13, 2004, at 8:30 a.m. in Room 117.

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, call Director Richard M. Hurlburt at (860) 713-6135.

Review of the December 12, 2003 Electrical Board Minutes:

Board Member Jack Halpert made a motion to approve the December 12, 2003 Minutes subject to adding the word “categories” to page 5, item 3, second paragraph as indicated below. The motion was seconded by Board Member Raymond Turri. The motion carried unanimously.

From:

3. Discussion on “Additional PSI Examination Questions.” Do you have any examination questions you wish to see added?

Listed below is Chairman Laurence Vallieres’ list of examination questions to add to the existing E-1 and E-2 examination categories:

- Stop/Start/Jog Motor Starter Wiring
- Motor Starter Auxiliary Contact Wiring
- Electric and Mechanically Held Contractors
- Photocell/Time Clock Control Wiring
- Sizing of Pull Boxes
- Derating Conductors for Conduit Fill
- Sizing Junction Boxes, Different Size Conductors
- Temporary Wiring
- Calculating Prevailing Wage – Benefits Credit, etc.
- Ratio Requirements – Hiring/Jobsite
- Outlet Requirements-Wall Spacing, Counters, Exterior, Mechanical Equipment
- Emergency Lighting/Exit Lights
- Wiring of Emergency Circuits
- Fire Stopping
- Circuit Testing – Meggar

To:

3. Discussion on “Additional PSI Examination Questions.” Do you have any examination questions you wish to see added?

Listed below is Chairman Laurence Vallieres’ list of examination question “**categories**” to add to the existing E-1 and E-2 examination categories:

- Stop/Start/Jog Motor Starter Wiring
- Motor Starter Auxiliary Contact Wiring
- Electric and Mechanically Held Contractors
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- Circuit Testing – Meggar

Appearing Before the Board Today:

There were no persons scheduled to appear before the Board.

Comments or Concerns of Any Person Present Today:

There were no comments or concerns addressed to the Board.

Applicants for Licensure Examination:

None

Applicants for Licensure Appearing in Person:

None

CHRO Applicants for Licensure:

1. Michael A. Cascagne V-4

Board Member Kenneth Leech made a motion to approve this CHRO based on Director Hurlburt's recommendation. The motion was seconded by Board Member Raymond Turri. The motion carried unanimously.

2. John Lindsay V-4

Board Member Raymond Turri made a motion to approve this CHRO based on Director Hurlburt's recommendation. The motion was seconded by Board Member Kenneth Leech. The motion carried unanimously.

Prior CHRO Applicants for Licensure Pending Decision:

None

CHRO Renewal of Licensure:

None

Prior CHRO Request for Renewal of Licensure Pending Decision:

None

CHRO Request for Reinstatement of Licensure:

None

Prior CHRO Request for Reinstatement of Licensure Pending Decision:

None

Request for Re consideration:

None

Request to Suspend:

None

Stipulation and Settlement Agreement Containing Consent Orders:

Stipulation Containing Consent Order:

None

Stipulation Containing Consent Order Previously Heard:

None

Settlement Containing Consent Order:

None

Notice of Continuance :

None

Request to Dismiss and Request to Dismiss Without Prejudice:

Request to Dismiss:

None

Request to Dismiss without Prejudice:

None

Request to Revise:

None

Request to Reopen:

None

Commissioner's Advisories and Recommendations:

None

Review of PSI Examination Results:

The Board reviewed the PSI Examination results covering dates December 1, 2003 through December 31, 2003.

Correspondence :

None

Legal Department's Tracking Report:

None

New Business:

1. The Board had concerns regarding the low failure rate reflected in the PSI Examination Results for December 2003.

The Board requested that Director Hurlburt work with PSI to perform a sampling as to why nearly half of all examinees had failed by comparing the background of those who failed to those who passed, as well as retrieving each of their applications.

2. The Board inquired if it would be better to develop their own test bank of examination questions, so that whatever testing service is hired by the State as the result of the bidding process, their questions would be used. This would eliminate their having to review the test bank and/or "reinvent the wheel" each time an examination service is hired.

Director Hurlburt replied that the integrity of the process could be potentially comprised due to security issues and there being "no safe place" to store the questions, and he reminded them that this was the very reason why the State went with this new system.

3. Chairman Laurence Vallieres commented that there has not been very many Stipulations or hearings before the Board and where is the Department as far processing the large volume of backlogged cases that were identified some months ago?

DCP Attorney Anthony Santoro replied that he continues to work on them; there is a lot to do. Further, the Board should be seeing a large number of cases come before them in the next two months.

Old Business:

1. September 29, 2003 article from CableWorld concerning "Sears Preps Sales Staff for Rollout of Voom Service".

At the December 12, 2003 meeting, Board Member Michael Muthersbaugh stated that the installers and contractors performing these jobs are not licensed or certified. Chairman Laurence Vallieres requested that the Occupational and Professional Division Director, Richard Hurlburt, write a letter to Sears informing them of Connecticut's licensing laws.

At today's proceedings, Director Richard Hurlburt was asked to generate a letter to Sears advising them of Connecticut's licensing laws and to have the letter included in the February 13 Electrical Board packet. Director Hurlburt agreed to do so and indicated that he believed he had a contact at Sears to send it to.

2. At the November 14, 2003 meeting, Board Member Lewis Stanio provided a copy of a document "*White Paper In Opposition to: Amendments Proposed by the Electrical Work Examining Board to CT General Statutes Section 20-340(4) and CT General Statutes Section 20-330(2)*". The document is in direct opposition to the Board's "*Proposed Legislative Changes to Chapters 393 and 394*" submitted to former Consumer Protection Commissioner, James Fleming, for approval in August 2003.

After a brief review of the document, Chairman Laurence Vallieres requested the Board Secretary to mail out advanced copies to all Board Members and request that they compare and note the difference in language between the two documents and to be prepared to discuss it at today's meeting.

At the December 12, 2003 meeting, a few individuals addressed the Board in support of the document entitled "White Paper In Opposition to: Amendments Proposed by the Electrical Work Examining Board to CT General Statutes Section 20-340(4) and CT General Statutes Section 20-330(2)", while the Board Members upheld their position in favor of their proposed legislative changes to Chapter 393 and 394. Chairman Laurence Vallieres concluded the discussion by stating that he would arrange an appointment with Commissioner Edwin Rodriguez to discuss the proposal and would draft a letter to be forwarded to all who participated in today's discussion and to those present who had an interest in the outcome of his meeting with the Commissioner.

During today's proceedings, Chairman Laurence Vallieres indicated that he did not schedule an appointment as yet with Commissioner Edwin Rodriguez due to the holidays but he plans to do so in the near future.

3. At the November 14, 2003 meeting, the Board requested that the Department locate the exact date when Kurt Claywell, owner of Claywell Electric Company Incorporated and Claywell Incorporated, pleaded guilty to 21 of 31 charges in Federal Court.

At the December 12, 2003 meeting, DCP Administrative Hearings Attorney Vicky Bullock submitted paperwork which indicated Mr. Claywell's sentencing date rather than his actual conviction date. The Board requested that the Department make it clear to Attorney Bullock that they were seeking Mr. Claywell's conviction date and if found to present it at their next meeting.

Further, Board Member Michael Muthersbaugh made a motion that if Mr. Claywell's conviction date was prior to his Renewal date of September 30th, the Board ruled that Mr. Claywell's license be rescinded by the Department. The motion was seconded by Board Member Jack Halpert. The motion carried unanimously.

At today's proceedings, the Board reviewed handwritten notes from Attorney Vicky Bullock indicating that the sentencing date is the actual conviction date, and that Mr. Claywell's sentencing date is scheduled for May 14, 2004.

The Board asked Attorney Anthony Santoro if the Department can file a complaint against contractor Kurt Claywell for unethical conduct. Attorney Anthony Santoro replied that once the matter of the sentencing phase is settled, then a complaint can be issued against Mr. Claywell. Director Richard Hurlburt added that the complaint will be more effective, i.e. stronger, when filed after the sentencing date.

***According to the taped proceedings of this discussion, no motion was made to this effect.**

Note: Board Member Kenneth Leech recused himself in this matter.

Postponed Formal Administrative Hearings:

None

Formal Administrative Hearings:

1. **In the matter of Peter Particelli** **Docket No. 03-1362**

Pursuant to the provisions of Sections 4-166 et seq., 20-334, 20-341, 21a-7 and 21a-9 of the Connecticut General Statutes, the State Electrical Work Examining Board, having reason to believe that Peter Particelli, hereinafter referred to as Respondent, has violated the provisions of Sections 20-334 and 20-341 and 21-a of the Connecticut General Statutes as and Sections 20-332-16 and 20-332-18a of the Regulations of Connecticut State Agencies, hereby issues its Complaint stating its charges as follows follows:

At all times relevant herein, the Respondent, was the owner of Particelli Electric and Fire Protection, a foreign business located in Rowley, Massachusetts. At all times relevant herein the Respondent engaged in the business of electrical and fire protection work in the State of Connecticut. At all times relevant herein, the Respondent did not possess a certificate, license or registration issued by this Board to engage in electrical work in the State of Connecticut. On or about May 23, 2000, on a job site located at 5 Niblick Road, Enfield, Connecticut, the Respondent caused electrical work to be performed by persons who were not licensed or registered in the State of Connecticut in accordance with Chapter 393 of the Connecticut General Statutes. On or about May 23, 2000, on a job site located at 5 Niblick Road, Enfield, Connecticut, the Respondent performed electrical system work without being licensed in the State of Connecticut in accordance with Chapter 393 of the Connecticut General Statutes. The circumstances cited in Paragraphs Two through Five, inclusive, of this Complaint constitute authority and grounds for the imposition of any one or more of the following sanctions: imposition of a civil penalty, reprimand, and/or issuance of a Cease and Desist order for any violation found.

DCP Attorney Anthony Santoro addressed the Board stating that a stipulation with a civil penalty of \$1,000.00 has been agreed to by Mr. Particelli's boss, but he is waiting on the check to arrive. Attorney Santoro further commented that he is confident that the check will be forthcoming.

The Board requested that this matter is tabled to the February 13, 2004 meeting until the check arrives.

Final Decisions and Orders Presented and were Signed:

The following Final Decisions and Orders were submitted by France Lee, DCP Paralegal, to Chairman Laurence Vallieres:

None

Final Decisions and Orders Presented and were not Signed:

None

There being no further business, a motion was made by Board Member Jack Halpert to adjourn the meeting.

The motion was seconded by Board Member Douglas Reid.

The motion carried unanimously.

The meeting adjourned at 9:44 a.m.

Respectfully submitted,

Judith R. Booth, Board Secretary