

MINUTES

HEATING, PIPING, COOLING AND SHEET METAL WORK EXAMINING BOARD

MAY 21, 2015

The meeting was called to order by David Foster, Board Member, at 10:30 a.m. on May 21, 2015 in Room 117 at the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present:

David G. Foster	Unlimited/General Contractor
John T. Higgins, Jr.	Unlimited Journeyperson
Cameron G. Champlin, Jr.	Unlimited Journeyperson
Philip H. Benoit	Sheet Metal Journeyperson

Members Absent:

Robert H. Barrieau, Acting Chairperson	Unlimited Contractor
Thomas F. Casey, Jr.	Unlimited Contractor
Michael Rosario	Unlimited Journeyperson

Board Vacancies:

Four Public Members, Sheet Metal Contractor

DCP Board Staff Present:

Richard M. Hurlburt, Director
Karen Layman, Secretary

Others present:

Paul Femia, Dept. of Labor
Seth Maloney
Robert Hofmiller
Robert Hofmiller, Jr.
Nicholas Solla
Damon Nellons

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

Note: The Board voted to take the following agenda item out of order to accommodate the appearance of Assistant Attorney General Eileen Meskill at 10:30 a.m.:

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 constitutes "active state supervision", and how this case relates to the duties performed by this Board. The Board is advised to contact the AAG's Office at any time to request legal advice if they feel it is warranted.

MINUTES OF PREVIOUS MEETING:

The Board reviewed and approved the April 16, 2015 Heating, Piping, Cooling and Sheet Metal Work Examining Board meeting minutes as written.

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

None

APPEARING FOR GUIDANCE:

Jeremy Gravelle, Kensington, CT

Mr. Gravelle holds a (B-2) and a (D-2) license and was scheduled to appear for guidance on the licensing process for an (S-10) license; however he was unable to attend this meeting.

APPLICATION FOR REVIEW:

Anthony Felicello, East Haven, CT – (S-10) Limited Journeyman –Tabled

Anthony Felicello appeared before the Board on 3/19/15 and the Board voted to conditionally approve Mr. Felicello for the (S-10) examination, contingent upon submission of application acceptable to DCP standards. (There was no application on file with DCP at this time.)

Subsequently, Mr. Felicello submitted his application to PSI and it was received at DCP on 3/25/15. Upon review of the application package by the Department, it was determined it was not complete due to the fact that it did not include "notarized statements from occupational related employers as to dates and duties of employment," as stated as a requirement on the application. A letter was sent to the applicant stating that this additional documentation is needed.

Mr. Felicello was unable to appear today. The Board voted unanimously to table the review of this application until the June 18, 2015 meeting.

Discussion on the matter of pre-approvals without applications submitted first, which is contrary to existing law.

The Board voted unanimously to table this topic until the June 18, 2015 meeting.

APPEARING FOR RECONSIDERATION:

Matthew Buckley, Newport, RI – (B-2) Limited Contractor – No action taken

Mr. Buckley's (B-1) application was denied by the Board on 3/19/15 due to lack of a (B-2) license for the required two year period. Mr. Buckley changed the category of license sought from (B-1) to (B-2) and resubmitted the application for the Board's review at the 4/16/15 meeting. After discussion, the Board voted to deny Mr. Buckley's (B-2) application due to lack of proof of on the job training.

Mr. Buckley has submitted documentation and was scheduled to appear for reconsideration of this application; however he was unable to attend this meeting.

Robert Hofmiller, Stratford, CT – (S-10) Limited Journeyman – No action taken

Mr. Hofmiller's (S-10) application was denied on 4/16/15 due to lack of apprenticeship completion. The Board reviewed Mr. Hofmiller's application and credentials and offered advice on ways in which to proceed toward obtaining a license in the heating trade.

Nicholas Solla, Waterbury, CT – (S-7) Limited Contractor – No action taken

Mr. Solla's (S-7) application was denied on 3/19/15 due to lack of apprenticeship and related instruction. The Board reviewed Mr. Solla's application and credentials and offered advice on his options to obtain additional licensing in the heating trade.

Seth Maloney, Willington, CT (S-2) Unlimited Journeyman – Approved

Mr. Maloney's (S-2) application was denied on 3/19/15 due to lack of proof of the required 8,000 hours of on the job training. The Board requested that he appear in person for further discussion. Mr. Maloney appeared and the Board reconsidered his application. After review of the documentation and discussion, the Board voted unanimously to approve this application.

APPLICATIONS:

John Bishop, Easthampton, MA – (S-4) Limited Journeyman – Referred

The Board voted unanimously to have Director Richard Hurlburt review and take appropriate action on this application.

Thomas Hoffman, Shelton, CT – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Hoffman's (S-2) application due to lack of apprenticeship completion and related instruction.

Michael Piesyk, Chicopee, MA – (S-4) Limited Journeyman – Referred

The Board voted unanimously to have Director Richard Hurlburt review and take appropriate action on this application.

Michael Vater, Torrington, CT – (S-2) Unlimited Journeyman – Denied

The board voted unanimously to deny Mr. Vater's (S-2) application due to lack of apprenticeship completion and related instruction.

Justin Waugh, Wilbraham, MA – (S-4) Limited Journeyman – Referred

The Board voted unanimously to have Director Richard Hurlburt review and take appropriate action on this application.

APPLICATIONS ADDED TO THE AGENDA BY BOARD VOTE:

Orville Williams, Austin, TX – (SM-2) Limited Journeyman – Approved

The Board voted unanimously to approve Mr. Williams' (SM-2) application.

APPEARING FOR GUIDANCE

Damon Nellons, New Britain, CT

Mr. Nellons appeared seeking clarification regarding the requirements for the (SM-2) license. Mr. Nellons was advised to submit an application at such time that apprenticeship and related instruction requirements for this license type are fulfilled.

APPLICATIONS FOR RECONSIDERATION:

Robert Strycharz, Hampden, MA – (S-4) Limited Journeyman – No action taken

The Board denied Mr. Strycharz's (S-4) Limited Journeyman application due lack of information regarding apprenticeship completion in the heating trade on 3/19/15. Mr. Strycharz was scheduled for review of additional documentation and original application package.

No new documentation was submitted therefore no action was taken.

OLD BUSINESS:

None

NEW BUSINESS:

None

CORRESPONDENCE:

None

DCP TRADE PRACTICES DIVISION COMPLAINT STATUS REPORT:

The Board reviewed the current complaint report submitted by the DCP Trade Practices Division dated 5/9/11 to 5/11/15.

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

None

There being no further business, the meeting adjourned at 12:05.

Respectfully submitted,

Karen Layman,
Board Secretary

2015 MEETING SCHEDULE

NOTE: ALL MEETINGS WILL TAKE PLACE AT 10:30 A.M.

- June 18, 2015
- July 16, 2015
- August 20, 2015
- September 17, 2015
- October 15, 2015
- November 19, 2015
- December 17, 2015