

# MINUTES

## PLUMBING AND PIPING WORK EXAMINING BOARD

**JUNE 19, 2008**

The meeting was called to order by Charles Appleby, Sr., Chairperson at 9:30 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106.

Members Present: Charles E. Appleby, Sr., Contractor, Chairperson  
George C. Sima, Well Drilling Contractor  
James Piccoli, Contractor  
Christopher M. Bowman, Contractor  
John R. Damico, Journeyperson  
Anthony Calandrino, Journeyperson  
Hubert J. Barnes, Unlimited Journeyperson  
Frank J. DaCato, Unlimited Journeyperson  
John R. Sullivan, Public Member  
Melissa C. Sheffy, Public Member  
Carl W. Schaefer, Public Member

Member Absent: Joyce Topshe, Public Member

Board Vacancies: None

Board Counsel Present: None

DCP Staff Present: Nelson Leon, Board Secretary  
Anthony Santoro, Administrative Hearings Attorney

Public Present: Jason Nolan Ken Duff  
Keith Danzy Gerald Russello  
Ken Muller, III Joseph Elder, Esq.  
Peter Kuntz Al Cyr  
Brian Strout  
Keith Glabau  
Tim Vergnetti  
Fred DaCruz  
David Fernandes  
Scot Chevrier  
Bret Chevrier  
Joe Delucia

**Note:** The administrative functions of this Board 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.

**Agency Website:** [www.ct.gov/dcp](http://www.ct.gov/dcp)

### **MINUTES OF PREVIOUS MEETINGS**

The Board voted unanimously to approve minutes of the April 17, 2008 Plumbing and Piping Work Examining Board meeting.

### **NEW BOARD MEMBER APPOINTMENTS**

Appointment letter dated April 4, 2008 from the Honorable Governor M. Jodi Rell, concerning the appointment of Hubert J. Barnes to the Plumbing, and Piping Work Examining Board, as an Unlimited Journeyman.

Appointment letter dated April 4, 2008 from the Honorable Governor M. Jodi Rell, concerning the appointment of Carl W. Schaefer to the Plumbing, and Piping Work Examining Board, as a Public Member.

Appointment letter dated June 13, 2008 from the Honorable Governor M. Jodi Rell, concerning the appointment of Frank J. DaCato to the Plumbing, and Piping Work Examining Board, as an Unlimited Journeyman.

Hubert J. Barnes, Carl W. Schaefer and Frank J. DaCato were sworn-in by DCP Attorney Anthony Santoro.

### **APPLICATIONS**

#### **Scot J. Chevrier, Prospect, CT – (J-3) Limited Contractor – Denied**

The Board voted unanimously to deny Mr. Chevrier's application due to lack of a required "Letter of Apprenticeship Completion" certificate.

#### **Fernando M. DaCruz, Ludlow, MA – (P-7) Limited Contractor – Approved**

The Board voted unanimously to approve Mr. DaCruz's application.

#### **Joseph A. Delucia, Waterbury, CT – (J-3) Limited Contractor – Denied**

The Board voted unanimously to deny Mr. Delucia's application due to lack of a required "Letter of Apprenticeship Completion" certificate.

#### **David Fernandes, Ludlow, MA – (P-7) Limited Contractor – Approved**

The Board voted unanimously to approve Mr. Fernandes' application.

**Keith F. Glabau, Berlin, CT – (J-4) Limited Journeyman – Denied**

The Board voted to deny Mr. Glabau's application due to lack of a required "Letter of Apprenticeship Completion" certificate. Board member James Piccoli recused himself from participating on this matter.

**Kenneth C. Muller, III, Norwalk, CT – (J-1) Limited Contractor – Approved (J-2)**

Mr. Muller changed his license category from (J-1) Limited Contractor to (J-2) Limited Journeyman. The Board voted unanimously to approve Mr. Muller to sit for the (J-2) Limited Journeyman examination, and if he passes the (J-2) Limited Journeyman examination, he may appear before the Board for consideration of the (J-1) Limited Contractor examination and waiver of the two year requirement as a (J-2) Limited Journeyman license holder, based on a qualifying hardship.

**Kenneth C. Muller, III, Norwalk, CT – (W-2) Limited Journeyman – Approved**

The Board voted unanimously to approve Mr. Muller's application, and if he passes the (W-2) Limited Journeyman examination, he may appear before the Board for consideration of the (W-1) Limited Contractor examination and waiver of the two year requirement as a (W-2) Limited Journeyman license holder, based on a qualifying hardship.

**Jason R. Nolan, Terryville, CT – (P-2) Unlimited Journeyman – Denied**

The Board voted unanimously to deny Mr. Nolan's application due to lack of a required "Letter of Apprenticeship Completion" certificate, and would like Mr. Nolan's application referred to DCP Trade Enforcement Division for investigation concerning non-registration of apprentices by his employers.

**Gerald J. Russello, North Kingstown, RI – (P-2) Unlimited Journeyman – Approved**

The Board voted unanimously to approve Mr. Russello's application.

**Brian R. Strout, Millbridge, ME – (J-4) Limited Journeyman – No Action**

Application was previously approved and was referred back to DCP for processing.

**Timothy P. Vergnetti, Wallingford, CT – (P-1) Unlimited Contractor – Denied**

The Board voted to deny Mr. Vergnetti's application due to lack of a required (P-2) Unlimited Journeyman license for a minimum of two years. Board member Frank J. DaCato recused himself from participating on this matter.

**Davis O. Williams, West Haven, CT – (J-2) Limited Journeyman – Approved**

The Board voted unanimously to approve Mr. Williams' application.

**REQUEST FOR REINSTATEMENT**

**Henry J. Totz, Branford, CT (J-3) Limited Journeyman –** Mr. Totz is requesting reinstatement of his (J-3) Limited Journeyman license which expired on 10/31/01.

The Board voted unanimously to deny Mr. Totz's request and are requiring him to re-apply and re-test for his (J-3) Limited Journeyman license.

## **“DRAFT” LIGHTNING PROTECTION SYSTEMS**

Lightning protection system, different type of corrugated metals. To install this type of tubing, one has to go through manufacturers training. Tubing or adapter to be properly grounded to an independent ground rod or a panel, which a plumber is not allowed going to an electrical panel to do so, unless properly licensed in that trade to perform any bonding. Another alternative is ground rods driven into the ground and properly grounded. Mr. Hurlburt said that the Electrical Board said a licensed electrician should do this type of work, and that the definition of electrical work pursuant to Chapter 393, Section 20-330 of the CT General Statutes states that "Electrical work" means the installation, erection, maintenance, alteration or repair of any wire, cable, conduit, busway, raceway, support, insulator, conductor, appliance, apparatus, fixture or equipment that generates, transforms, transmits or uses electrical energy for light, heat, power or other purposes, but does not include low voltage wiring, not exceeding twenty-four volts, used within a lawn sprinkler system. The Board tabled further discussion on this matter at their 2/21/08 meeting to their next meeting scheduled on Thursday, 4/17/08, and suggested inviting the Electrical Board Chairperson, Larry Vallieres for continued discussion and input.

Larry Vallieres, CT Electrical Board Chairperson appeared before the Board at their 4/17/08 meeting and offered his input on this matter. Mr. Vallieres discussed issues concerning bonding and grounding, related wiring code as well as electrodes not permitted for grounding. Mr. Vallieres explained proper bonding and grounding methods concerning lightning protection systems, and expressed his concern on the dangers associated with lightning protection systems. Mr. Vallieres said that while CT General Statutes, Chapter 393, Section 20-330 states that “Electrical Work” means the installation, erection, maintenance, alteration or repair of any wire, cable, conduit, busway, raceway, support, insulator, conductor, appliance, apparatus, fixture or equipment that generates, transforms, transmits or uses electrical energy for light, heat, power or other purposes, but does not include low voltage wiring, not exceeding twenty-four volts, used within a lawn sprinkler system; however, when there is a lightning strike, it does transmit electricity, and that meets the definition of “Electrical Work”.

The Board unanimously concluded at their 4/17/08 meeting to continue this matter to their next meeting on Thursday, June 19, 2008 for further input and discussion.

The Board tabled this matter at today’s meeting for further input and discussion at a future meeting date to be determined by the Board.

## **REQUEST FOR RECONSIDERATION**

### **In the Matter of Christian M. Scinto      Docket No. 06-2121**

A Formal Administrative hearing was held on this matter 2/15/07 and the hearing was concluded. The Board recommended at their 2/15/07 meeting to issue an Immediate Order of Discontinuance consisting of a Civil Penalty in the amount of \$14,500.00 and revocation of Mr. Scinto's (P-2) Unlimited Journeyman license if the Civil Penalty is not paid in full within ninety days or Mr. Scinto fails to establish a payment plan agreeable to DCP. The Board decided at their 6/21/07 meeting to agree with the recommendation made by the Board at their 2/15/07 meeting. Mr. Scinto requested a reconsideration of the Board's decision and his reconsideration was scheduled for the Board's 12/20/07 meeting, which Mr. Scinto was a no-show. After further review and discussion on this matter at the Board's 12/20/07 meeting, the Board voted unanimously to agree to a payment plan consisting of a \$7,000.00 initial payment within sixty days of 12/20/07 and monthly payments of \$500.00 until the \$14,500.00 Civil Penalty is paid in full.

Mr. Scinto was a no-show at today's meeting, and no decision was made concerning his request for reconsideration.

### **In the Matter of Alan R. Cyr      Docket No. 06-959, 06-1236**

A Formal Administrative hearing was held on this matter 7/20/06 and the hearing was concluded. The Board decided to issue an Immediate Order of Discontinuance, Civil Penalty in the amount of \$17,500.00, Restitution in the amount of \$6,500.00 and suspension of Mr. Cyr's (P-1) Unlimited Contractor license for a period of 90 days.

Joseph Elder, legal counsel for Alan R. Cyr, appeared before the Board at their 4/19/07 to request a continuance on this matter in order to allow Mr. Cyr an opportunity to be heard and present evidence which contradict the charges against him. The Board tabled this matter to their 6/21/07 meeting and requested that Attorney Elder provide the Board with a copy of the court decision regarding the disposition of Mr. Cyr's criminal case, and the matter was continued to the Board's 8/16/07 meeting in which Attorney Elder and Mr. Cyr were not present, and the Board denied the request for reconsideration "Without Prejudice". Mr. Cyr appeared before the Board at their 10/18/07 meeting in which there was no quorum to conduct business; therefore, the matter was continued to the Board's 12/20/07 meeting. Mr. Cyr and his legal counsel were not present at the Board's 12/20/07 meeting. After further review and discussion on this matter at the Board's 12/20/07 meeting, the Board voted unanimously to deny Mr. Cyr's request for reconsideration.

Attorney Elder and Mr. Cyr appeared before the Board at their 2/21/08 meeting to request reconsideration of the Board's decision on this matter. Attorney McCann informed the Board at their 2/21/08 meeting that this matter concerns a request for reconsideration, not a request for re-litigation, and that if information is now available that was not available at the time of the hearing or new evidence that is being presented that would materially change the outcome, the Board may consider the information. After further review, discussion and information provided by Attorney Elder, the Board voted unanimously deny Mr. Cyr's request for reconsideration "without prejudice" based on lack of evidence for the Board to reconsider their 7/20/06 decision. Attorney McCann informed the Board that he will provide Mr. Cyr sixty days to present any new evidence warranting a reconsideration before asking the board to suspend Mr. Cyr's plumbing license for non-payment of the civil penalty imposed at the Board's 7/20/06 meeting.

Attorney McCann provided a follow-up report to the Board at their 4/17/08 meeting and Attorney Elder and Mr. Cyr were not present. Attorney McCann informed the Board that he was not provided any evidence warranting a reconsideration of the Board's 7/20/06 decision, and suggested suspension of Mr. Cyr's Unlimited Contractor plumbing license (202824-P1) for non-payment of the civil penalty imposed by the Board at their 7/20/06 meeting. After further review and discussion on this matter at the 4/17/08 meeting, the Board voted unanimously to revoke Mr. Cyr's plumbing license until the civil penalty is paid in full or arranges a payment plan that is acceptable to DCP, and are requiring Mr. Cyr to appear before the Board to request reinstatement of his Unlimited Contractor plumbing license.

Mr. Cyr is being given an opportunity to present new evidence to be heard by the Board at today's meeting. This will be the final date that the Board will hear reconsideration on this matter and no further continuances will be granted.

Alan R. Cyr and his legal counsel, Joseph Elder appeared before the Board at today's meeting and presented testimony and evidence for review and consideration. After further review and discussion on this matter, the Board voted to deny Mr. Cyr's request for reconsideration. Board member Anthony Calandrino was opposed.

### **COMMENTS FROM THE PUBLIC PRESENT TODAY**

There being no further business, the meeting adjourned at 12:25 p.m.

Respectfully submitted,

Nelson Leon  
Board Secretary

**The next regular meeting is scheduled for Thursday, August 21, 2008, at 9:30 a.m. in Room 117.**