

MINUTES

PLUMBING AND PIPING WORK EXAMINING BOARD

APRIL 17, 2008

The meeting was called to order by Charles Appleby, Sr., Chairperson at 9:33 a.m. in Room 17 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
John R. Sullivan, Public Member

Member Absent: Joyce Topshe, Public Member
Melissa C. Sheffy, Public Member

Board Vacancies: Two Unlimited Journeyperson
One Public Member

Board Counsel Present: None

DCP Staff Present: Nelson Leon, Board Secretary
Richard M. Hurlburt, Director
Jim McCann, Administrative Hearings Attorney
Helen Hilman, Consumer Information Representative

Public Present: Thomas Pieron
Trenton Anderson
Jeff Merk
Jason Nolan
Fredericka Brown
Larry Vallieres

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

MINUTES OF PREVIOUS MEETINGS

The Board voted unanimously to approve minutes of the February 21, 2008 Plumbing and Piping Work Examining Board meeting.

APPLICATIONS

Trenton J. Anderson, Plantsville, CT – (P-2) Unlimited Journeyman – Denied

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

Paul E. Holland, Jr., Weatogue, CT – (P-1) Unlimited Contractor – Approved

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

Joseph Lovejoy, Cheshire, CT – (P-2) Unlimited Journeyman – Denied

The Board voted to table Mr. Lovejoy's application at their 12/20/07 meeting, contingent upon receipt of notarized statements from his occupational related employers as to dates and duties of employment and transcripts of his school related instructional experience. Board member Christopher M. Bowman recused himself from participating on this matter. The Board denied Mr. Lovejoy's application again at their 2/21/08 meeting due to lack of a required "Letter of Apprenticeship Completion" certificate. Board member Christopher M. Bowman recused himself from participating on this matter.

The Board voted at today's meeting to deny Mr. Lovejoy's application due to lack of a required "Letter of Apprenticeship Completion" certificate. Board member James Piccoli and Christopher Bowman recused themselves from participating on this matter. Board member Anthony Calandrino was opposed.

Jeffrey D. Merk, Portland, CT – (P-9) Limited Contractor – Approved

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

LATE ARRIVING APPLICATION

(The Board voted unanimously to review the following late arriving application)

Fredericka M. Brown, Hartford, CT – (P-1) Unlimited Contractor – Denied

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

CORRESPONDENCE

1. Notice of Intent to Amend Well Drilling Regulations.
2. “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 on 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 today 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 to continue this matter to their next meeting on Thursday, June 19, 2008 for further input and discussion.

PRESS RELEASE

Press Release dated February 28, 2008 concerning Edwin R. Lewis, doing business as ERL Electric who was arrested on numerous charges, including exploitation of an elderly person. Mr. Lewis allegedly performed electrical and plumbing work on a Hebron, CT residence in 2007, although he holds no plumbing license, his electrical licenses had been previously revoked by the Department of Consumer Protection's Electrical Board, and his Home Improvement Contractor registration had expired in 2006. In addition, Mr. Lewis allegedly failed to secure the appropriate local plumbing and electrical building permits for the work done on the Hebron home. Mr. Lewis is charged exploitation of the elderly - larceny in the 2nd degree, in violation of Connecticut General Statutes Section 53a-123(a)(5) and two counts of failing to secure building permits in violation of Section 29-254a. Mr. Lewis is scheduled to appear at Rockville Superior Court on March 10, 2008.

STIPULATION

In the Matter of Timothy Kennedy

Docket No. 08-140

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 today's 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 suspending 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 today's 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.

CONTINUING EDUCATION

The Board voted unanimously to establish a task force for the purpose of reviewing plumbing continuing education course submittals.

NOTICE OF INTENT TO AMEND WELL DRILING REGULATIONS

Board member George C. Sima reports on a public hearing to be held on Tuesday, April 22, 2008 concerning notice of intent to amend well drilling regulations, and is asking the Board to allow him to attend as a representative of the Board. The Board unanimously decided to allow Mr. Sima to attend the hearing as a representative of the Board.

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, June 19, 2008, at 9:30 a.m. in Room 117.