

MINUTES

PLUMBING AND PIPING WORK EXAMINING BOARD

APRIL 9, 2015

The meeting was called to order by Chairperson Charles Appleby, Sr. on April 9, 2015 at 9:08 a.m. in Room 117 at the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present:

Charles Appleby, Sr., Chairperson
Christopher M. Bowman
George C. Sima
Frank J. DaCato
John R. Damico
Melissa Sheffy
Joyce Topshe
Carl W. Schaefer

Unlimited Contractor
Unlimited /General Contractor
Well Drilling Contractor
Unlimited Journeyperson
Unlimited Journeyperson
Public Member
Public Member
Public Member

Members Absent:

James Piccoli
Anthony Calandrino
Peter Alfieri

Unlimited Contractor
Unlimited Journeyperson
Unlimited Journeyperson

Board Vacancies:

One Public Member

DCP Board Staff:

Richard M. Hurlburt, Director
Karen Layman, Secretary

Dept. of Labor Rep.:

Gina Knox

Others Present:

Eileen Meskill, Asst. Atty. General
Moises Ortiz-Pastor

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

MINUTES OF PREVIOUS MEETING:

The Board voted unanimously to accept the minutes of the March 12, 2015 Plumbing and Piping Work Examining Board meeting as written.

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

None

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. Attorney Meskill proceeded to clarify what "active state supervision" entails for the Board's clarification.

The Office of the Attorney General is in the process of determining what this means to the state boards and will be meeting with the Governor's counsel regarding this decision and discuss the overall impact. At that point, it can be decided if anything needs to be addressed or changed within state agencies and board procedures. It was noted that this case does not pertain to regular disciplinary issues, rather, to scope of practice or scope of work issues.

The Board is encouraged to contact the Office of the Attorney General with any issues that may pertain to the topics surrounding this case.

APPEARANCE FOR RECONSIDERATION OF APPLICATION:

Moises Ortiz-Pastor, Peekskill, NY – (P-2) Unlimited Journeyperson – Approved
Mr. Ortiz-Pastor's (P-2) Unlimited Journeyperson application was denied on January 8, 2015 due to lack of proof of on the job training. Mr. Ortiz-Pastor appeared before the Board and submitted additional documentation regarding on-the-job training and related instruction. After review of documentation and further discussion, the Board voted unanimously to approve Mr. Ortiz-Pastor's (P-2) application.

APPLICATION FOR RECONSIDERATION:

Gzim Kastrati, Stamford, CT – (P-2) Unlimited Journeyperson – Denied

Mr. Kastrati's (P-2) Unlimited Journeyperson application was denied by the Board on January 8, 2015 due to lack of registered apprenticeship. Additional documentation was submitted and reviewed at today's meeting. After discussion, the Board voted unanimously to deny Mr. Kastrati's application due to lack of registered apprenticeship.

APPLICATIONS:

Richard DelPonte, Tappan, NY – (P-1) Unlimited Contractor – Denied

The Board voted unanimously to deny Mr. DelPonte's (P-1) application due to a lack of a (P-2) Unlimited Journeyperson license for the required two-year period.

In addition, the Board voted unanimously to approve Mr. DelPonte for the (P-2) examination, should he choose to amend the category of the application from (P-1) to a (P-2).

Frank Ruiz, III, Orange, CT – (P-1) Unlimited Contractor – Denied

The Board voted unanimously to deny Mr. Ruiz's (P-1) application due to a lack of a (P-2) Unlimited Journeyperson license for the required two-year period and lack of registered apprenticeship, on-the-job training, and related instruction.

APPLICATIONS ADDED TO THE AGENDA BY BOARD VOTE:

Dustin Libby, Unionville, CT – (P-2) Unlimited Journeyperson – Approved

The Board reviewed Mr. Libby's application, which was submitted without the related apprenticeship completion letter. Department of Labor representative Gina Knox and Board Member Frank DaCato confirmed that Mr. Libby has completed his apprenticeship. Based on that information, the Board voted to approve Mr. Libby's (P-2) application. Board Member Frank DaCato abstained.

Miklos Zilahy, Rocky Hill, CT – (P-2) Unlimited Journeyperson – Denied

The Board voted unanimously to deny Mr. Zilahy's application due to lack of apprenticeship and proof of related instruction, specifically in the area of plumbing.

Andrzej Otreba, Stamford, CT – (P-1) Unlimited Contractor – Denied

The Board voted unanimously to deny Mr. Otreba's application due to lack of registered apprenticeship. In addition, the Board voted unanimously to refer this application and related documentation to DCP Trade Practices Division for investigation, Department of Labor, Division of Wage and Workplace Standards for investigation, and to the Department of Education for a comparative analysis of related instruction.

OLD BUSINESS:

1. Residential sprinkler system licensing requirements

Chairperson Charles Appleby reported the following:

- The bill entitled “An Act Requiring the Installation of Automatic Fire Extinguishing Systems in New Residential Buildings,” did not advance past the Public Safety Committee.
- The Connecticut Fire Sprinkler Coalition will be presenting another live burn demonstration on Saturday, May 2, 2015 at 11:00 a.m. at the Home Depot, New Park Avenue, in West Hartford.

NEW BUSINESS:

1. The continuing education committee will be meeting regarding the 2016-2017 curriculum. Members from the Plumbing and Piping Work Examining Board to be on this committee will be: James Piccoli, Charles Appleby, Frank DaCato, and Melissa Sheffy.

2. Board Members Melissa Sheffy and Frank DaCato reported that Substitute House Bill No. 6808, File 321, An Act Concerning the Enforcement of Certain Occupational Licensing Statutes, has come out of Committee and is proceeding to the House for a vote.

CORRESPONDENCE:

1. Continuing Education Evaluation Forms
Board so noted.

DCP TRADE PRACTICES DIVISION COMPLAINT REPORT:

1. The Board reviewed the current complaint report submitted by the DCP Trade Practices Division and discussion ensued.

2. The Board requested that Trade Practices provide them with clarification on the time limits for the statute of limitations.

3. Chairperson Charles Appleby requested that Trade Practices provide him with a complaint report including open, pending, closed, and dismissed cases from the period of January 2015 until present, as previously requested.

COMMENTS OR CONCERNS FROM ANY PERSON PRESENT TODAY:

None

There being no further business, the meeting adjourned at 10:28.

Respectfully submitted,

Karen Layman,
Board Secretary

2015 Meeting Schedule

- May 14, 2015
- June 11, 2015
- July 9, 2015
- August 13, 2015
- September 10, 2015
- October 8, 2015
- November 12, 2015
- December 10, 2015

Meetings will take place at 9:00 a.m. in Room 117 at 165 Capitol Avenue, Hartford, Connecticut