

**ELECTRICIANS' EXAMINING BOARD
MEETING MINUTES**

Meeting Date: November 20, 2015
Meeting Location: Central Conference Room, State of Maine – Gardiner Annex
Northern Avenue, Gardiner, Maine

Meeting Began: 8:13 a.m.

Roll Call of Officers:

The following members were present:

Gerard Caron
Don Berry
Brian McDougal
Peter Wilson

The following member(s) were absent:

Earl Sherwood
Ryan Morgan

Staff Present:

Catherine Carroll, Board Administrator
Harley Murray, Board Clerk
Raymond Stanford, Senior Electrical Inspector
Robert LeClair, Executive Director of Manufacturing Housing

AAG Present:

Christopher Mann

Hearing Officer:

Rebekah J. Smith

Board Meeting Minutes

A motion was made to accept the October 16, 2015 minutes, as modified, by correcting a few typographical errors.

Motion: Peter Wilson
Second: Don Berry
Abstained: Gerard Caron

Motion carried

A motion was made to accept the March 20, 2015 minutes as presented.

Motion: Peter Wilson
Second: Gerard Caron
Abstained: Brian McDougal

Motion carried

Presentation of Complaint 2015-ELE-10831 Gary Look

A motion was made to accept the consent agreement as presented.

Motion: Peter Wilson
Second: Don Berry
Unanimous

Presentation of Complaint 2015-ELE-11345 Duane Martell

A motion was made to accept the consent agreement as presented.

Motion: Peter Wilson
Second: Don Berry
Unanimous

Presentation of Complaint 2014-ELE-10470 William Witham

A motion was made to accept the decision and order as presented.

Motion: Peter Wilson
Second: Don Berry
Abstained: Gerard Caron

Motion carried

Presentation of Complaint 2015-ELE-10906 Chad Cormier

Chad Cormier accepted a consent agreement with terms and conditions for making electrical installations that were in violation of the 2014 NEC. The Board reviewed the consent agreement and concluded that a requirement to take a live 45 hour NEC code course should be added to the terms and conditions of the consent agreement.

A motion was made not to accept the consent agreement as it failed to include a live 45 hour NEC code course.

Motion: Peter Wilson
Second: Don Berry
Unanimous

The board requested that a consent agreement requiring a live 45 hour NEC code course along with the other terms and conditions be offered to Mr. Cormier. The board delegated the Board chairman to sign such document should Mr. Cormier agree to sign.

Adjudicatory Hearing – #2015-ELE-10966 – Randy Macwhinnie

The hearing commenced at 9:12 a.m. and closed for deliberation at 10:06 a.m. Randy Macwhinnie was present and was not represented by counsel. Senior electrical inspector Raymond Stanford testified supporting complaints being presented.

Board initiated a complaint against the license of Randy Macwhinnie, license number MS60018773. The licensee is allegedly in violation of Title 32, Chapter 17 §1153-A for not conforming to the standards of the National Electrical Code, NFPA 70. The licensee is also allegedly in violation of Title 32, Chapter 17, §1102-B 1 for installing electrical equipment before obtaining a state electrical permit and Title 32, Chapter 17, §1102-B 3 for not calling for an inspection before electrical wiring is enclosed by building construction.

Location: 42,43,44,45 and 47 Little Island Rd in Harpswell, Maine – 5 unit condominium project

A motion was made to find violation #1 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #2 as having been proven.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made to find violation #3 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #4 as having been proven.

Motion: Don Berry
Second: Gerard Caron
Unanimous

A motion was made to find violation #5 as having been proven.

Motion: Don Berry
Second: Peter Wilson
Unanimous

A motion was made to find violation #6 as having been proven.

Motion: Don Berry
Second: Peter Wilson
Unanimous

A motion was made to find violation #7 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #8 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #9 as having been proven.

Motion: Don Berry
Second: Gerard Caron
Unanimous

A motion was made to find violation #10 as having been proven.

Motion: Don Berry
Second: Gerard Caron
Unanimous

A motion was made to find violation #11 as having been proven.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made to find violation #12 as having been proven.

Motion: Gerard Caron
Second: Don Berry
Unanimous

A motion was made to find violation #13 as having been proven.

Motion: Don Berry
Second: Peter Wilson
Unanimous

A motion was made to find violation #14 as having been proven.

Motion: Peter Wilson
Second: Don Berry
Unanimous
Unanimous

A motion was made to not find violation #15 as proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to not find violation #16 as proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to not find violation #17 as proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to find violation #18 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to not find violation #19 as proven.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made to find violation #20 as having been proven.

Motion: Gerard Caron
Second: Peter Wilson
Unanimous

A motion was made to find violation #21 as having been proven.

Motion: Don Berry
Second: Gerard Caron
Unanimous

A motion was made to find violation #22 as having been proven.

Motion: Peter Wilson
Second: Gerard Caron
Unanimous

A motion was made to not find violation #23 as proven.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made to find violation #24 as having been proven.

Motion: Gerard Caron
Second: Peter Wilson
Unanimous

A motion was made to find violation #25 as having been proven.

Motion: Don Berry
Second: Peter Wilson
Unanimous

In view of the evidence presented, and violations found, motions from the Board for penalties and sanctions were as followed:

Location(s): 42,43,44,45 and 47 Little Island Rd in Harpswell, Maine – 5 unit condominium project

A motion was made to: 1) assess a monetary penalty totaling \$4,900.00 for all proven violations listed above and that the penalty is paid within 12 months of the date of the Decision and Order; 2) require Mr. Macwhinnie to complete a live 2014 45-hour National Electrical Code course within 6 months of the date of the Decision and Order, and 3) a letter of reprimand to Mr. Macwhinnie requiring him to report on all electrical work being performed. The reporting period will consist of monthly reporting to the senior electrical inspector for a duration of 6 months.

Motion: Peter Wilson
Second: Don Berry
Unanimous

A motion was made to allow the board chair to sign the decision and order.

Motion: Peter Wilson
Second: Don Berry
Unanimous

Administrator's Report

Board Administrator, Catherine Carroll discussed the need to address continuing education requirements for individuals with expired licenses who visit to reinstate their licenses. The Board requires that individuals that have not stayed current on the 15 hour NEC updates after two cycles are required to complete a 45 hour current NEC code course prior to renewal.

The exam vendor bid has been awarded to Prov and Catherine expects to have a contractual agreement fully executed by January 1, 2016.

Senior Inspector's Report

Senior Inspector, Raymond Stanford reported on last month's highlights. He attended an IAEI meeting where the focus was on marijuana grow facilities: the laws pertaining to who can grow and which facilities are inspected, etc. There was discussion at that IAEI meeting attempting to bring consistency among the inspection community in Maine regarding wiring methods, location concerns (wet vs dry) and methods of mitigating effects of increased load on service size. Inspector Stanford also reported that third harmonics in LED lighting circuits can be a concern. He mentioned a new solar meter adapter similar to the "generlink" that has come on the market and will be evaluated by CMP. Also mentioned was a discussion Inspector Stanford had with a CMP engineer on "battery farms." CMP has had some queries into some large size installations of batteries, one up to 30 megawatts.

Other Business

There have been two educational provider applications submitted since the last meeting. Educational materials included with those applications were distributed to board members prior to the meeting for review.

JCR Productions located in Mooresville, NC submitted an application for a 15 hour 2014 National Electrical Code course update. The board discussed that the material did not provide enough focus on the changes made to the code.

A motion was made to deny the application as code changes were not a focus incorporated into the course material.

Motion: Peter Wilson
Second: Don Berry
Unanimous

Noel Lamothe, based in Massachusetts, submitted an application to provide a 2014 National Electrical Code 15-Hour Code Update Course.

A motion was made to approve course as presented with the restriction that the course is only provided within the state of Massachusetts.

Motion: Peter Wilson
Second: Don Berry
Unanimous

Adjournment

A motion was made to adjourn the November 20, 2015 meeting at 12:50 pm.

Motion: Gerard Caron
Second: Don Berry
Unanimous

Respectfully submitted,
Harley Murray, Board Clerk