

MAINE FUEL BOARD
MEETING MINUTES

Meeting Date: August 10, 2023
Meeting Location: Dept. of Marine Resources Marquardt Building, Room 118, 32 Blossom Lane,
Augusta, ME
Time Meeting Began: 9:04 a.m.

I. CALL TO ORDER

Members present:

Mark Bossie, Chairman
Paul McClay
Loren Gordon
David Foster
Richard McCarthy
Beau Libby

Members absent:

Mark Anderson
Maynard "Skip" Waltz

Staff Present:

Matthew Kaply, Board Manager
Dale Hersey, State Senior Fuel Inspector
Matthew Fournier, Planning and Research Assoc. II

AAG Present:

Katie Warwick Johnson

II. AGENDA MODIFICATION AND APPROVAL

A motion was made to approve the agenda as modified (hearing orders were modified).

Motion: David Foster
Second: Richard McCarthy
Voted 6 in favored, none opposed. Motion carried.

III. MINUTES REVIEW AND APPROVAL

A motion was made to approve the minutes of the June 8, 2023 meeting.

Motion: David Foster
Second: Paul McClay
Voted 6 in favored, none opposed. Motion carried.

IV. ADJUDICATORY HEARING

a. 2022-FUE-18228 Kevin Jewell

A motion was made to deny the license application on the basis that the applicant is not sufficiently rehabilitated to warrant the public's trust.

Motion: Richard McCarthy

Second: David Foster

Voted 6 in favored, none opposed. Motion carried.

A motion was made to delegate authorization for the Board Chair to sign the Decision and Order.

Motion: David Foster

Second: Richard McCarthy

Voted 6 in favored, none opposed. Motion carried.

b. 2022-FUE-18374 Clair Doody

A motion was made that Respondent had not completed process of rehabilitation but grant license, effective today, on condition that the Respondent complete batterer's intervention program in the time allowed by probation officer and send proof of completion, and to delegate authorization for the Board Chair to sign the Decision and Order.

Motion: David Foster

Second: Beau Libby

Voted 5 in favored, 1 opposed. Motion carried.

V. COMPLAINT PRESENTATIONS

a. 2022-FUE-18536

A motion was made to dismiss the complaint based on a lack of evidence of violations of the Board's Laws and Rules.

Motion: David Foster

Second: Richard McCarthy

Voted 6 in favored, none opposed. Motion carried.

b. 2023-FUE-19029

A motion was made to set the matter for adjudicatory hearing and offer a consent agreement with a warning for violating Board Rules Ch. 3, § 3.1.2.3, and a \$1,000 civil penalty.

Motion: Loren Gordon

Second: David Foster

Voted 6 in favored, none opposed. Motion carried.

c. 2023-FUE-19052

A motion was made to refer the complaint to the Office of Attorney General for unlicensed work practice.

Motion: Loren Gordon
Second: Paul McClay
Voted 6 in favored, none opposed. Motion carried.

d. 2023-FUE-19089
motion was made to dismiss the complaint based on a lack of evidence of violations of the Board's Laws and Rules because no fuel work was performed.

Motion: Richard McCarthy
Second: David Foster
Voted 6 in favored, none opposed. Motion carried.

VI. PRESENTATION OF NONCOMPLIANCE

a. 2022-FUE-18066 – Eric Letalien
A motion was made to initiate a complaint for noncompliance with decision and order.

Motion: Loren Gordon
Second: David Foster
Voted 6 in favored, none opposed. Motion carried.

VII. LICENSE APPLICATION PRESENTATION

a. Scott Scanlon – Propane and Natural Gas License Renewal
A motion was made to preliminarily deny the renewal application based on the criminal convictions and that the licensee had not shown sufficient rehabilitation to warrant the public's trust and offer a consent agreement granting the license with a term of a two-year probation with terms of abiding by court-ordered terms of probation.

Motion: Beau Libby
Second: David Foster
Voted 5 in favored, none opposed. Motion carried. (Richard McCarthy absent from vote)

VIII. DELEGATION OF AUTHORITY

A motion was made to extend the expiration date another two years for the existing delegation of authority order, allowing the Board Manager to issue a letter of guidance (to stay in the licensee's file for 6 years) for a licensee when: (1) the licensee has reported professional discipline or a criminal conviction that is not a potentially disqualifying criminal conviction more than 10 days after either the imposition of the discipline or the criminal conviction; (2) the only alleged violation of law is a failure to report the matter within 10 days as required by 10 M.R.S. § 8003-G(2); and (3) the licensee has not previously failed to report professional discipline or a criminal conviction within 10 days.

Motion: David Foster
Second: Paul McClay
Voted 5 in favored, none opposed. Motion carried. (Richard McCarthy absent from vote)

IX. VAN BUREN REGIONAL TECH HVAC PROGRAM

A motion was made to accept the proposed course as a Board approved 160 hour equivalent oil burner educational program (CTE).

Motion: David Foster

Second: Ricard McCarthy

Voted 6 in favored, none opposed. Motion carried.

X. BOARD'S SENIOR STATE FUEL INSPECTOR'S REPORT – Dale Hersey gave the Inspector's Report.

XI. BOARD MANAGER'S REPORT – Matt Kaply gave the Board Manager's report.

XII. OPPORTUNITY FOR PUBLIC COMMENT

None.

X. ADJOURN

A motion was made to adjourn at 1:28 p.m.

Motion: David Foster

Second: Loren Gordon

Voted 6 in favored, none opposed. Motion carried.