

MAINE FUEL BOARD
MEETING MINUTES

Meeting Date: October 12, 2023
Meeting Location: Dept. of Marine Resources Marquardt Building, Room 118, 32 Blossom Lane,
Augusta, ME
Time Meeting Began: 9:00 a.m.

I. CALL TO ORDER

Members present:

Mark Bossie, Chairman
Paul McClay
David Foster
Beau Libby
Mark Anderson

Members absent:

Loren Gordon
Richard McCarthy
Maynard "Skip" Waltz

Staff Present:

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

AAG Present:

Timothy Steigelman

II. AGENDA MODIFICATION AND APPROVAL

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

Motion: Paul McClay
Second: David Foster
Voted 5 in favored, none opposed. Motion carried.

III. MINUTES REVIEW AND APPROVAL

A motion was made to approve the minutes of the August 10, 2023 meeting.

Motion: David Foster
Second: Paul McClay
Voted 5 in favored, none opposed. Motion carried.

IV. ADJUDICATORY HEARING

a. 2022-FUE-18443 Eckhardt

A motion was made finding that all 13 violation was made by the licensee by the preponderance of the evidence.

Motion: David Foster

Second: Paul McClay

Voted 5 in favored, none opposed. Motion carried.

A motion was made as discipline is issue a reprimand, a civil penalty of \$300.00 per 12 of the violations and a \$900.00 civil penalty for 1 violation (for a total of \$4,500), to be paid within 1 year, and a suspension of the license for 6 months.

Motion: David Foster

Second: Mark Anderson

Voted 5 in favored, none opposed. Motion carried.

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

Motion: Mark Anderson

Second: Paul McClay

Voted 5 in favored, none opposed. Motion carried.

V. COMPLAINT PRESENTATIONS

a. 2022-FUE-18960

A motion was made to administratively close the complaint and combine with 2023-FUE-19326.

Motion: Beau Libby

Second: David Foster

Voted 5 in favored, none opposed. Motion carried.

b. 2023-FUE-19326

A motion was made to set the matter for adjudicatory hearing.

Motion: Beau Libby

Second: David Foster

Voted 5 in favored, none opposed. Motion carried.

c. 2023-FUE-19250

A motion was made to set the matter for adjudicatory hearing.

Motion: Mark Anderson

Second: Beau Libby

Voted 5 in favored, none opposed. Motion carried.

d. 2023-FUE-19251

A motion was made to set the matter for adjudicatory hearing and offer a consent agreement with a warning and a \$500.00 civil penalty to be paid within 90 days.

Motion: Mark Anderson

Second: David Foster

Voted 5 in favored, none opposed. Motion carried.

e. 2023-FUE-19243

A motion was made to set the matter for adjudicatory hearing and offer a consent agreement with a reprimand and a \$750.00 civil penalty to be paid within 90 days.

Motion: Beau Libby

Second: David Foster

Voted 5 in favored, none opposed. Motion carried.

f. 2023-FUE-19258

A motion was made to set the matter for adjudicatory hearing and offer a consent agreement with a \$500.00 civil penalty per violation, for a total of \$3,000.00.

Motion: Paul McClay

Second: Mark Anderson

Voted 5 in favored, none opposed. Motion carried.

g. 2023-FUE-19327

A motion was made to set the matter for adjudicatory hearing and offer a consent agreement with a warning and a \$500.00 civil penalty to be paid within 90 days.

Motion: Mark Anderson

Second: David Foster

Voted 5 in favored, none opposed. Motion carried.

h. 2023-FUE-19258

A motion was made to set the matter for adjudicatory hearing and offer a consent agreement with a warning and a \$500.00 civil penalty to be paid within 90 days.

Motion: David Foster

Second: Mark Anderson

Voted 5 in favored, none opposed. Motion carried.

i. 2023-FUE-19315

A motion was made to set the matter for adjudicatory hearing and offer a consent agreement with a warning and a \$500.00 civil penalty per violation, for a total of \$6,500 to be paid within 6 months.

Motion: David Foster

Second: Mark Anderson

Voted 5 in favored, none opposed. Motion carried.

VI. LICENSE APPLICATION PRESENTATION

a. Christopher Fugere – Propane and Natural Gas License Renewal

A motion was made to preliminarily deny the renewal application and offer a consent agreement with a warning for not disclosing a criminal conviction to the Board within 10 days with a civil penalty of \$100.00, and misrepresentation on a license renewal application for not disclosing the criminal conviction, with a \$250.00 civil penalty.

Motion: David Foster

Second: Paul McClay

Voted 4 in favored, none opposed, and 1 abstained. Motion carried.

b. Nicholas Rombalski - Journeyman License

A motion was made to preliminarily deny the license application and offer a consent agreement with a warning for not disclosing a criminal conviction to the Board within 10 days with a civil penalty of \$200.00, and misrepresentation on a license renewal application for not disclosing the criminal conviction, with a \$500.00 civil penalty.

Motion: David Foster

Second: Mark Anderson

Voted 5 in favored, none opposed. Motion carried.

c. Forrest Farrow-Wright – Propane and Natural Gas License

A motion was made to preliminarily deny the license application and offer a consent agreement with a warning for not disclosing a criminal conviction to the Board within 10 days with a civil penalty of \$200.00, and misrepresentation on a license renewal application for not disclosing the criminal conviction, with a \$500.00 civil penalty.

Motion: Beau Libby

Second: Mark Anderson

Voted 5 in favored, none opposed. Motion carried.

VII. EXAM APPLICATION REVIEW

a. Mason Loveitt – Master Examination

A motion was made to preliminarily deny the application and direct staff to open a complaint on the licensee and the master who signed for the work experience affidavit.

Motion: Beau Libby

Second: Mark Anderson

Voted 5 in favored, none opposed. Motion carried.

VIII. DRAFT AMENEDMENTS TO CHAPTER 6: ADOPTION OF CODES AND STANDARDS

A motion was made to direct staff to advertise the proposed changes to Chapter 6 for public comment.

Motion: Mark Anderson

Second: David Foster

Voted 5 in favored, none opposed. Motion carried.

IX. BOARD'S SENIOR STATE FUEL INSPECTOR'S REPORT – Bruce Bristow gave the Inspector's Report, on behalf of Senior Inspector Dale Hersey.

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 12:38 p.m.

Motion: Beau Libby

Second: David Foster

Voted 5 in favored, none opposed. Motion carried.