

MINUTES

FIRE PROTECTION SPRINKLER SYSTEMS WORK EXAMINING BOARD

DECEMBER 23, 2008

The meeting was called to order by David J. Waskowicz, Chairperson, at 9:42 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present: David J. Waskowicz – Unlimited Journeyperson
Robert W. Hollis, III – Contractor
Kevin Wypychoski – Contractor
Thomas E. Booth – Unlimited Journeyperson
Anthony D. Moscato – Fire Marshal
Ralph Carl Miller – Fire Marshal
Luis A. Coreano – Public Member
James M. Barry – Public Member
John Michalewicz – Public Member

Members Absent:

Board Vacancies: None

Board Counsel Present: None

DCP Staff Present: Nelson Leon, Board Secretary
Richard M. Hurlburt, Director
Anthony Santoro, Administrative Hearings Attorney
Helen Hillman, Consumer Information Rep.

Public Present: Matthew Deciccio James P. Marino, Jr.
Matthew DiNello William T. Wall
Ronnie Morton, Jr. Tammie Whiting
Jason Jose Alves Yuiry Rudshteyn
Harold S. Thompson Paul Tagatac, Esq.
Bill Wells
Jonathan St. Jean
David K. Thompson
Heriberto Colon
William March
Phil Rizzuto, Jr.

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, call Richard M. Hurlburt, Director, at (860) 713-6135.

Agency Web site: www.ct.gov/dcp

MINUTES OF PREVIOUS MEETINGS

The Board voted unanimously to approve minutes of the October 28, 2008 Fire Protection Sprinkler Systems Work Examining Board meeting with amendments to page-2 reflecting the Board voting (6-3) in favor of denying William D. Mackay's (F-4) application; page-3 under "Correspondence" to reflect a letter read by Mr. Waskowicz he sent to Attorney General Richard Blumenthal concerning a response by Richard Maloney, Trade Practice Director, regarding the lack of certifying payroll as an investigative tool; paragraph-3 on page-4 under "New Business" to reflect that a sub-committee member reported that it appeared to be an attempt by the special interest to fragment several licensing categories; paragraph-4 on page-4 under "New Business" to reflect the Board only wanting to add the word "fire protection" before the word "engineering" and to reflect that the state fire marshal's bureau of engineering staff having observed significant chronic problems with the design of some systems.

APPLICATIONS

Jason Alves, East Haddam, CT – (F-2) Unlimited Journeyman – No Action

There was no application for review concerning Mr. Alves. Therefore, the Board took no action.

Heriberto Colon, Naugatuck, CT – (F-2) Unlimited Journeyman – Approved

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

Matthew Deciccio, Hamden, CT – (F-2) Unlimited Journeyman – Approved

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

William J. March, Jr., Middletown, CT – (F-2) Unlimited Journeyman – Approved

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

Ronnie L. Morton, Jr., Central Village, CT – (F-2) Unlimited Journeyman – Approved

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

Phil J. Rizzuto, Jr., Cheshire, CT – (F-2) Unlimited Journeyman – Approved

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

Joshua A. Snead, Warwick, RI – (F-2) Unlimited Journeyman – Approved

The Board denied Mr. Snead's application at their 6/24/08 meeting due to lack of notarized statements describing occupational related dates and duties of employment from both employers (Professional Fire Systems, Inc. and Sprink-Tech).

After further review of Mr. Snead's application at today's meeting, the Board voted unanimously to approve Mr. Snead's application.

Jonathan St. Jean, Thomaston, CT – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. St. Jean's application.

Brett Straten, Montclair, NJ – (F-1) Unlimited Contractor – No Action

The Board denied Mr. Straten's application at their 4/22/08 meeting due to lack of a required (F-2) Unlimited Journeyman license for a minimum of two years.

Mr. Straten was a no-show today and the Board took no action.

Harold S. Thompson, East Haven, CT – (F-2) Unlimited Journeyman – Approved

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

William T. Wall, Wallingford, CT – (F-2) Unlimited Journeyman – Approved

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

LATE ARRIVING APPLICATIONS

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

Christopher M. D'Amore, East Hartford, CT – (F-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. D'Amore's application.

Matthew Dinello, Bristol, CT – (F-2) Unlimited Journeyman – Approved

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

REQUESTING REINSTATEMENT OF EXPIRED LICENSE

David C. Cormier, Clinton, CT – (F-2) Unlimited Journeyman (Expired 10/31/06).

Gary A. Hill, Tolland, CT – (F-2) Unlimited Journeyman (Expired 10/31/07).

Douglas West, Ellington, CT – (F-2) Unlimited Journeyman (Expired 10/31/07).

The Board unanimously concluded that from all appearances concerning the above-named individuals, it appears its beyond the 365 day statutory limitations. Therefore, they would all have to re-apply.

FOLLOW-UP ON STATUS OF APPLICATIONS PREVIOUSLY APPROVED / DENIED

Thomas P. Bake, Auburn, MA – (F-2) Unlimited Journeyperson – Approved

The Board voted unanimously to approve Mr. Bake's application at their 4/22/08 meeting, contingent upon the Board receiving and reviewing of notarized statement from occupational related employers as to dates and duties of employment totaling 8,000 hours.

Jeffrey L. Edick, Southbridge, MA – (F-2) Unlimited Journeyperson – Approved

The Board voted unanimously to approve Mr. Edick's application at their 4/22/08 meeting, contingent upon the Board receiving and reviewing of notarized statement from occupational related employers as to dates and duties of employment totaling 8,000 hours.

James A. Lamprey, Worcester, MA – (F-2) Unlimited Journeyperson – Approved

The Board voted unanimously to approve Mr. Lamprey's application at their 4/22/08 meeting, contingent upon the Board receiving and reviewing of notarized statement from occupational related employers as to dates and duties of employment totaling 8,000 hours .

Matthew J. Toohil, Rutland, MA – (F-2) Unlimited Journeyperson – Approved

The Board voted unanimously to approve Mr. Toohil's application at their 4/22/08 meeting, contingent upon the Board receiving and reviewing of notarized statement from occupational related employers as to dates and duties of employment totaling 8,000 hours .

William H. O'Connor, Worcester, MA – (F-2) Unlimited Journeyperson – Denied

The Board voted unanimously to deny Mr. O'Connor's application at their 6/24/08 meeting due to lack of required notarized statements from occupational related employers as to dates and duties of employment.

CORRESPONDENCE

1. Complaint status report.
2. 2009 Board meeting schedule.

DCP LEGAL DIVISION INQUIRY

The Board is inquiring on a matter that came before them in September 17, 2005 concerning a Formal Hearing in the matter of Crest Mechanical, in which the Board issued a civil penalty, placed the respondent on probation and required monitoring of the respondent for three years. The Board would like to know who monitors the respondent for compliance and is requesting a follow-up from DCP Legal division, as well as copies of the monitoring reports on this matter.

Ms. Hillman reports that Crest Mechanical paid their Civil Penalty in full and that Trade Practice is responsible for any monitoring.

The Board voted unanimously to request from Trade Practice, monitoring reports for the last six months in 2008 concerning Crest Mechanical and to have Robert Nakano, Special Investigator Supervisor present.

PETITION FOR DECLARATORY RULING

In the Matter of: Yuriy Rudshsteyn

Yuriy Rudshsteyn and his legal counsel, Paul Tagatac appeared before the Board at their 10/28/08 meeting with regard to Mr. Rudshsteyn's (F-1) Unlimited Contractor and (F-2) Unlimited Journeyperson Fire Protection Sprinkler Work license applications the Board previously denied.

Attorney Tagatac is requesting a declaratory ruling as to Mr. Rudshsteyn's qualification for an (F-1) Unlimited Contractor license, and in the alternative, a declaratory ruling about Mr. Rudshsteyn's qualification to receive an (F-2) Unlimited Journeyperson license, and in the event the Fire Protection Board determines that Mr. Rudshsteyn does not possess the required occupational and school related instruction experience, Attorney Tagatac requests a declaratory ruling about the specific area or areas where such Board deems Mr. Rudshsteyn's experience / instruction deficient.

This matter was tabled at the Board's 10/28/08 meeting for further review and discussion at their December 23, 2008, pending Board inquiring with Jack Guerrero, CT Department of Labor Manager and Raul Rodriguez, CT Assistant Attorney General / Fire Protection Board Legal Counsel.

Due to lack of a representative from the CT Attorney General's office at the Board's December 23, 2008 meeting, the Board voted unanimously to table this matter to their next meeting scheduled for Tuesday February 24, 2009.

OLD BUSINESS

1. The Board expressed concern with PSI Examination Services handling applications which are causing delays for applicants having apprenticeship completion certificates from the CT Department of Labor, having their applications sent back to them and having to appear before the Board for approval of their applications. In some cases, applicants are not receiving their applications back from PSI Examination Services. The Board also expressed concern with the revision of the application in which the applicant employment history page was eliminated. The Board indicated that they should be reviewing applications and that the applicants need not to appear before the Board for initial review of their application. Mr. Hurlburt informed the Board that the new application still requires applicants who are applying under equivalent experience and training, to provide notarized statements from their employers concerning their occupational related experience.

The Board voted unanimously to have PSI Examination Services discontinue mailing applications back to the applicants and commence returning all applications back to DCP for the Board to review.

2. In regards to correspondence dated 12/23/08 from a concerning citizen, questioning if the Board's language change to Chapter 391 at their 10/28/08 meeting minutes was to eliminate the licensed automatic fire sprinkler layout technician's ability to submit drawings of this nature for permitting purposes. The Board unanimously concluded that the answer is "No". It is not to eliminate the licensed automatic fire sprinkler layout technician's ability to submit drawings of this nature for permitting purposes. The intent is to only add the word "fire protection" in front of any reference to the word "engineer" under Chapter 391.
3. The Board voted unanimously to require an Attorney General representative be present at their next meeting scheduled for Tuesday, February 24, 2009 in order to provide a declaratory ruling that is being petitioned in the matter of Yuriy Rudshiteyn.

NEW BUSINESS

1. The Board voted unanimously to notify the CT Department of Labor Apprenticeship Training Division, of any companies or individuals who are on probation or in violation of trade practices.
2. Mr. Waskowicz provided the Board with copies of correspondence he obtained on-line concerning the general laws in Massachusetts relating to registered and licensed apprenticeship requirements. Registration is a requirement in Massachusetts. Licensing is required for prevailing wage projects. Government employees are paid prevailing wages and Municipal employees are not paid prevailing wages.
3. Mr. Miller reports on a vote challenge by the American Home Builders Association concerning the residential fire sprinklers and the ICC Board upheld the vote of the American Home Builders Association.

TRADE PRACTICE COMPLAINT UPDATE

The Board was provided with a complaint case summary from 1/1/08 to 10/27/08 concerning status of complaints.

After reviewing the complaint case summary, the Board expressed concern with the trade practice division issuing a warning letter rather than fines for apprenticeship registration violators.

There being no further business, the meeting adjourned at 12:08 p.m.

Respectfully submitted,

Nelson Leon
Board Secretary

The next meeting is scheduled for Tuesday, February 24, 2009, at 9:30 a.m. in Room 117.