

MINUTES

ELEVATOR INSTALLATION, REPAIR AND MAINTENANCE WORK EXAMINING BOARD

JULY 21, 2015

The meeting was called to order by Board Member John DeRosa, Jr. at 11:05 a.m. in Room 117 at the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present: John R. DeRosa, Jr., Elevator Craftsman, Acting
Chairperson
Paul Farnsworth, Unlimited Contractor
Joseph Bayusik, Unlimited Contractor

Members Absent: Thomas J. O'Reilly, Unlimited Contractor
Michael D. Griffin, Elevator Craftsman

Board Vacancies: Three Public Members

DCP Board Staff: Richard M. Hurlburt, Director
Karen Layman, Secretary

Others Present: Karen Wackerman, Attorney
Steven Blevins, General Manager, Excel Elevator
Michael Elia, Excel Elevator
Owen Golding, Dept. of Labor
Gil LaClair, Local 91 Business Agent

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

The meeting was called to order at 11:05. After a brief introduction, Chairperson John DeRosa recused himself and stated that Paul Farnsworth will chair the meeting from this point forward.

REVIEW OF DECLARATORY RULING DRAFT:

Board Member Paul Farnsworth presented his draft of a declaratory ruling on the decisions made by the Elevator Board regarding the applications of Gerson Canhao (R-2 Unlimited Journeyperson) and Michael Elia (R-2 Unlimited Journeyperson), as requested by Attorney Karen Wackerman on behalf of Excel Elevator and Escalator Corp., employer of Michael Elia and Gerson Canhao, in a document dated April 21, 2015.

COMMENTS OR CONCERNS OF ANY PERSON PRESENT TODAY:

Attorney Karen Wackerman comments on two legal issues: One, in reference to CGS Section 20-334a(2)(A), as quoted in her request for a declaratory ruling, Attorney Wackerman notes that this statute states that if a person has completed a bona fide apprenticeship program, they should be allowed to take the exam. Attorney Wackerman also reiterated that statutes supersede regulations, and that the Board is not relying on the statute when issuing rulings on this matter.

Attorney Wackerman also noted that, if you rely on Regulation Section 20-332-8(b), as quoted in the draft declaratory ruling, anyone applying for a license that is from a state in which there is *not* licensing, such as New York state, would not be able to be licensed in Connecticut. She also noted that the Board is imposing this regulation even in light of the fact that, in a prior ruling, the Board approved another client who did not provide proof that he was supervised by a licensed craftsman.

Attorney Wackerman stated that the declaratory ruling presented today is not responsive to her request and requests that the Board provide such information such as: What documentation is the Board looking for the applicants to provide? What specific experience do these two applicants not have?

Steve Blevins, General Manager of Excel Elevator, summarized the credentials and experience of Michael Elia and Gerson Canhao and stated his frustration with this process. He asks that it be noted on the record that he has been told that a member of the Board indicated that he will close them down.

Paul Farnsworth stated that he will take all comments made today into consideration and consider those when discussing this draft with Assistant Attorney General Raul Rodriguez.

The Board voted unanimously to forward this draft declaratory ruling dated July 21, 2015 to Assistant Attorney General Raul Rodriguez.

This matter will be continued at the next Elevator Installation, Repair, and Maintenance Work Examining Board meeting on August 4, 2015.

There being no further business, the meeting adjourned at 11:22.

Respectfully submitted,

Karen Layman,
Board Secretary

2015 Meeting Schedule:

- **August 4, 2015**
- **September 1, 2015**
- **October 6, 2015**
- **November 3, 2015**
- **December 1, 2015**

All meetings will be held at 9:00 a.m. in Room 117