

Business
STATE BOARD OF ELECTRICIANS
BUSINESS MEETING MINUTES

DATE: October 24, 2023
TIME: 10:00 a.m.
PLACE: Via Google Meet Video and Teleconference + 321-465-5183
PIN: 457 489 090#

MEMBERS

PRESENT: Chet Brown, Chairman
Greg Kaderabek, Vice Chairman
Steven Petri Sr., Industry Member
Francis Harrison, Consumer Member
John Peterson, Consumer Member
Donald Steinman, Industry Member (arrived at 10:31 a.m.)

MEMBERS

ABSENT: William “Eric” Smith, Industry Member
Walter “David” Irvin, Industry Member

STAFF

PRESENT: John Bull, Executive Director, Mechanical Boards
Sarah McDermott, Deputy Commissioner, Division of Occupational and Professional
Licensing (joined at 10:25 a.m.)
Sloane Fried Kinstler, Assistant Attorney General
Matt McKinney, Director of Strategic Initiatives (joined at 10:35 a.m.)
Johnston Brown, Administrative Specialist III

OTHERS

PRESENT: None

CALL TO ORDER:

After a roll call to establish a quorum, Chairman Brown called the Business Meeting of the Maryland State Board of Electricians to Order at 10:03 a.m.

APPROVAL OF MINUTES

Mr. Kaderabek moved to approve the September 26, 2023, meeting minutes without amendment. Mr. Petri seconded the motion. The Board voted unanimously in favor of the motion.

COMPLAINT COMMITTEE REPORT

It was not necessary for the Committee to meet; no report was necessary.

APPLICATION REVIEW COMMITTEE REPORT

Chairman Brown reported that the Board received four (4) applications for the master license examination, of which two (2) were approved; one (1) was denied; and one (1) is pending, awaiting additional information. No journeyman license applications were received.

Mr. Harrison moved to accept the recommendations of the Application Review Committee. Mr. Kaderabek offered a second to the motion. The Board voted unanimously in favor of the motion.

CONTINUING EDUCATION PROVIDER REPORT

Executive Director Bull presented the CEU report. He reported that Mr. Steinman received and reviewed 10 new courses from CYD Electrical. Each of the courses is based on the 2023 National Electrical Code (NEC). All are recommended for approval.

Mr. Petri moved to accept the Continuing Education Committee’s report. Mr. Kaderabek offered a second to the motion. The Board voted unanimously in favor of the motion.

EXAM CHALLENGES REPORT

No exam challenges were submitted; no report was offered.

REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS

PSI exams submitted the following statistical summaries for the month of September 2023:

Exam Type	Tested	Passed	Failed	Pass Rate %
Master Electrician	39	13	26	33%
Journeyman Electrician	12	4	8	33%
Total	51	17	34	33%

Executive Director Bull reported the year-to-date totals of 2023, **Masters:** there were 355 candidates tested, with 97 passing and 258 failing, for a pass rate of 27%. **Journey:** 72 candidates tested, with 19 passing and 53 failing, for a pass rate of 26%.

Overall year to date, 427 candidates were tested, with 116 passing and 311 failing for a pass rate of 27%. The cumulative since the inception of the test, for **Masters:** 7,007 with 2,055 passing and 4,952 failing

with a pass rate of 29%. **Journey:** 357 with 80 passing and 277 failing with a pass rate of 22%, for a total of 7,364 exams, 2,135 passing 5,229 failing for a pass rate of 29%.

CORRESPONDENCE

None presented.

OLD BUSINESS

Mr. Harrison asked whether his presentation on onsite wastewater management had been sent to local jurisdictions. Mr. Bull indicated that the approval of the Secretary to do so has not yet been given.

NEW BUSINESS

Final Action on COMAR 09.09.03.01 & 09.09.02.01

Mr. Bull updated the Board on the status of recently proposed regulations. The proposed action was published in the August 25, 2023 Maryland Register. The 30-day public comment period closed on September 26, 2023, for which no comments were submitted. The Board is authorized to take final action at this time, for which Mr. Bull stated, the Secretary's office has given preliminary approval for submission of the final action for publication in the Maryland Register. The regulation will become effective 10 days after publication. Counsel will complete the submission and update Board on publication and the effective date.

Mr. Harrison moved to take final action on COMAR 09.09.01.03 and 09.09.02.01; Mr. Kaderabek seconded the motion. The Board voted unanimously in favor of the motion.

Voice/Data/Video

Chairman Brown began a discussion on the current state of voice/data/video service providers and the statutory definition of "provide electrical services" under Md. Ann. Code, Bus. & Prof. § 6-101(k). Chairman Brown recited the Business Occupations and professions article 6-101. He observed that the law does not reference voltage but defines electrical services by the actual services authorized.

Board Counsel stated that a requirement to license providers of what had been considered "low voltage services" presents a departure from the Department's prior position taken upon the establishment of statewide licensing in 2021. Counsel explained that a new license classification, outside of the apprentice-journeyman-master electrician framework, with a grandfathering period for experienced providers already working in the industry, could be less problematic.

Deputy Commissioner, Sarah McDermott, joined the meeting to observe but indicated that she was not yet familiar enough with Departmental history on the matter to opine on or discuss the matter.

Counsel reminded the Board members that, prior to the establishment and implementation of Statewide licensing, there was a workgroup comprised of industry stakeholders created by the Legislature, which included apprenticeship program officials, local electrical board members and administrators, and spokespersons from electrical associations, and individuals from what was referred to as the "low-voltage" service or integration industry. Due to a lack of consensus within that industry, all assembled agreed to defer any recommendation on the licensing of such service providers so as not to delay the establishment of statewide electrical licensing.

Chairman Brown asked the Board members' position on a license structure for providers of voice, data, or video services. Chairman Brown suggested that prior efforts to establish a license for such work might have been because there are multiple systems that are considered low-voltage but connect to higher-voltage systems.

Executive Director Bull cautioned the Board about administrative problems associated with their suggestion and against departing from the Department's position on low-voltage licensing. But both Mr. Bull and Counsel agreed that Both the creation a separate designation for "voice-data-video" or what others consider "low-voltage" service providers separate from the electrician license could be workable. Chairman Brown suggested referring to the work as "voice data video" to eliminate confusion as to what might be included in low-voltage.

Mr. Bull reminded the Board that they cannot present a legislative proposal for approval to the Office of the Secretary until the spring of 2024 for the 2025 legislative session. He suggested the Board form a committee to determine the name of the license classification, qualifications for the license, if any, and services to be authorized by the license. Chairman Brown will spend additional time developing an outline for a proposal with the intent of establishing a committee at the next meeting. He asked members to consider whether they had an interest in serving on the committee.

EXECUTIVE DIRECTOR'S REPORT

District of Columbia Reciprocity

Mr. Bull reported that the District of Columbia Board of Industrial Trades (DC) has contacted the Board to explore reciprocity. Mr. Bull will explore whether reciprocal licensing for journeyman electrician as well as master electricians might be appropriate.

He explained that DC does not currently accept Maryland applicants who passed a local license examination. Mr. Bull will explore whether DC will recognize electricians licensed by an examination in a local jurisdiction. He hopes uninsured master electricians and qualified agents can be included in reciprocal licensing. He will keep the Board updated on negotiations.

Continuing Education

Mr. Bull will look into identifying a standard for continuing education providers submitting a course for approval by the Board to develop a more efficient application and review process, which could include a regulation policy update. The Board website will be updated to notify currently licensed electricians, prospective licensees, and the public, of potential changes to make the process transparent for all stakeholders.

Fee Increase

Mr. Bull stated that the concept proposal to increase license fees for 2024 and 2025 has been submitted to the Secretary's office. He will update the Board when anticipated approval to submit the proposed action is given.

COUNSEL'S REPORT

Counsel reminded the Board of the Division of State Documents' imposed moratorium on proposed action during the legislative session and explained that if approval to submit the proposed action was not given prior to mid-November, with time to submit the proposed action before the closing date for

publication in last issue of the Maryland Register before the moratorium, the proposed action would not be published until sometime after the moratorium is lifted, typically, in March.

CHAIR'S REPORT

None.

CLOSED SESSION

Counsel Kinstler explained that the Board would convene in a closed session to consider license applications in accordance § 3-305 (b)(2) and (7) of the Gen. Prov. Art., Md. Ann. Code, to protect the privacy and reputation of a license applicant and to obtain advice provided by Counsel regarding a license application. Counsel explained

Mr. Steinman made a motion to convene in closed session, which Mr. Peterson seconded. The Board voted unanimously to convene in a closed session at 11:45 a.m. Mr. Petri left the meeting at this time.

License Application 01:

Counsel Kinstler presented the license application of a journeyman license applicant who the Board had considered during the August 2023 Board meeting and from whom the Board had requested supplemental information. The applicant had been convicted in 2005 for first-degree assault, a felony, for which the applicant was sentenced to incarceration for 25 years with all time suspended but 15 years followed by probation for five (5) years. In 2011, the sentence was modified to incarceration with all time suspended but nine (9) years at which time, the applicant was released. The Board asked that applicant to provide a letter of explanation of the incident resulting in the conviction. The applicant satisfied the request.

Mr. Steinman moved to approve the license application. The motion was seconded by Mr. Peterson. The Board voted unanimously to approve the journeyman license application.

License Application 02:

Counsel Kinstler presented the application of an apprentice license applicant who disclosed a prior criminal conviction in March 2022 for a third-degree sex offense, a felony, for which the applicant was sentenced to incarceration for 10 years with all, but four (4) months and 11 days suspended, followed by probation for five (5) years. The applicant is also required to register as a Tier III sex offender. A probation officer wrote a letter on behalf of the applicant stating that the individual has complied with all terms of supervised probation since May 2023, completing an intensive outpatient program and demonstrating a commitment to sobriety. The applicant submitted an explanation letter to the Board and a description of his activities since the individual's release.

Mr. Kaderabek moved to approve the apprentice license application. The motion was seconded by Mr. Steinman, and, by a Board vote, unanimously passed.

License Application 03:

Counsel Kinstler presented a journeyman application of an applicant who disclosed a conviction in 2017 in Virginia for electronic solicitation of a child under 15, being at least 7 years older, who,

unknown to the applicant, was a law enforcement officer. The applicant was sentenced to incarceration for eight (8) years, followed by 3 years of probation. The applicant was released from incarceration in 2021, with an obligation to register as a Tier II sex offender for 25 years. The applicant submitted an explanation letter to the Board and provided letters of recommendation from the IBEW Union and employment verification reflecting steady employment by multiple employers.

Mr. Kaderabek made a motion to approve the application and a second by Mr. Steinman. The Board unanimously voted to approve the journeyman application.

License Application 04:

Counsel Kinstler presented the application of a journeyman license application of an individual who disclosed prior multiple prior Pennsylvania criminal charges in 2015 for aggravated indecent assault with different levels of severity including three misdemeanors and two felonies all in Pennsylvania. The applicant failed to provide records reflecting the actual conviction(s) or sentence(s) imposed. Mr. Bull searched available criminal data online and determined that the applicant had been sentenced to incarceration for between 1 month to 2 years, but there is no release date.

The applicant submitted a brief note explaining that a domestic dispute with the applicant's partner resulted in allegations by the partner and her child against the applicant that he disputes.

Mr. Steinman made a motion to deny the journeyman application because the applicant failed to provide the Board with certified copies of court records documenting the applicant's criminal history and records verifying the applicant's current or recent employment, despite being asked. As a result, the Board is unable to fully evaluate the journeyman license application. Mr. Peterson seconded the motion; the Board unanimously voted in favor of the motion.

Mr. Harrison made a motion to adjourn the closed session at 12:18 p.m. and reconvene the Business Meeting. Mr. Kadarabek seconded the motion. The Board voted unanimously to reconvene the Business Meeting at 12:18 p.m.

Mr. Harrison moved to adopt the Board's findings of the closed session, which Mr. Steinman seconded. The Board voted unanimously to approve its findings from the closed session of October 24, 2023.

ADJOURNMENT

A motion was made by Mr. Harrison, seconded by Mr. Peterson, and unanimously carried by a vote of the Board to adjourn the October 24, 2023 Business Meeting at 12:19 p.m.

Signature on File

Signature On File
John Bull, Executive Director
Mechanical Boards
Maryland Department of Labor

As voted and approved by the Board on: 11/28/23