



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

JAY ASH
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

Commonwealth of Massachusetts
Division of Professional Licensure
Office of Public Safety and Inspections
1 Ashburton Place, Rm 1301 • Boston • Massachusetts • 02108

JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

Minutes

Bureau of Pipefitters, Refrigeration Technicians and Sprinklerfitters
Division of Professional Licensure
1000 Washington Street, Room 1D
Boston, MA 02118
October 18, 2017, 10:00 AM

1. Meeting called to order by the Chair at 10:02 a.m., followed by roll call, the Chair asked that members identify themselves and whom they represent:

Bureau Members Present:

Charles Borstel, Chair
Dan Dumont, NE Mechanical Contractors
Justin Fishlin, Sprinklerfitter Member
Allan Berry, Refrigeration Technician Member
Pauline Lally, User Member
Frank Norton, Boston Refrigeration Contractors
John Viola, Sprinkler Contractor Member

Bureau Members Not Present:

Leo Fahey, Pipefitter Member
Jennifer Revill, Public Member
Sharon Orr, Mechanical Engineer
Brian Kelly, Mass. Building/Construction Trades

Guests Present:

Matthew Day, PJ Applicant
Michael Fitzgerald, RT Applicant
Giuseppe LaPaglia, RT Applicant
Mark Fortune, Sprinklerfitters Local 550
Sasha Gillin, Segal Roitman/Sprinklerfitters Local 550
Barbara Lagergren, Gould Construction Institute
Gordon MacEwan, IAPMO
William Paul, Piping Systems
Wayne Thomas, PHCCMA
Henry Mattuchio, DAS
Charles Kilb, DPL
David Sullivan, OPSI
Daniel Kilburn, OPSI
William Dougherty, OPSI
Richard Feeney, OPSI
Joseph Pineyro, OPSI
Cesar I. Lastra, OPSI

2. **Minutes:** The draft minutes from the September 20, 2017 Bureau meeting were reviewed. **Motion to approve the minutes made by John Viola, seconded by Frank Norton; motion passed by unanimous vote.**
3. **Review of the following applications to examine:**

Matthew Day (PJ) – Approved

Application to examine for Pipefitter Journeyman's license submitted by Matthew Day was considered. Mr. Day was not present at the start of the meeting. **Motion to table the application made by Frank Norton, seconded by John Viola; motion passed by unanimous vote.** Mr. Day made himself present and his application was reviewed 26 minutes in to the meeting. **Motion to remove the table made by**



John Viola, seconded by Allan Berry; motion passed by unanimous vote. Mr. Day stated that he has worked in Massachusetts under the Rhode Island Reciprocal Apprentice license/registration, not an OPSI Pipefitter Apprentice license. Mr. Day is currently licensed as a Pipefitter Journeyman 1 in Rhode Island. **Motion to approve the application made by John Viola, seconded by Dan Dumont; motion passed by unanimous vote.**

Eric Bascombe (RT) – Tabled

Application to examine for Refrigeration Technician's license submitted by Eric Bascombe was considered. Mr. Bascombe was not present at this meeting. **Motion to table the application made by Allan Berry, seconded by John Viola; motion passed by unanimous vote.**

Michael Fitzgerald (RT) – Approved

Application to examine for Refrigeration Technician's license submitted by Michael Fitzgerald was considered. Mr. Fitzgerald was not present at the start of the meeting. **Motion to table the application made by Frank Norton, seconded by John Viola; motion passed by unanimous vote.** Mr. Fitzgerald made himself present and his application was reviewed 29 minutes in to the meeting. **Motion to remove the table made by Frank Norton, seconded by Pauline Lally; motion passed by unanimous vote.** Mr. Fitzgerald completed an apprenticeship program in Michigan and has held a Michigan Mechanical Contractors license since 1994 and an Ohio Mechanical Contractors license since 2000. **Motion to approve the application made by Frank Norton, seconded by Allan Berry; motion passed by unanimous vote.**

Giuseppe LaPaglia (RT) – Approved

Application to examine for Refrigeration Technician's license submitted by Giuseppe LaPaglia was considered. Cesar I. Lastra stated that Mr. LaPaglia previously sat for a Refrigeration Technician's exam in error without the Bureau having the opportunity to review his credentials. Mr. LaPaglia is licensed as a Refrigeration Journeyman 2 in Rhode Island and is working towards attaining a Rhode Island Master Refrigeration license. **Motion to approve the application made by John Viola, seconded by Allan Berry; motion passed by unanimous vote.**

Ryan Colligan (SJ) – Tabled

Application to examine for Sprinkler Journeyman's license submitted by Ryan Colligan was considered. Mr. Colligan was not present at this meeting. **Motion to table the application made by Frank Norton, seconded by Justin Fishlin; motion passed by unanimous vote.**

Leonard Williams, Jr. (SJ) – Tabled

Application to examine for Sprinkler Journeyman's license submitted by Leonard Williams, Jr. was considered. Mr. Williams was not present at this meeting. **Motion to table the application made by Frank Norton, seconded by Allan Berry; motion passed by unanimous vote.**

4. Discussion of Draft Guidelines for Applications Going Before the Bureau

The Chair stated that the discussions at the September meeting established a baseline to allow out of state applicants to sit for a Bureau license exam if they are able to meet or exceed the following criteria:

- Three (3) years [6,000 hours] as an out of state Journeyman Refrigeration Technician and 250 hours of education to sit for the Massachusetts Refrigeration Technician's license exam.
- Four (4) years [8,000 hours] as an out of state Journeyman Refrigeration Technician and 350 hours of education to sit for the Massachusetts Refrigeration Contractor's license exam.

Frank Norton was not present at the September meeting and inquired on the reasoning for making such changes. The Chair stated that the Bureau's regulation allows the Bureau to waive the regulatory requirements to sit for a license exam, yet the Bureau's past practice has been to allow out of state applicants, who've provided evidence of years of experience and are business owners outside of Massachusetts, to sit for the journeyman license exam and hold the license for one year before they can sit for the master license exam.

The Chair added that the established baseline is a working progress and is subject to further discussion. Mr. Norton stated that the Bureau's Master licenses have been treated as the "holy grail" and that the Bureau's intent has been to protect them, but sees no issues with the proposed baseline as long as the burden is on the applicant to prove their qualifications. The Chair reiterated that out of state applicants will still have to go before the Bureau in order to sit for a license exam. The Chair informed the Bureau that OPSI staff will develop the draft language for the addendum to be included with the Bureau's license applications. Dan Dumont made the recommendation to table the topic until a draft of the final document is available. **Motion to table the topic made by Frank Norton, seconded by Allan Berry; motion passed by unanimous vote.**

5. Review of 528 CMR 3.00: ADOPTED STANDARDS

At the request of the Bureau members, an updated list of the current editions of the 528 CMR 3.00: Adopted Standards was presented to the Bureau for their review. Cesar I. Lastra stated that this list is comprised of industry standards that are currently in effect and of those standards adopted in the most recent edition of the Massachusetts Building code, 9th edition (Building code). Charles Kilb, Bureau Counsel, informed the Bureau that the Secretary of State's Office has previously allowed the adoption of industry standards by referencing the latest edition of a state regulation. Bureau Counsel added that, by referencing the latest edition of a state regulation and not the industry standard, the specific edition of the standard does not need to be listed and a copy of the specific standard does not need to be provided to the Secretary of State's Office. Bureau Counsel also suggested that a brief reference to the Building code may be made in the Bureau's regulation and the industry standards may be listed as part of a policy on the OPSI website. The Chair made a recommendation to table the discussion until the next meeting so that Bureau Counsel may present three different methods of adopting the Bureau's standards. **Motion to table the discussion made by Frank Norton, seconded by Justin Fishlin; motion passed by unanimous vote.**

6. Office of Public Safety and Inspections License Lookup Website

Brian Kelly informed the members of the Bureau at the September 20th meeting that he's received calls from license holders stating that they are unable to find their license information on the OPSI website. The Chair stated that the Bureau can look in to the OPSI website at the October meeting. Mr. Kelly was not present at this meeting. **Motion to table the review of the OPSI License Lookup website made by Frank Norton, seconded by Justin Fishlin; motion passed by unanimous vote.**

7. Open Discussion of Apprenticeship and Pre-Apprenticeship Matters

Henry Mattuchio, Deputy Director of the Division of Apprentice Standards (DAS), and David Sullivan informed the Bureau members of their intent to establish draft pipefitting standards and curriculum for the Bureau's review at the next meeting. If the Bureau approves the standards and curriculum, Mr. Mattuchio stated that the information will be forwarded to the Massachusetts Association of Vocational Administrators (MAVA) for distribution to the vocational schools for framework. Pauline Lally questioned whether the vocational schools will change their HVAC programs or implement a whole Pipefitting department. Mr. Mattuchio stated that the topic will be discussed at the meeting, but will try to include training from the existing HVAC programs, Plumbing programs, and other similar programs and having such training count towards Pipefitting credit. The Chair asked if there is any connection with the Pipefitter's Union Training Center and the vocational schools. Frank Norton stated that there is no connection at this time and no articulation agreement with the vocational schools. Allan Berry asked whether a set of refrigeration standards and curriculum will be developed. Mr. Mattuchio stated that the intent is to establish a working model before addressing a different trade.

Cesar I. Lastra presented the Bureau members draft copies of the "Application for Pipefitter Journeyman License" and "Application for Refrigeration Technicians License." Mr. Lastra stated that the draft applications highlight the submission of DAS Certificate of Completion of Apprenticeship in order to

expedite the application process and eliminate duplicate reviews. The Bureau members made no recommendations or changes to the draft applications.

8. Enforcement by the Office of Public Safety and Inspections

Daniel Kilburn provided the Bureau with a report on the OPSI compliance. Mr. Kilburn stated that the low number of warnings and fines issued on last month's enforcement report may have caused some concern and that an additional column was added to this meeting's report to address "Percentage Non-Compliant". Mr. Kilburn informed the Bureau that, as of the April re-organization, there has been a non-compliance of 3% and added that of the 10,720 Bureau licenses there are around 350 people working without a license.

The Chair asked Mr. Kilburn if he is having difficulties locating the trade work. Mr. Kilburn stated that the state sheet metal permits and the Bureau permitting authorities assist with locating the trade work, but more effort is required to locate Refrigeration and Pipefitting work due to their the lack of permitting. Justin Fishlin asked Mr. Kilburn if OPSI Engineering Inspectors have the authority to perform spot checks. Mr. Kilburn stated that the Inspectors' police powers allow them entry to a work site without a warrant and it would be a violation of the statute to deny them entry. Mr. Kilburn suggested that it would be worth looking in to capturing the number of license checks where no enforcement action was taken.

9. Matters not reasonably anticipated 48 hours in advance of meeting

- Justin Fishlin requested to open the "Draft Bureau Interpretation: Official Interpretation of Sprinklerfitter License Requirements on Employer's Property" for further discussion on the topic of visual inspections of fire protection sprinkler systems. Mr. Fishlin believes that the matter is of concern to public safety. Under the recommendation of Bureau Counsel, Charles Kilb, the Chair stated that the Bureau can look in to this topic at the next meeting.
- Frank Norton introduced the topic of letters of attestation and the consideration of these documents as a requirement of the license application process for out of state applicants. Dan Kilburn stated that the Bureau's license applications are based on the requirements of their regulation and that it may be addressed once the regulation is opened.
- Frank Norton introduced the topic of reviewing the refrigeration exam questions at the next meeting to assure that information is current. Dan Kilburn stated that the refrigeration exam questions were updated two years ago and that, due to the 30 license exams administered by OPSI, each license exam is reviewed on a four to five year cycle, with a review of three to four license exams per year.

10. Motion to adjourn made by John Viola, seconded by Allan Berry; motion passed by unanimous vote, meeting adjourned at 11:15 PM.

The next meeting of the Bureau of Pipefitters, Refrigeration Technicians, and Sprinklerfitters will be on Wednesday, November 15, 2017 at 10:00 AM. The meeting will be held at the Division of Professional Licensure, 1000 Washington Street, Room 1D, Boston, MA 02118.

List of Documents/Exhibits Used at this Meeting

- a. Draft minutes from meeting on September 20, 2017
- b. PJ Application – Matthew Day
- c. RT Application – Eric Bascombe

- d. RT Application – Michael Fitzgerald
- e. RT Application – Giuseppe LaPaglia
- f. SJ Application – Ryan Colligan
- g. SJ Application – Leonard Williams, Jr.
- h. Draft Guidelines for Applications Going Before the Bureau
- i. Redline of current adopted standards (Green highlight used by 9th edition of the Building Code)
- j. Draft Application for Pipefitter Journeyman License
- k. Draft Application for Refrigeration Technicians License
- l. Bureau of Pipefitters, Refrigeration Technicians, and Sprinkler Fitters – Compliance Inspection Report (October 18, 2017)