

DATE: February 28, 2023
TIME: 10:00 a.m.
PLACE: 1100 N. Eutaw Street
5th Floor Conference Room
Baltimore, MD 21201
(In person for Board Members and Staff)
Via Google Meet Video and Teleconference + 321-465-5183
PIN: 457 489 090#

MEMBERS

PRESENT: Chet Brown, Vice Chairman
Jose Anderson, Consumer Member
Steven Petri Sr., Industry Member – Left meeting at 12:05 p.m.
Francis Harrison, Consumer Member
Greg Kaderabek, Industry Member
Paul Donaghue, Industry Member
John Peterson, Industry Member - Joined meeting at 11:14 a.m.; left at 12:05 p.m.

MEMBERS

ABSENT: Jack Wilson, Chairman

STAFF

PRESENT: John Bull, Executive Director, Mechanical Boards
Sloane Kinstler, Assistant Attorney General
LaKissha Thornton, Administrative Officer I
Johnston Brown, Administrative Specialist III

OTHERS

PRESENT: Christopher Maclarion, Maryland Apprenticeship and Training Council, DWDAL
Faith Ramsburg, Maryland Apprenticeship and Training Council, DWDAL
Jon McLaughlin, Public

CALL TO ORDER:

Vice Chairman Brown called the Business Meeting of the Maryland State Board of Electricians to Order at 10:19 a.m.

APPROVAL OF MINUTES

Mr. Donaghue noted an error in the January 2023 meeting minutes, stating that the motion made to allow Director Bull to move forward with negotiating a grace period for the exam was seconded by Mr. Donaghue, not Mr. Harrison.

A motion was made by Mr. Anderson to approve the minutes of the January 24, 2023 Board meeting as corrected, seconded by Mr. Kaderabek, and by a roll call vote unanimously approved by the Board.

COMPLAINT COMMITTEE REPORT

Mr. Petri reported the following results of the Complaint Committee Meeting:

<u>Closed</u>	<u>OIS</u>	<u>Criminally Charged</u>	<u>Pre-Charge</u>
23-0008*		23-0008*	22-0017 22-0031

*Case Closed pending the outcome of criminal proceedings.

A Motion to accept the report of the Complaint Committee was made by Mr. Harrison and seconded by Mr. Donaghue. By a roll call vote, the Board unanimously voted to approve the report of the Complaint Committee.

APPLICATION REVIEW COMMITTEE REPORT

Vice Chairman Brown reported that fourteen (14) applications were reviewed in total, thirteen (13) Master exam applications and one (1) journeyman application. The application for the journeyman exam was approved. Of the thirteen (13) Master applications, six (6) were approved, two (2) were denied, and five (5) applications pending with a request for more information.

A Motion to accept the report of the Application Review Committee was made by Mr. Donaghue, seconded by Mr. Harrison, and by a roll call vote, unanimously carried by the Board.

CONTINUING EDUCATION PROVIDER REPORT

Mr. Donaghue reported that nine (9) continuing education applications were reviewed, with five (5) having been approved, and four (4) having been denied.

A motion to accept the report of the Continuing Education Review Committee was made by Mr. Kaderabek, seconded by Mr. Petri, and by a roll call vote, unanimously carried by the Board.

After the vote Mr. Donaghue inquired as to the process for ensuring that online courses that had been approved by the Board continued using approved course materials. Director Bull replied that currently there was no verification procedure in place. Counsel Kinstler suggested that upon approval, the Board issue a letter to the provider via certified mail that requires the provider to consent or agree that the provider will not modify the approved content and/or curriculum and materials cannot without prior Board approval. Director Bull stated that he would confer with Counsel to develop such a letter to accompany notification approval to course providers and that a copy of all materials submitted for CE course approval would be retained by the Board.

A motion to request that Director Bull to implement education provider notification and consent to maintain approved course content unless a modification is submitted and approved by the

Board was made by Mr. Kaderabek, seconded by Mr. Petri, and unanimously carried by the Board.

EXAM CHALLENGES REPORT

No exam challenges were submitted.

REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS

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

Exam Type	Tested	Passed	Failed	Pass Rate %
Master Electrician	29	10	19	34%
Journeyman Electrician	8	1	7	13%
Total	37	11	26	30%

Director Bull also reported that since January 2023 there were 37 candidates tested, with 11 passing and 26 failing, for a pass rate of 30%. Since the inception of the test there were 6973 candidates tested, with 2029 passing, and 4944 failing, for a pass rate of 29%. There are currently 15,649 licensees.

CORRESPONDENCE

Director Bull introduced Mr. Maclarion to the Board and stated that he wished to discuss solar apprenticeship programs with the Board. He stated that the Maryland Apprenticeship and Training Council (MATC) has received multiple applications for solar apprenticeship programs. He stated that many of the components of solar installation seem to fall under the scope of electrical work and inquired whether a separate solar apprenticeship program should be developed. Below are the questions Mr. Maclarion posed to the Board and the Board's summarized responses:

1. Is solar installation considered electrical work?
 - Counsel Kinstler stated that solar installation has historically been considered electrical work based on the use of photovoltaic high voltage components but deferred to the Board for a more recent opinion. Chairman Brown and the other industry members of the Board confirmed Counsel's explanation and agreed that solar installation should constitute electrical work.
2. Must a person enrolled in a solar apprenticeship program be a licensed apprentice electrician?
 - Mr. Petri replied that anyone who was enrolled in a solar apprenticeship program would need to have some foundational knowledge of electrical work and that an electrician apprentice license should be required. Chairman Brown agreed along with the other

industry members of the Board. Mr. Anderson provided support to that position as a consumer member stating that if unlicensed persons are allowed to perform solar installations it could pose a threat to the public. Counsel Kinstler explained that because of the practical skill component and the field work required of most apprenticeship programs, enrolled students are required to obtain an apprentice license from the appropriate board to assist in providing such services.

3. Does a person working as a solar apprentice have to work under the supervision of a licensed master electrician?
 - Counsel Kinstler stated that all mechanical apprentice licenses as well as the definition of a “licensed apprentice electrician” are defined as an individual who is authorized to assist in the provision of the services authorized under the license, allowing a licensed apprentice to assist a licensed master or a licensed journey level contractor under the supervision of a master. *See, e.g.*, Bus. Occ. & Prof. Art., Ann. Code of Md., § 6-101(e); *see also* § 6-605(b)(providing that at least one licensed master or journeyman electrician shall be present when electrical services are being provided). Counsel Kinstler also explained to the Board the distinction between the terms “licensed apprentice” and “registered apprentice” under Maryland law. The Board concurred.
4. Would the completion of an approved solar apprenticeship program allow an individual to be eligible to for a journeyman electrician license, to sit for the license examination, or receive credit toward requirements for a journeyman electrician license?
 - The Board collectively agreed that completion of a solar apprenticeship program would not qualify a person to obtain a journeyman license or sit for a journeyman license examination. Industry members of the Board discussed the limited scope of electrical work required for solar installations that and that such a program does provide sufficient practical training to prepare one to pass the journeyman license exam or provide such services.

Mr. Maclarion stated that regarding he appreciated the Board’s input on solar apprenticeship programs and that his office would advise interested providers and participants of the distinction between an approved electrical apprenticeship program and a solar apprenticeship program. He thanked the Board for their time and consideration.

No other correspondence was presented.

EXECUTIVE DIRECTOR’S REPORT

Director Bull reported that the Board Attendance reports for 2022 had been submitted to the Governor’s office, and that all Board members had met the minimum attendance requirements. He informed the Board of the Board appointment process and of Board members’ terms. Director Bull explained that a Board member may elect to continue to serve until some else is appointed for their seat.

Director Bull reminded the members of the Board to complete and timely submit their Ethics Disclosure Statements and that he sent the Board a Contact Information Sheet requesting their contact information and committee membership. He asked that the form be returned to him via email and reminded the Board to avoid any email correspondence that may constitute a quorum of Board members.

Director Bull reported that the Code Committee had met to review and approve questions for the 2020 NEC Code edition of the exam and that that information had been transmitted to PSI. He stated that he had confirmed with PSI that they were able to allow applicants to take either the 2017 or the 2020 version of the exam for the 90-day grace period approved by the Board. PSI confirmed that it would take approximately four (4) months before they could begin administering the 2020 exam but had not provided an update as to the development of exams based on the 2023 edition of the NEC Code.

Mr. Kaderabek questioned whether MULLEC would be involved in the development of the 2023 exam questions. He explained that MULLEC's involvement in the development of the exam questions had been to ensure consistency in licensing at the state level, as each local jurisdiction administered its own exam. He asked whether it would be beneficial to allow PSI to develop their own version of the exam moving forward with new version of the NEC Code. Counsel Kinstler advised that the Board was statutorily required to consider exam questions submitted by MUELEC but was not obligated to select them for use in license exams pursuant to Bus. Occ. & Prof. Art., Ann. Code of Md., § 6-306(d). Counsel opined that the requirement was put in place to ensure consistency in licensing standards prior to the implementation of statewide electrician licensing (SB 762 (2021)). The Board discussed MUELEC's contribution to the test bank of exam questions. Director Bull stated that he would remain in contact with PSI development of the license exams based upon the 2023 edition of the NEC Code.

CHAIR'S REPORT

No report was offered.

OLD BUSINESS

COMAR .09.09.03.03

Director Bull introduced a discussion of COMAR 09.09.03.03, which would require an applicant seeking a journeyman license exam waiver, based upon successful completion of an approved apprenticeship program, to apply for the waiver within two (2) years of having completed the program. He advised the Board that proposed action on the regulation had been published in the Maryland Register in December 2022 and that no comments had been received. Counsel Kinstler suggested that unless a member of the Board wished to propose modifications to the regulation that the Board consider taking final action on the regulation.

Mr. Anderson moved to approve final action to adopt COMAR 09.09.03.03 as proposed, which was seconded by Mr. Petri, and by a roll call vote, unanimously approved by the Board.

Reciprocal Licensing

Director Bull began a discussion on the process to reciprocate a former local (county) license to a state license. Director Bull stated that an individual applying for reciprocity using a former county license or current registration would need to apply for the license, pay the licensure fee, and present a letter of good standing that includes the following:

- Proof that they hold a current local registration or license.
- Proof that the registration/license was obtained after the applicant passed an exam *equivalent to the stated license exam*.
- History of any disciplinary actions against the registration/license.
- Date the license/registration was obtained.
- License classification (*Must indicate that the license meets the qualifications of a State-issued license*).

Director Bull stated that the above requirements would be used to approve all applications for reciprocal master licensure moving forward. Director Bull stated that several reciprocal applications had been received by the Board submitted by applicants whose local master license were not equivalent to the scope and qualification of a statewide master electrician, and that such applications would be denied. Mr. Donaghue questions why there was still a need for reciprocity from the local jurisdictions as most local licenses should be expired. Director Bull stated that SB 762 had taken effect on 07-01-2021 and some licenses two-year license cycles were just expiring. He also stated that some local jurisdictions began issuing registrations to licensees and that those registrations could be submitted to the Board to qualify for reciprocity, provided they meet the above guidelines. Counsel Kinstler suggested that an applicant be required to provide documentation from a local jurisdiction issuing the registration verifying the qualifications of local license, especially for any license classification described as “limited,” “general,” or other than a “master,” or “journeyperson,” electrician, which should provide verification of the examination the individual passed and its equivalency to the State master license exam. Counsel further offered that if the county cannot or refuses to provide such a description, the Board could deny the application for licensure.

Mr. Donaghue then questioned the reliability of locally issued registrations and expressed concern that an unqualified person may be able to obtain a master license. Counsel Kinstler explained that pursuant to Bus. Occ. & Prof. Art., Ann. Code of Md., § 6-103, the State was required to issue a license corresponding to the locally issued registration. Consequently, the Board interpreted the statutory language to require the Board to construe the license classification as determined by the local jurisdiction. Counsel explained that it is the responsibility of the local jurisdiction to determine what services their locally issued license authorized.

Counsel Kinstler also advised that a local jurisdiction could take action against and sanction, if warranted, a registration holder for a violation of local or state law, but it was not authorized to encumber a State-issued license; a local jurisdiction could file a complaint with the Board and, if warranted, the State could pursue administrative charges against and impose a disciplinary sanction against a licensee.

Chairman Brown asked about the authority of the Board to issue additional license classifications to correspond to locally issue licenses. Director Bull stated that the Board was not authorized to issue a license classification unless expressly authorized by the Maryland Legislature for which the Legislature had established a definition of the license or authorized the Board to do so. The Board discussed with Director Bull that the applicant for local registration should be required to hold a valid State license. If an applicant for a reciprocal State license does not hold a valid local license or registration that qualifies for reciprocity, the applicant would be required to pass the license exam for licensure.

On-site Wastewater Systems

Mr. Harrison offered a presentation pertaining to “Electrical Deficiencies Found in On-Site Wastewater Systems” that highlighted overlapping issues related to on-site wastewater disposal and electrical and consumer safety issues. Mr. Harrison noted several issues that he believed constituted a potential violation of the NEC Code. Mr. Harrison acknowledged that the Board did not have jurisdiction over on-site wastewater management, which was under the jurisdiction of the Maryland Department of the Environment (MDE). Mr. Harrison asked that his presentation be acknowledged in the minutes so that the issue could be presented to the regulatory authority to be established to oversee on-site wastewater management. Mr. Harrison also requested that the Board issue guidance to local jurisdictions to ensure that they are made aware of the issue. Counsel Kinstler advised that the Board could send a letter to the local jurisdictions and to MDE informing them of the issues and the potential NEC Code violations. She also suggested that the Board could offer to MDE a statement reflecting any of the Board’s concerns pertaining to the on-site wastewater management, once the relevant commission is established.

Mr. Donaghue moved to allow Director Bull to draft correspondence to MDE regarding the Board’s concerns regarding on-site wastewater management and disposal based on Mr. Donoghue’s presentation, to be reviewed by Counsel Kinstler before distribution. The motion was seconded by Mr. Anderson, and unanimously carried by the Board.

NEW BUSINESS

Inspector Expectations

Mr. Donaghue relayed a question from the Frederick County Chief Electrical Inspector regarding what, if any, expectations the Board had of an electrical inspector to ensure compliance with the requirement that all persons working on a job site be licensed. Counsel Kinstler reminded the Board that a local jurisdiction could act against an individual’s local registration but not a State-issued license. If a violation were found, the inspector or another local official could file a complaint with the Board, which could include the offer or provision of electrical services by an unlicensed or under-licensed individual. Mr. Donaghue asked whether the Board expected inspectors to ensure that all job sites be inspected for unlicensed workers prior to work being done on the site. Counsel clarified that the Board could not mandate the duties of an electrical inspector, as such individuals were employed, designated, or appointed by a local jurisdiction. Bus. Occ. & Prof. Art., Ann. Code of Md., § 6-313. Consequently, a local jurisdiction would have to establish such an inspector’s duties. Director Bull agreed. Director Bull went on to state that the state does not have jurisdiction at the local level and each local jurisdiction may set their own provisions to ensure compliance with applicable state law and applicable code. He also

stated that if a violation is found, the inspector could identify a violation(s) of local requirements related to permitting issues, shut down the job site, and report such a violation to the appropriate county official and the Board via the complaint process.

Proposed Legislation

Director Bull reported about proposed bills that concerned the Board:

I. SB 44/HB 149

Director Bull explained that SB 44, pertaining to uninsured master licensees, would replace the term “inactive” with “uninsured” master electrician. It would allow the designated individual to work in the field at the journeyman level. An uninsured electrician would not be authorized to pull permits or supervise any electrical work on a job site. An uninsured electrician would be required to complete ten (10) hours of continuing education (CE) to renew the uninsured status, pursuant to Bus. Occ. & Prof. Art., Ann. Code of Md., § 6-310(c).

Counsel Kinstler advised the Board on the impact of the bill, explaining that it would eliminate the Board’s authority to allow a licensee to put a license “inactive” status. Counsel explained that, notwithstanding the interest of an uninsured electrician to continue to work for an employer, there could be other circumstances in which an individual would seek to put a license on inactive status, including, but not limited to, an individual’s inability to actively work in the industry for a considerable period, due to relocation, military service, and illness or injury, which has been eliminated by the new law.

John Bull suggested that the Board consider a regulation allowing an uninsured master to waive the CE requirement by submitting a certification that they were not actively working in the field and had not worked in the field for at least two (2) years. Chairman Brown and Mr. Donaghue pointed out that, while the CE requirement may be cumbersome for individual not working in the field, allowing a licensee to fall behind on industry training and knowledge but reactivate their license posed a threat to public safety. The Board tabled this discussion for a future meeting.

II. SB 444/HB 895

Director Bull discussed proposed legislation pertaining to the creation of low-voltage license. Counsel Kinstler expressed concern over the language of the bill. She stated that some of the provisions included were clearly drafted, specifically citing the license requirements and the language that could be argued to authorize a low-voltage licensee to provide electrical services. Several Board members also expressed concern over the bill language regarding license requirements, license examination options, and to the need to more clearly define the term “low-voltage”. Director Bull advised that if the Board wished, a letter could be drafted and presented to the Secretary’s Office, explaining the Board’s position and concerns over the bill. The Board asked that Mr. Anderson draft the letter explaining the Board’s position and that Counsel review and edit it, if necessary, prior to distribution.

Mr. Kaderabek moved that Mr. Anderson draft letter in opposition letter to SB 444/HB 895 to be presented by the Secretary’s Office on behalf of the Board. The motion was seconded by Mr. Anderson, and unanimously approved by the Board.

COUNSEL’S REPORT

Counsel suggested that in the months during the Maryland legislative session, a section be added to meeting agendas regarding pending or proposed legislation. The Board concurred and Director Bull agreed.

Counsel thanked Mr. Anderson for his service to the Board and expressed her admiration for his service, acknowledging that he had been among the most valuable consumer members she had had the pleasure to work with.

CLOSED SESSION

The Board did not convene in closed session.

ADJOURNMENT

A Motion to adjourn the meeting was made by Mr. Harrison, seconded by Mr. Kaderabek, and by a roll call vote, unanimously approved by the Board to end the meeting at 2:30 p.m.

Signature on File

04/25/2023

John, Bull
Executive Director

Date

Signed on behalf of the Board as voted and approved on: 04/25/2023