
**STATE BOARD OF ELECTRICIANS
BUSINESS MEETING MINUTES**

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

MEMBERS

PRESENT: Jack Wilson, Chairman
Chet Brown, Vice Chairman
Jose Anderson, Consumer Member
Steven Petri Sr., Industry Member
Francis Harrison, Consumer Member
Greg Kaderabek, Industry Member
Paul Donaghue, Industry Member

MEMBERS

ABSENT: John Peterson, Industry Member

STAFF

PRESENT: John Bull, Executive Director, Mechanical Boards
Sloane Kinstler, Assistant Attorney General
LaKissha Thornton, Administrative Officer I
Johnston Brown, Administrative Specialist III
Danielle Anderson, Web and Outreach Coordinator, MD Dept. of Labor

OTHERS

PRESENT: Mikhail Agard, Public
Jack Powell, Free State Electric, Public,
Fabiano Faustio, Framax, Master Electrician, Public
Carl Hornfeck, Howard County Permits Department
Daniel Zurretti, Howard County Permits Department
Carlos Alvelgran, Public

CALL TO ORDER:

Chairman Wilson called the Business Meeting of the Maryland State Board of Electricians to Order at 10:14 a.m.

APPROVAL OF MINUTES

A motion was made by Mr. Brown to approve the minutes of the November 29, 2022, Board Meeting and seconded by Mr. Kaderabek. The Board, by a roll call vote, voted to unanimously approve the minutes of the November 29, 2022, business meeting.

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>
220-0026	22-0030	23-0008*	22-0017
22-0027	23-0006		22-0031
23-0008*			

*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. Kaderabek. 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 five (5) applications were reviewed, with four (4) having been approved, one (1) having been denied.

A question was posed by Carl Hornfeck as to the status of his exam application. Counsel Kinstler advised the Board that, in the interest of protecting any applicant's privacy, that any pending applications requiring Board review should not be discussed during a public meeting, but should instead be discussed in a closed session, if the application required a review by the full Board. Counsel recommended that Director Bull advise any applicant wishing to check their application status to contact the Board directly after the meeting to have their issued addressed. Director Bull agreed with the advice of Counsel Kinstler and requested that anyone attending the meeting for the sole purpose of checking their application status contact the Board directly after the meeting. Director Bull and Board staff confirmed that Mr. Hornfeck's application had been received and would be forwarded to the Application Review Committee for review after the meeting.

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

CONTINUING EDUCATION PROVIDER REPORT

Mr. Donaghue reported that fourteen (14) continuing education applications were reviewed, with twelve (12) having been approved, and two (2) having been denied. A motion to accept the report of the Continuing Education Review Committee was made by Mr. Anderson-Chairman Brown, seconded by Mr. Kaderabek, and by a roll call vote, 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 December 2022:

Exam Type	Tested	Passed	Failed	Pass Rate %
Master Electrician	43	11	32	26%
Journeyman Electrician	5	2	3	40%
Total	48	13	35	27%

Director Bull also reported that since January 2022 there were 775 candidates tested, with 186 passing and 589 failing, for a pass rate of 24%. Since the inception of the test there were 6936 candidates tested, with 2018 passing, and 4918 failing, for a pass rate of 29%. There are currently 11,568 licensees.

CORRESPONDENCE

None to be considered.

EXECUTIVE DIRECTOR'S REPORT

Director Bull reminded the Board that the February 28, 2023, Board meeting would be held in person for Board members and Board staff. He explained that members of the public and Board members who were unable to attend the meeting in person would be able to attend the meeting virtually using Google Meet or a telephone link. He requested that any Board members who intended to attend the meeting the meeting in person notify him at least one week in advance of the meeting so he could ensure that they would have parking and access to the building.

Director Bull then announced to the Board that newly-appointed Governor, Wes Moore, had taken office and that a new Secretary of Labor, Portia Wu, had been appointed. He advised that he had not been made aware of any policy or procedural changes that would affect the Board, but that he would announce any to the Board, as necessary.

Director Bull reported that the application period for a waiver of examination of the journeyman electrician exam had ended. He reported that no more applications for a waiver of examination would be accepted. He indicated that more than 7,000 license applications had been processed and that another several thousand were in the queue for processing.

Director Bull announced the hire of Denise Griffin, an office clerk, who would be assisting with the processing of the applications that were submitted for a waiver of examination. Director Bull then introduced Mr. Matthew McKinney, who was recently appointed to the Division of Occupational and Professional "O&P" licensing. Mr. McKinney stated that he had an experience working within the Office of the Secretary of the Department of Labor primarily concentrating on appointments for the various Boards reporting to the Office of the Secretary. He stated that in his tenure with O&P licensing, his focus would be on board member appointments for occupational and professional licensing boards within the Division. He stated that, to his knowledge, based upon term limit requirements, that some of the current members of the Board would "term out" and could be replaced in June of 2023. He stated that those members who were "terming out" could continue to serve until

replacement members could be appointed to serve in their seat. Mr. McKinney stated that the new appointments, including the filling of any vacancies on the Board, would most likely be “green bag” appointments, which he explained were appointments confirmed by the Maryland legislature. He stated that 40 days after the beginning of the legislative session, a list of potential appointees is presented to the Office of the Governor by the Secretary of Appointments and, with the assistance of the General Assembly and the Governor’s Office, Senate confirmation hearings are held to appoint the new members of boards. Mr. McKinney expressed his pleasure in having been able to introduce himself to the Board and thanked the Board members for their time.

COUNSEL’S REPORT

None offered.

CHAIR’S REPORT

None offered.

OLD BUSINESS

Wastewater Systems

Chairman Wilson referenced the discussion of Onsite Wastewater Systems by Mr. Harrison. Mr. Harrison replied stating that his presentation and relevant material would be presented at the February meeting. Chairman Wilson stated that the item should be placed on the February Agenda under Old Business.

License Examination During NEC Code Transition Cycle

Chairman Wilson addressed the discussion of the development of a new PSI Exam based upon the 2023 NEC Code, per the January agenda. Director Bull began the discussion by stating that he, Vice-Chairman Brown, Mr. Kaderabek, and Mr. Anderson met with PSI to review the current examination and found that there are numerous changes that need to be made to the current exam to bring it into compliance with the 2020 NEC Code. Director Bull stated that, based upon that meeting, he and the Board members in attendance recommend that the Board accept the examination questions that were submitted by MUELEC, and submit those questions to PSI for development of a bank of test questions for license examinations based on the 2020 NEC Code. Director Bull continued that, at the meeting, it was discussed that the Board could confer with MUELEC regarding their development of proposed questions for an exam based upon the 2023 NEC Code to compare material changes to questions that have been accepted in the development of an exam based on the 2020 NEC Code; further, that a limited period should be proposed within which PSI could allow a license examination applicant to select which Code edition of the exam the applicant had prepared to take to qualify for licensure. Mr. Kaderabek questioned whether PSI would be able to accommodate such a request from the Board, should the Board approve the recommendation. Director Bull stated that PSI could make such an accommodation. He stated that the Board would need to work with PSI to ensure that the application and registration process was modified to allow for an applicant to select a particular Code edition of the exam during the applicable period. Director Bull suggested that the Board to vote

to allow PSI to implement a period during which an applicant may select a license exam based on the outgoing or newly published code, in this case, the 2017 or the 2020 NEC Code.

Mr. Kaderabek stated that he would prefer that before the Board took any action regarding establishing such a Code selection period, that PSI set a definitive date that they would begin administering the 2020 NEC Code version of the exam. Mr. Petri agreed. Mr. Brown commented that it was his understanding, after the meeting with PSI, that PSI would be prepared to begin administering the exam based upon the 2020 Code on July 1, 2023. Director Bull confirmed that PSI intends to begin administering the new exam on July 1, 2023 and, therefore, he was proposing a period within which an exam candidate could select either exam.

Counsel Kinstler commented that it is the practice of other mechanical boards to allow a 3-to-6-month window during which an exam candidate can elect to take either a license exam based on a prior code edition or the newest code edition to obtain a license. She indicated that this proposal is not unprecedented and recognizes that some exam applicants may have begun preparations to take an exam by studying a code edition prior to the publication of a new code edition. Mr. Anderson commented in favor of the practice, citing the low overall pass rate of the exam and suggested that it would not be advisable to remove a barrier to passing the exam. Mr. Donaghue commented in support of the practice. Mr. Petri questioned whether this recommendation would only apply to this particular change of the exam from the 2017 to the 2020 NEC Code, or if it would apply to other examinations when code changes occurred. Mr. Anderson commented stating that the proposed recommendation to the Board only applied to the change between the 2017 and 2020 Code, as the Board was trying to bring its examination up to compliance with the release of the 2023 NEC Code, and forward. Mr. Kaderabek countered stating that he felt that the Board should use caution in instituting this practice as the Board should be testing on the 2023 NEC Code and that allowing applicants to test on the 2017 only supports a delay in bring the Board up to the current compliance standards. Mr. Brown replied stating that while that Board's intent is to enforce the most current version of the NEC Code, the proposed questions for submission to PSI are based on the 2020 NEC Code. He continued stating that he was under the impression that the Board would be placing a clear end date for testing on the 2020 NEC Code, citing that the Continuing Education Standards for electricians are currently based on the 2020 Code and that it should be the compliance standard for individuals working in the field.

Mr. Petri posed a question to Counsel Kinstler regarding the time frame within which the Board should begin enforcing the most current version of the NEC Code, stating his opinion that the Board was obligated to begin enforcement within eighteen (18) months of the issuance of that Code. In response, Counsel Kinstler explained that the Board does have an obligation to enforce the NEC Code within eighteen (18) months of its issuance but explained that that requirement is based on code enforcement for the purpose of investigating a complaint and not to a license examination. She stated that, for the other mechanical boards that routinely implement a practice of offering a limited time within which an exam candidate can select the code on they are most comfortable testing, they do so for each code cycle in which a new edition is issued.

Mr. Kaderabek opined that 2023 Code should be enforced beginning in August 2023, and while the Board would not be able to meet that standard regarding the 2023 Code examination, that the Board should strive to match the PSI examination that would be administered after the release of the 2026 Code. Chairman Wilson commented regarding enforcement standards that while a newer version of the code may be being enforced throughout the State, any inspections of work performed under permits under the 2017 Code would only be held to the standards of the 2017 Code, pointing out that

enforcement standard are not necessarily tied to the examination standard. He stated that if it is the intent of the Board to allow a period for testing on the 2017 or 2020 NEC Code edition, that a motion should be made, and a vote taken to authorize Director Bull to negotiate such a practice with PSI.

A motion by Mr. Petri to ask Director Bull to negotiate a selection period within which a license exam applicant could take either the 2017 or the 2020 NEC Code edition of the PSI Exam, and seconded by Mr. Harrison.

Vice-Chairman Brown requested that the motion require a time frame for the institution of the 2020 Exam by PSI before the vote. Chairman Wilson clarified the intent of the motion by stating that the motion on the floor would allow Director Bull to negotiate a period with the understanding that the new exam would begin being administered on July 1, 2023, and that Director Bull would provide the Board with timely updates on any changes to the date the exam would begin being administered. Vice-Chairman Brown accepted Chairman Wilson's clarification with confirmation from Director Bull.

Mr. Petri reiterated his motion to allow Director Bull to discuss with PSI the implementation of a selection period during which a license exam candidate could select the code edition on which they were prepared to be tested, which Mr. Harrison seconded. By a roll call vote, the Board unanimously voted to approve the motion.

COMAR 09.09.03.03

Counsel Kinstler asked Director Bull to present any comments received regarding the Board's proposed action to adopt COMAR 09.09.03.03. Counsel reminded the Board that the regulation would allow a 2-year period within which an applicant could apply for a license filed pursuant to Md. Ann. Code, Bus. Occ. & Prof. § 6-307.1(2), which authorizes the Board to issue a journeyman license without examination to an applicant who has completed an electrical apprenticeship program approved by the Maryland Apprenticeship and Training Council or Federal Office of Apprenticeship. The proposed action would require an applicant to apply for the journeyman license without examination within two years of having completed a qualifying apprenticeship program to be eligible for the license exam waiver.

Counsel reminded the Board that its purpose in proposing the regulation, for which a similar provision is in place applicable to the HVACR Board, was to ensure that an individual who delayed pursuing a license after several years outside of the electrical field, could still apply for the license exam waiver when the individual's industry knowledge might no longer be ripe. Counsel stated that the regulation had been published in the December 2, 2022 issue of the Maryland Register and that a public comment period had run through January 3, 2023. Counsel continued stating that the Board was required to review any public comments received during the comment period and, after considering any such comments, could modify the regulation and repropose it if required or take final action during a public meeting. Director Bull stated that no comments had been received to date.

Counsel advised that the Board that the did not have to take a final action on the proposed regulation at this time and that she could disseminate a copy of the proposed regulation to the Board for discussion at the February meeting. Director Bull stated, upon the request of the Board that he would add that item to the February Agenda for discussion under Old Business and send a copy of the regulation to the Board for review before the meeting.

NEW BUSINESS

SB 44/HB149

Upon Chairman Wilson's request, Director Bull gave a synopsis of Senate Bill 44 ("SB 44") sponsored by Senator McCray, which would revise the Maryland Electricians Act by implementing a provision in the bill that would change the term "inactive" to "uninsured" in relation to a licensed electrician. He explained that before the passage of SB 762 (2021), a person holding an inactive master electrician license could obtain a journey license at the county level and provide electrical services under that license. He continued his explanation, stating that after the passage of statewide electrician licensing in 2021, by SB 762, the law required that an individual provide proof of insurance before the Board could issue them a license. The bill would change eliminate "inactive licenses" and change the term as it is used in the title from "inactive" to "uninsured". The change would require those licensees to complete ten (10) hours of continuing education ("CE") and would not allow them to pull permits or supervise employees in the field. Director Bull further explained some of the details of the proposed bill relating to continuing education requirements and issues surrounding insurance requirements.

Director Bull stated that the law does not currently require an inactive master electrician to complete any CE to reactivate a license, so long as the license does not lapse for more than two years. Director Bull pointed out that could result in a "knowledge gap," as the individual may have had no additional training and been outside of the industry altogether during the inactive licensing period. Chairman Wilson clarified Director Bull's comment, stating that a person, changing their status from inactive master to active master would have to complete ten (10) hours of CE to reactivate their license. Chairman Wilson requested that Director Bull distribute a copy of SB 44 to the Board for discussion at the February meeting. Counsel Kinstler stated that SB 44 is cross filed as House Bill 149 for the Board's reference.

Mr. Petri questioned whether the bill would take away the ability for a licensee to "shelve" a master license, as there would no longer be an option to hold an inactive license. Chairman Wilson confirmed that the inactive license category would go away entirely. He further opined that requiring CE hours for an "uninsured" master was a good way to correct the existing law and promote uniformity. Counsel confirmed the elimination of the inactive license classification, explaining that there are valid reasons for an individual to inactivate a license, so they do not have to worry about timely renewal to be eligible for reinstatement, such as military service, prolonged absence from the field due to illness or injury, etc., that are wholly unrelated to the provision of electrical services while in inactive status.

Director Bull then went on to state the SB 44 would also change the name of the issuing authority listed on certificate of completion of apprenticeship for programs approved by the Maryland Apprenticeship and Training Council ("MATC"). The issuing authority listed on the certificate would change to the Division Workforce Development and Adult Learning ("DWDAL"), from MATC. Director Bull stated that the change would not have a material effect on the acceptance of apprenticeship certificates as MATC is a unit within DWDAL.

Local General Electrician License

Director Bull presented a matter to the Board after an individual had been issued a State master electrician license by Board staff upon the basis of a local "general" electrician license, which is

alleged to have been improper because the local jurisdiction that issued the license maintains it is not equivalent to a master electrician license. Counsel explained to the Board that the individual held a local county “general” electrician license. It was presented to Board staff obtain a state license for a State master license by reciprocity. Counsel further explained that there are number of counties, mostly on the Eastern Shore, that had issued a “general” electrician license, which authorized the provision of electrical services generally, but only in residential properties. Counsel provided historical background of this issue. When statewide licensing was first discussed in 2020 and 2021, some local jurisdictions that issued a general electrical license asked the State how they ought to handle converting such licenses to a registration, pursuant to Md. Ann. Code, Bus. Occ. & Prof, § 6-103 for individuals pursuing state licensure under § 6-307. The State maintained that it was for the local jurisdiction, with the advice of its counsel or County Attorney to determine whether the local jurisdiction would issue the holder a journey or master registration and that the State was not statutorily authorized to look “behind” the locally-issued registration or intervene on specialty license classifications, as provided in § 6-103(b).

Most local jurisdictions indicated that they regarded a general electrician as a master electrician because the holders had passed a test demonstrating minimum competency to provide a full range of residential electrician services. It appeared that the individual in question applied for a master license without a county registration, presenting only the locally-issued general electrician license. Subsequently, the issue was discovered when the county inquired about the individual’s licensure as a master electrician. As a State-licensed master electrician, the individual would be authorized to provide commercial electrical services, without having demonstrated minimum competency to do so. Counsel stated that the Department’s historical practice in response to an administrative error that has resulted in the improper issuance of a license has been to allow the license to stand.

Director Bull explained that when the matter of his staff having allegedly issued the master license in error was brought to his attention, he contacted the licensee, explained the situation and request that the licensee surrender the State master license. The licensee has refused. Director Bull advised the Board that the jurisdictions that issued the general electrician license is concerned and wishes to be heard on the matter.

Counsel cautioned Director Bull and the Board about discussing a matter that could result in an administrative action against a licensee to take back the erroneously issued license. She recommended that the matter be referred to the Board’s Complaint Committee.

However, Director Bull wished to obtain the Board’s thoughts and guidance on the matter as to whether the license should be rescinded, as he was unable to state how many other licensees may have been similarly affected. Director Bull asked the Board, particularly the industry members, to weigh in on whether a “general” should be accepted to qualify for a State master electrician license by reciprocity.

Vice-Chairman Brown opined that any license that was issued with a qualification in the title, i.e., “limited” or “general” master, did not meet the qualification for a State master electrician license. He explained his reasoning stating that the exam for such a license may not cover all the materials tested on in State master electrician license exam. Chairman Wilson stated that he believed the topic warranted a more in-depth analysis by the Board. Several other members of the Board expressed a desire to discuss the topic at the next meeting. At 11:27, Chairman Wilson announced that he had to leave the meeting and requested the Vice-Chairman Brown preside for the remainder of the meeting.

Counsel Kinstler further explained her opinion on the matter, again advising the Board to refer the matter to its Complaint Committee. When asked, Counsel opined that if a local registration or a local-issued letter of good standing was presented to the Board that identified a license classification as anything other than the statutorily-approved classifications, i.e., master, journey, or apprentice electrician, that the applicant should be told that the issuing county must identify the license classification equivalency before the Board could process that application for a license examination waiver.

After the Board continued its discussion, it was determined that the discussion would be tabled until the February meeting, during which time it would revisit the matter under Old Business. Vice-Chairman Brown requested that Director Bull provide the Board with a detailed description of the license approval process for the Board's review at next meeting. Director Bull stated that he would do so and would provide a list of the counties that are currently issuing registrations.

Continuing Education

Mr. Donaghue asked about the Board's acceptance of CE hours and whether all approved CE courses could be taken for credit at the journeyman and master level, whether virtual CE classes were still being accepted as "in-person" CE hours, as was the practice during the pandemic. Director Bull replied that the current requirements are journeyman electricians to complete at least five (5) hours of CE and master electricians to complete at least ten (10) CE hours.

Counsel clarified that the number of CE hours required for license renewal requirements is reflected in COMAR 09.09.02.01. Counsel further advised that COMAR 09.09.02.02 sets forth subject matter requirements for CE and COMAR 09.09.02.03 sets forth the method of CE, which provides that of the 10 hours required for master license renewal, five (5) hours must "be obtained in a classroom setting". Director Bull asked the Board whether "classroom setting" required in person. He stated whether virtual classes that allow the students and the instructor to interact in real-time could be considered to be "in-person" classes by the Board. Counsel advised that since the pandemic, several other occupational and professional licensing boards with pre-license or continuing educational requirements have adopted a policy that interactive, non-pre-recorded instruction, can be credited as compliant with requirements mandating "in person" or a "classroom setting" instruction. The Board agreed.

CLOSED SESSION

The Board did not convene in a closed session.

ADJOURNMENT

A Motion to adjourn the meeting was made by Mr. Anderson, seconded by Mr. Petri, and by a roll call vote, unanimously approved by the Board to end the meeting at 12:20 p.m.

Signature on File

February 28, 2023

John Bull
Executive Director

Date

As voted on and approved by the Board on February 28, 2023