



# Mechanical Safety & Licensing Board Public Meeting Minutes

Mechanical Safety & Licensing Board  
January 10, 2024 at 9:00 AM EDT

@ 7 Eagle Square Concord NH - Hearings Room

## **Attendance**

### **Present:**

Board Members: Jesse Doucette – Chair

Joseph Nash

Elisha Cole

Michael Harrison

Peter Kendrigan via zoom

Board Counsel: Elizabeth Eaton

Board Counsel: Cassandra Brown

Board Administrator: Teresa Boyer

### **I. Call to Order**

The meeting was called to Order at 9:03am

### **II. Approval of Public Minutes 12/13/23**

#### **Motion:**

Motion to approve the Public Minutes.

Motion moved by Michael Harrison and motion seconded by Joseph Nash. Motion passes unanimously.

### **III. Public Appearances/Hearings**

#### **A. Borkman – 10:00am – 2023-MECH-008**

Hearing Officer: Nikolas Frye

Hearing Counsel – Marissa Schutz

Witness for Prosecution – Chief Inspector Mark Prindiville – sworn in

Respondent – Eric Borkman – via zoom – sworn in

The hearing commenced at 10:03am. On the issues presented pursuant to rule 206.06(b)(3), the issues to be considered at the hearing in this matter are as follows:

1. Whether the Licensee committed professional misconduct as defined by RSA 153:32, II(c) and/or RSA 153:32, II(g) (See Saf-Mec 604.01(c)(3) and 2018 NFPA 54 sections 9.1.1.2 and/or 9.1.3) when, on or about July 6, 2023, he engaged in unprofessional conduct and/or conduct that poses a risk to public health, safety, or welfare to individuals affected by the practices or actions of the licensee and/or willful violations of board laws and rules by installing a natural gas hot water heater on a liquid propane system.

2. Whether the Licensee committed professional misconduct as defined by RSA 153:32(c) and/or RSA 153:32, II(g) (See Saf-Mec 603.02(a)) when, on or about July 6, 2023, he engaged in unprofessional conduct and/or willful violation of Board laws or rules by installing an appliance without obtaining a required local permit. The hearing closed at 10:36am. Deliberations were held in non-public session.

The Board went into a non-meeting to confer with Counsel 10:36am – 10:33am.

## **I. New Business**

### **A. Chief Inspectors Report**

Marc Prindiville provided a report to the Board.

### **B. Reciprocity questions**

The Board refereed to the rule 300 for this inquiry.

## **II. Public Comment**

There were no public comments.

## **III. Laws & Rules**

Board Counsel Elizabeth Eaton discussed with Board LSR's that effect the Mechanical & Safety Board. Counsel will send Board Administrator a list to watch for hearings.

SB372- On a motion by Jesse Doucette and seconded by Elisha Cole the Board voted to send Board member Joseph Nash to attend hearing at time of meeting.

On a motion by Michael Harrison and seconded by Elisha Cole the Board voted to send a member to testify on behalf of the Board on all upcoming hearings.

## **IV. Non-Public Session**

Non-public session, conducted for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, *Lodge v. Knowlton*, (1978), and the Board's executive and deliberative privileges.

**Motion:**

At 9:39am Jesse Doucette made a motion to go into a non-public session.

Motion moved by Jesse Doucette and motion seconded by Michael Harrison. The motion passed by roll call vote.

2<sup>nd</sup> Non-public session, conducted for the purpose of discussing investigations of alleged licensee misconduct and other confidential Board business. Such a non-public session is authorized by RSA 91-A:3, II (c) & (e), RSA 91-A:5, IV, *Lodge v. Knowlton*, (1978), and the Board's executive and deliberative privileges.

**Motion:**

At 10:37am Jesse Doucet made a motion to go into a non-public session.

Motion moved by Jesse Doucet and motion seconded by Joseph Nash. The motion passed by roll call vote.

**V. Resume Public Session**

**Motion:**

Motion to resume the public session at 9:58am

Motion moved by Joseph Nash and motion seconded by Michael Harrison. Motion passes by roll call vote.

Motion to resume the 2<sup>nd</sup> public session at 11:17am

Motion moved by Joseph Nash and motion seconded by Jesse Doucette. Motion passes by roll call vote.

**VI. Seal the Non-Public Minutes**

Minutes of the non-public session are sealed to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

**Motion:**

Motion to seal the Non-Public minutes.

Motion moved by Joseph Nash and motion seconded by Jesse Doucette. Motion passes unanimously.

Minutes of the non-public session are sealed to maintain the privacy of the items discussed in non-public session pursuant to RSA 91-A:3, II (c), on the grounds that public disclosure may adversely affect the reputation of a person other than a Board member or render the proposed action ineffective.

**VII.** Adjournment at 11:29am

**Motion:**

Motion to adjourn.

Motion moved by Jesse Doucette and motion seconded by Michael Harrison. Motion passes unanimously.