



Mechanical Safety & Licensing Board Public Meeting Minutes

August 9, 2023 at 9:00 AM
7 Eagle Square, Concord NH 03301

Attendance

Present:

Members: Elisha Cole, Jesse Doucette, Michael Harrison, Joseph Nash, Paul Perry, Robert Roy

Staff: Elizabeth Eaton, Esq., Board Counsel; Samantha Kinstrey, Board Counsel Intern; Nikolas Frye, Esq., Hearings Examiner; Jeanne Webber, Board Administrator

Absent:

Member: Peter Kendrigan

I. Call to Order

9:00 am

II. Approval of Public Minutes 7/12/23

Motion:

Board Member Joseph Nash made a motion to approve the public minutes as stated. The motion was seconded by Board Member Paul Perry. The motion passed unanimously.

III. Public Appearances

A. DeBenedictis, Anthony - Show Cause Hearing

Motion:

Show Cause Hearing proceeded at 10:53 a.m. and concluded at 11:40 a.m. Upon a motion by Joseph Nash, with a second by Paul Perry, the Board voted to approve the plumbing apprentice application of Mr. DeBenedictis. Motion passed.

B. New Adjudicative Hearings Process Presentation

Hearings Examiner Attorney Frye gave a presentation to the Board regarding the new Hearings process as a result of the passing of HB655.

C. RFA Discussion

Heather Kelley, Operations Director, provided information to the Board regarding the RFA for examiners. Jesse Doucette and Elisha Cole volunteered to work with OPLC to review and score submitted applications.

IV. Licensure

- A. Shawn Griffin
Education Approval
[TABLED](#) until subcommittee can review and bring recommendation to the Board.
- B. Evan Norman- Test approval
Motion:
Board Member Michael Harrison made a motion to approve pending proof of successful completion of the exam. The motion was seconded by Board Member Joseph Nash. The motion passed.
[\(NEEDS TO SUBMIT UPGRADE FOR SERVICE LICENSE\)](#)
- C. Joshua Anderson-
Motion:
Board Member Joseph Nash made a motion to deny Mr. Anderson's pending application as it does not meet the requirements. The motion was seconded by Board Member Michael Harrison. The motion passed.
- D. Nicolas Pixos
Motion:
Board Member Michael Harrison made a motion to deny Mr. Pixos' application. The motion was seconded by Board Member Joseph Nash. The motion passed.
[\(water treatment doesn't exist anymore and on the basis not registered gas \(trainer\) in the state of NH \(due to repeal of license type?\)](#)
- E. Gabriel Pimentel
Motion:
Board Member Elisha Cole made a motion to take no action on Mr. Pimentel's application, as the Board has no jurisdiction. The motion was seconded by Board Member Joseph Nash. The motion passed.
- F. Russell Ouwerkerk
Motion:
Board Member Paul Perry made a motion to deny Mr. Ouwerkerk's application, as he does not meet the requirements. The motion was seconded by Board Member Michael Harrison. The motion passed.

V. First Non-Public Session

At 10:28 a.m. upon the motion of Board Member Jesse Doucette and the second of Board Member Michael Harrison, to conduct the 1st non-public session the Board, by roll call, voted to conduct a non-public session for the purpose of discussing and evaluating complaints against licensees, accredited individuals, institution, or organizations, or persons charged with practicing unlawful activity, and noting that such a non-public session is authorized by RSA 91-A:3, II(c), RSA 91-A:5, IV, *Lodge v. Knowlton*, 118 N.H. 574 (1978), and the Board's executive and deliberative privileges. The motion passed with each member recording his or her vote on the motion.

[Minutes kept separately]

VI. Resume Public Session

At 10:50 a.m. upon the motion of Board Member Jesse Doucette and the second of Board Member Joseph Nash, the Board unanimously voted by roll call, to reconvene the public meeting.

VII. Seal the 1st Non-Public Minutes

Upon the motion of Board Member Michael Harrison and the second of Board Member Joseph Nash, by roll call voted to seal the minutes of the 1st non-public session from the public disclosure pursuant to RSA 91-A:3, III(c), on the grounds that public disclosure would be likely affect adversely the reputation of licensees, accredited individuals, institutions, or organizations, or persons charged with practicing unlawful appraising activity, RSA 91-A:5, IV, *Lodge v. Knowlton*, 118 N.H. 574 (1978), and the Board's executive and deliberative privileges. The motion passed with each member recording his or her vote on the motion.

VIII. Second Non-Public Session

At 10:58 a.m. upon the motion of Board Member Joseph Nash and the second of Board Member Michael Harrison, to conduct the 2nd non-public session the Board, by roll call, voted to conduct a non-public session for the purpose of discussing and evaluating complaints against licensees, accredited individuals, institution, or organizations, or persons charged with practicing unlawful activity, and noting that such a non-public session is authorized by RSA 91-A:3, II(c), RSA 91-A:5, IV, *Lodge v. Knowlton*, 118 N.H. 574 (1978), and the Board's executive and deliberative privileges. The motion passed with each member recording his or her vote on the motion.

[Minutes kept separately]

IX. Resume Public Session

At 11:47 a.m. upon the motion of Board Member Michael Harrison and the second of Board Member Joseph Nash, the Board unanimously voted by roll call, to reconvene the public meeting.

X. Seal the 2nd Non-Public Minutes

Upon the motion of Board Member Michael Harrison and the second of Board Member Joseph Nash, by roll call voted to seal the minutes of the 2nd non-public session from the public disclosure pursuant to RSA 91-A:3, III(c), on the grounds that public disclosure would be likely affect adversely the reputation of licensees, accredited individuals, institutions, or organizations, or persons charged with practicing unlawful appraising activity, RSA 91-A:5, IV, *Lodge v. Knowlton*, 118 N.H. 574 (1978), and the Board's executive and deliberative privileges. The motion passed with each member recording his or her vote on the motion.

XI. OPLC and/or Board Administration Updates

XII. Old Business

XIII. New Business

A. Chief Inspectors Report

Chief Inspector Prindiville provided the Board with an update.

B. Course Roster for approval

TABLED to the September meeting

C. Website not showing CE and Testing providers - Informational

The Board discussed their support of having Education providers posted on the website, which was recently removed. Public comment was also submitted.

XIV. Rules Review and Legislative Topics

A. Tina Kelley clarified comments on Mec 300 with the Board and will submit a Conditional Approval Request.

The Board noted that the existing Mec 402.01 (f) wording doesn't meet their intent. Tina will draft new language for the Board's review at their next meeting.

B. Attorney from OPLC - Legislation Update

Board Counsel Attorney Eaton provided a brief update to the Board.

XV. Public Comment

Bill Trombly asked clarifying questions regarding Mec 300 administrative rules.

XVI. Next Meeting - Wednesday, September 13, 2023 at 9:00 a.m.

XVII. Adjournment

Board Member Paul Perry made a motion which was appropriately seconded by Board Member Elisha Cole to adjourn. The motion passed unanimously; meeting adjourned at 12:08 p.m.