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**STATE BOARD OF ELECTRICIANS  
BUSINESS MEETING MINUTES**

**DATE:** November 29, 2022

**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

**MEMBERS**

**ABSENT:** Paul Donaghue, Industry Member  
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:** None

**CALL TO ORDER:**

Executive Director Bull announced that, though Chairman Wilson was in attendance at the meeting, he asked that Vice Chairman Brown preside over the meeting. Vice Chairman, Brown called the Business Meeting of the Maryland State Board of Electricians to Order at 10:13 a.m.

**APPROVAL OF MINUTES**

A motion was made by Mr. Harrison was to adopt the new minutes of the October 25, 2022 Board Meeting and seconded by Mr. Anderson. The Board voted, by a roll call vote, to unanimously approve the minutes of the October 25, 2022 business meeting.

**COMPLAINT COMMITTEE REPORT**

Director Bull reported that there were five complaints discussed at the complaint committee meeting. He stated that one complaint was recommended for dismissal; one complaint would be referred to the Attorney General’s office to pre-charge the matter for administrative action; and that two would be referred for criminal prosecution.

A Motion to accept the report of the Complaint Committee was made by 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 11 applications for Master Electrician exam were reviewed with 6 having been approved, 1 having been denied, and with four applications still pending review. Mr. Brown posed a question regarding the whether an Inactive Master Electrician was eligible to verify work experience for persons applying to take the Journeyman Electrician Exam. He questioned their ability to verify work experience as a supervising electrician, as their Inactive license does not permit them to work in the field. Mr. Wilson agreed that the matter should be discussed by the Board under new business.

Upon Mr. Anderson’s motion to accept report of the Application Review Committee, and Mr. Kaderabek’s second, by a roll call vote the Board unanimously voted to approve the report of the Application Review Committee.

**CONTINUING EDUCATION PROVIDER REPORT**

No applications to review or report.

**EXAM CHALLENGES REPORT**

None submitted.

**REVIEW OF EXAMINATION STATISTICS AND LICENSE TOTALS**

PSI exams submitted the following statistical summaries for the month of October 2022:

<b>Electricians</b>	<b>Candidates Tested</b>	<b>Passed</b>	<b>Failed</b>	<b>Pass %</b>
Master Electricians	36	5	31	14%

<b>Journeyman Electrician</b>	<b>Candidates Tested</b>	<b>Passed</b>	<b>Failed</b>	<b>Pass %</b>
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Journeyman Electricians	8	1	7	13%
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Since January 2022 there were 681 candidates tested, with 163 passing and 518 failing, for a pass rate of 24%. Since the inception of the test there were 6842 candidates tested, with 1995 passing and 4847 failing for a pass rate of 29%. There are currently 11,568 licensees.

### **CORRESPONDENCE**

None to be considered.

### **EXECUTIVE DIRECTOR'S REPORT**

Director Bull stated that he had been in contact with Senator Corey McCray's Office and that legislation would be proposed for the 2023 session to allow inactive master electricians to be eligible to work in the field. He explained that the legislation would propose a new category of licensure "uninsured master electrician" that would allow a licensed master electrician to work under the direction of another licensed master and not be required to hold their own insurance. The "uninsured" master electrician would not be authorized to enter into contacts and would be required to complete the ten (10) hours of continuing education during each licensure period, required of all master electricians as a condition of license renewal. Mr. Petri inquired as to whether Inactive Master Electricians are currently required to complete Continuing Education hours, to which Director Bull replied that are not required to complete the hours as they are not eligible to work in the field.

### **CHAIR'S REPORT**

None offered.

### **COUNSEL'S REPORT**

None offered.

### **OLD BUSINESS**

Director Bull stated that he had received information from MUELEC regarding the development of new master and journeyman electricians license exams. He asked the Board whether members would prefer to discuss the information in a Closed Session or if they wished to have a committee review the material and present their findings and recommendation to the Board. Mr. Anderson opined that it would be more efficient to form a committee to review the material and present their findings to the Board for approval. Vice Chairman Brown agreed and asked Counsel Kinstler how many members of the Board could serve on the proposed committee. Counsel advised that any committee established by a board or commission can have as many members as the presiding officer wishes to designate without establishing a quorum; for the current composition of the Board of Electricians, no more than five (5) members could serve on an Examination Review Committee

without constituting a quorum of the Board. Counsel Kinstler recommended that at least two (2) members of the proposed Committee be industry members of the Board. Director Bull agreed and suggested that at least one (1) industry member serve on the Committee to help ensure the readability of the exam questions. Mr. Brown asked for volunteers interested in serving and the Board discussed the Committee's composition.

Upon Mr. Petri's motion and Mr. Kaderabek's second, the Board voted unanimously, by a roll call vote, to establish an Examination Review Committee consisting of members Brown, Kaderabek, and Anderson.

Counsel Kinstler advised the Board that, in accordance with Md. Ann. Code, Bus. Occ. & Prof. § 6-205, the Board is required to adopt the National Electrical Code ("NEC") eighteen (18) months after issuance. Director Bull and members discussed MUELEC's decision, due to the COVID pandemic, not to develop or provide the Board with exam questions, in accordance with § 6-306(d). The Board discussed whether it should request that Department approve proposed action to adopt the 2020 NEC or go directly to the 2023 NEC.

Counsel suggested that, with the change in administration in January, the moratorium on proposed regulations during the legislative session, and the time within which such a regulation could take effect, that it would likely not be worthwhile for the Board to implement exam questions based on the 2020 NEC. She suggested that the Board consider developing the exam questions based upon the 2023 NEC. Mr. Kaderabek stated suggested that PSI, Inc., the Board's test vendor, was awaiting the Board's approval of the 2020 or 2023 NEC code before updating the test questions. Director Bull confirmed that the current exam is based upon the 2017 NEC Code. There was a discussion as to whether the 2023 NEC Code had been published and whether it was readily available. Vice Chairman Brown confirmed that the 2023 NEC Code has been issued. Mr. Petri stated that, if the 2023 Code was or would soon be available, that the Board should focus on adopting the 2023 NEC and that the PSI exams be based on that. The Board discussed MUELEC's preparation of test question for a new version of the PSI Exam. Counsel Kinstler reminded the Board that MUELEC is required, in compliance with § 6-306, to supply the Board with recommended test questions; the Board must consider the questions but can approve all, some, or none of them. She further stated that it was her understanding that PSI's practice had been to establish a 3-6 month period during which an candidate could elect to take by an exam based on the prior NEC or the newer NEC. That would allow PSI a 6-month changeover period to revamp test based on new code. Counsel suggested that perhaps Director Bull could contact PSI to establish how much time they would need to fully convert to updated journeyman and master license exams.

Vice Chairman Brown asked if the questions that would be submitted to the Examination Review Committee from MUELEC were based upon the 2020 or the 2023 NEC Code. Mr. Petri and Director Bull confirmed that the questions submitted by MUELEC would be based upon the 2020 NEC Code as the 2023 Code had not been released when the questions were drafted. Vice Chairman Brown stated that he felt that the NEC would not be significantly changed in the 2023 Code edition and that he felt many of the submitted 2020 questions would be applicable to a test based upon the 2023 NEC Code. Mr. Kaderabek requested the Director Bull contact MUELEC to find out how long it would take them to develop potential exam questions based upon the 2023 Code. Counsel Kinstler suggested that Director Bull inform MUELEC that the Board is inclined to wait, if necessary, to base the updated exams on the 2023 Code and not implement anything based on the soon-to-be outdated

2020 NEC Code. The Board instructed Director Bull to also ask MUELEC how long it would take to develop new questions based on the 2023 NEC. Mr. Petri stated that he felt that the Board should not develop an exam based upon the 2020 NEC and, instead, focus its efforts on drafting the new exams based on the 2023 Code, as the Board was already delinquent in adopting the 2020 Code.

Mr. Kaderabek stated that he was under the impression that PSI cannot give a test based upon a version of the NEC Code that had not been adopted by the Board. Counsel Kinstler clarified that, unlike other mechanical boards, the Board of Electricians is not required to formally adopt an electrical code. It is obligated to enforce the current NEC and must do so within 18 months of issuance as it pertains to the evaluation of an administrative complaint. She went on to state that the exam could be updated at any time to coincide with the latest version of the NEC Code.

Chairman Wilson stated that, based on statewide licensing, the Board has a duty to adopt the NEC Code. Counsel Kinstler confirmed that the Board still did not have a statutory mandate to formally adopt the NEC, but was still required to enforce it. Counsel suggested that while the Board does not have a duty to adopt the code, it might consider issuing guidance to the public and local jurisdictions that the 2023 NEC Code has been released and that the Board will use the 2023 NEC Code as the basis to review complaints filed with the Board that allege a statutory or regulatory violation, and that the Board is working to update the master and journeyman license exams to be based upon the most current NEC Code. She stated that such notification could be made by recording it for reflection in the minutes of a public meeting and, in addition, the Board could instruct staff to post it to the Board website. Chairman Wilson stated that some guidance should be issued by the Board regarding NEC Code adoption requirements, as many local jurisdictions are bound to adopt a code and that the standards of the adopted code cannot be less stringent than that of the State of Maryland.

Counsel Kinstler suggested that, at least once every two years, the Board address, during a public meeting, the NEC Code edition that is being enforced by the Board. She suggested that the statement be reviewed and reissued bi-annually at the same time of year and that it be recorded in the minutes of a public meeting. Mr. Anderson suggested that the Board post a website update to inform the public when the new NEC Code was being released, when the exam would be updated based upon the NEC edition change and provide a time table as to when enforcement of the new NEC Code would begin and when exam changes based on an updated Code would occur. Director Bull stated that he would inform the Board when 2023 NEC Code books were received and would distribute the material accordingly.

Mr. Brown reintroduced the discussion on Waste Water Management systems introduced by Mr. Harrison and asked if the members of the Board had reviewed the information submitted by Mr. Harrison. Several members replied that they had reviewed the material. Mr. Brown asked Mr. Harrison to clarify the type of response he would like the Board to provide in response to the material. Counsel Kinstler reminded the Board that a Commission on Waster Water Management had been established and that the Board may not have jurisdiction on some or all of the issues presented by Mr. Harrison. She stated that the Board might wish to consult that Commission with the Board's suggestions and/or plans to pursue a regulation on issues of mutual concern. Chairman Wilson stated that, to his knowledge, the suggested changes all fell within the realm of electrical services. Mr.

Harrison stated that he had prepared a presentation for the Board's review and would like to present it. Director Bull suggested that the topic be placed back on the February agenda under old business, as that meeting would be held in-person for Board members and staff, and that more time could be allocated for consideration of Mr. Harrison's presentation. Mr. Harrison agreed, and the Board approved placement of the presentation and discussion on the February 2023 meeting agenda.

### **NEW BUSINESS**

Director Bull stated that he had drafted a potential reciprocal licensing agreements regarding journeyman and master electrician licensing with Virginia. He stated that he reached out to Virginia, West Virginia, Delaware, and the District of Columbia to renegotiate the current reciprocal licensing agreements to include a master electrician who tested in a local jurisdiction and to include journeyman electricians. Director Bull stated that West Virginia did not license journey level electricians at the state level and could not enter into an agreement at this time for journey level electricians but was agreeable to discussing reciprocal master electrician licensing; Virginia was willing to consider an agreement for both journey and master electricians, and the Delaware and the District of Columbia had failed to respond to any of his attempts to communicate on this subject.

Director Bull provided a proposed agreement with Virginia for the Board members to review. Director Bull stated that, under the agreement, any person whose State license was obtained by examination or by reciprocity with a county (for which the county license had been obtained by examination) would be eligible for reciprocity. He requested that the Board move to approve issuing the reciprocal agreement to Virginia for review and acceptance. By Mr. Wilson's motion, and Mr. Kaderabek's second, the Board approved Director Bull send the proposed reciprocity agreement to Virginia. Upon a roll call vote, five members voted in favor of the motion and Mr. Anderson was recorded as having abstained as he was not available when the vote was called. The motion passed by a majority of the Board.

Director Bull stated that he received a request from PSI to allow independent third-party testing sites to administer the licensing exams on behalf of PSI and the State. He stated that PSI was requesting authorization to administer the State exam in facilities not owned by PSI. The Board expressed concern over this request. Counsel Kinstler asked whether Director Bull or the Board has been made aware of a hardship for a potential test candidate to schedule a test or travel to an approved PSI testing site. Director Bull stated that no such complaints had been received by the Board. After a discussion of the matter, the Board concluded that it could not allow PSI to utilize third party to administer the journeyman and master electrician license examinations on behalf of the Board.

### **CLOSED SESSION**

The Board did not convene in a closed session.

### **ADJOURNMENT**

A question was posed about the date of the next meeting of the State Board of Electricians a listed on the November 29, 2022 agenda. The next meeting date was listed as December 27, 2022. Director Bull confirmed that, in keeping with Board practice, the December 2022 meeting would not occur and clarified that the next public meeting would occur on January 24, 2023.

A Motion was made by Mr. Harrison, seconded by Mr. Anderson, and the Board unanimously carried, by a roll call vote, to adjourn the meeting at 12:05 p.m.

Signature on file with the Board

1/24/2023

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John Bull  
Executive Director

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Date

Signed on behalf of the Board as voted and approved on January 24, 2023.