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**STATE OF DELAWARE**  
**BOARD OF PLUMBING AND HVACR EXAMINERS**

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**PUBLIC MEETING MINUTES: Board Plumbing and HVACR Examiners**

**MEETING DATE AND TIME: Tuesday, April 14, 2020 8:30 a.m.**  
**PLACE: Via Teleconference**

**MINUTES APPROVED: May 12, 2020**

**MEMBERS PRESENT**

Harold Caswell, Professional Member, Vice President  
Charles Robbins, Professional Member, President  
Phillip Sharp, Professional Member  
John Mills, Professional Member  
Russell Yetter, Professional Member

**MEMBERS ABSENT**

James Anderson, Public Member  
Craig Tenaro, Professional Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Kevin Maloney, Deputy Attorney General  
Virginia Jackson, Administrative Specialist III  
Geoff Christ, Division Director

**OTHERS PRESENT**

Wayne Headley  
Eric Bowman  
Gregory Poore  
Earl Hopkins  
John Behorner  
Henry Samuels  
William J. Cabana  
William P. Cabana  
John Fadgen

James Green, Esq.

### **CALL TO ORDER**

Mr. Robbins called the meeting to order at 8:33 a.m.

### **REVIEW OF MINUTES**

A motion was made by Mr. Caswell, seconded by Mr. Mills to approve the March 10, 2020 meeting minutes. The motion carried unanimously.

### **UNFINISHED BUSINESS**

#### PTD Hearings

Wayne Headley – at 8:39 a.m. Mr. Maloney swore in Mr. Bowman who testified on behalf of Mr. Headley. Mr. Maloney introduced Mr. Headley's application for licensure, PTD notice, and correspondence as Exhibit 1. Mr. Bowman explained that Mr. Headley has worked under him since 2012 and that Mr. Headley was considered for a promotion to service manager and holding a Master license would assist with such. A motion was made by Mr. Sharp, seconded by Mr. Caswell to approve Mr. Headley to sit for the bypass exam. The motion carried unanimously.

Gregory Poore – at 8:47 a.m. Mr. Maloney swore in Mr. Poore and introduced his application for licensure and corresponding documents as Exhibit 1. Mr. Poore testified that he made a mistake upon initial application thinking he needed 2 years of experience after completing school, but subsequently realized he needed the experience after receiving his journeyman's certificate which would make him eligible in July 2021. The Board reviewed his documents and determined that he had 7 years of experience under a licensed Master and asked Mr. Poore if he would be okay with sitting for the bypass exam in addition to sitting for his Master exam. Mr. Poore accepted the decision. A motion was made by Mr. Sharp, seconded by Mr. Mills to approve Mr. Poore to sit for the bypass exam. The motion carried unanimously.

Joshua McMillan – at 8:55 a.m. Mr. Maloney swore in Mr. McMillan. Mr. Maloney introduced Mr. McMillan's application for licensure as Exhibit 1. The Board reviewed Mr. McMillan's documents again and determined that he fell short in meeting experience requirements for licensure. One of his supervisor's listed was licensed in 2017 which did not give him enough experience. A motion was made by Mr. Mills, seconded by Mr. Sharp to table Mr. McMillan's Master HVACR application for an additional 3 years' experience under a Master.

William J. Cabana, William C. Cabana, & John Fadgen – Due to both Mr. Cabana's and Mr. Fadgen having Mr. Green as counsel, Mr. Maloney asked the Board to consolidate their hearings as one to condense time – the Board agreed. The Board states that all three applicants do not hold a minimum of 7 years' experience after licensure in New Jersey. Mr. Green argued that all three applicants were licensed in New Jersey via a grandfather clause, therefore, meeting reciprocity requirements listed under Delaware law §1823(b). Mr. Green explained that each applicant has several years of experience in their respected fields, they should not be denied licensure, and it is not the fault of the applicants that New Jersey took 7 years to implement a state license in New Jersey. Mr. Maloney explained that Delaware's statute explicitly states that the applicant must have a minimum of 7 years' experience after obtaining licensure in their current state and that the Board must adhere to that provision when considering all applications. The Board deliberated and agreed to allow William C. Cabana and John Fadgen to change their applications from Reciprocity to Examination. Mr. Cabana, Mr. Fadgen, and their counsel agreed to the decision. William J. Cabana agreed to withdraw his current application as he did not need a Delaware license, but rather wanting to assist his son and employee in obtaining licensure in

Delaware. A motion was made by Mr. Sharp, seconded by Mr. Caswell to change Mr. Cabana and Mr. Fadgen's applications to Examination. The motion carried unanimously.

Henry Samuels – at 9:39 a.m. Mr. Maloney swore in Mr. Samuels. Mr. Samuels briefly described his work to the Board and the situation at hand that caused him to obtain disciplinary action against his license in New York. The Board discussed that Mr. Samuels previously held a Delaware Plumbing license in 2002 and again in 2014. Mr. Samuels explained that he was involved in a bad accident which hindered him from employment; therefore he did not renew his Plumbing license back in 2018. Mr. Samuels expects to return to work in the near future and would like to work on obtaining licensure now as opposed to waiting later. A motion was made by Mr. Caswell, seconded by Mr. Mills to approve Mr. Samuels' Master Plumber application by Reciprocity. The motion carried unanimously.

Bryon Flick II – At 9:55 a.m., Mr. Maloney asked that the Board amend the agenda to add item "B" to Unfinished Business as the signing of the PTD Order for Mr. Bryon Flick II.

### **NEW BUSINESS**

#### Ratification of Applications

A motion was made by Mr. Sharp, seconded by Mr. Mills to table the ratification list until the next meeting. The motion carried.

#### Review of Examination Applications – Master HVACR and Restricted HVACR

Brandon Hudson – A motion was made by Mr. Mills, seconded by Mr. Sharp to PTD the Master HVACR application by exam for Mr. Hudson for not meeting experience requirements. The motion carried unanimously.

Ronald Parker – A motion was made by Mr. Sharp, seconded by Mr. Caswell to approve Mr. Parker to sit for the Master HVACR examination. The motion carried unanimously.

Brian Mazer – A motion was made by Mr. Sharp, seconded by Mr. Mills to PTD the Master HVACR-Restricted application for Mr. Mazer for not meeting experience requirements. The motion carried unanimously.

#### Review of Examination Applications – Master Plumber

Kyle Gabbert – A motion was made by Mr. Sharp, seconded by Mr. Mills to approve Mr. Gabbert to sit for the Master Plumber exam. The motion carried unanimously.

Tyler White – A motion was made by Mr. Sharp, seconded by Mr. Mills to approve Mr. White to sit for the Master Plumber exam. The motion carried unanimously.

Andrew Hostler – A motion was made by Mr. Mills, seconded by Mr. Sharp to PTD the Master Plumber application for Mr. Hostler for not meeting experience requirements. The motion carried unanimously.

Jay Ferrell – A motion was made by Mr. Sharp, seconded by Mr. Caswell to approve Mr. Ferrell to sit for the Master Plumbing exam contingent upon verification that he has passed the NCCR bypass exam. The motion carried unanimously.

#### Review of Reciprocity Applications – Master Plumber

None

Review of Reciprocity Applications – Master HVACR and Restricted HVACR

None

**CORRESPONDENCE**

Bill Fox emailed the Board asking if a plumbing license was required for the installation and venting of a gas fireplace, and gas line and installation of a unit. The Board deliberated and advised that one must hold either a Master HVACR or Master Plumbing license to perform said installation.

**OTHER BUSINESS BEFORE THE BOARD**

Reciprocity Statutory Changes

Mr. Christ (Division Director) was present during the Board's discussion regarding proposed changes to the reciprocity language in the current statute. The Board expressed wanting to have direct reciprocity agreements with other states. Mr. Maloney (DAG) stated that he will draft language for the Board to review at next month's meeting and will forward the draft copy to Mr. Christ as well.

**PUBLIC COMMENT**

Mr. Earl Hopkins was in attendance with Mr. John Behorner from New Castle County Dept. of Land Use. Mr. Hopkins wanted to address concerns to the Board regarding his current pending application on file with the state board for a Master HVACR license. Mr. Hopkins currently holds a Master HVACR Restricted license and stated that there were some specialties "missing" from his state license that was granted to him from New Castle County. The Board asked Mr. Hopkins to submit any documentation from New Castle County showing that he passed exams as well as any outstanding items needed to complete his current pending application for review at next month's meeting.

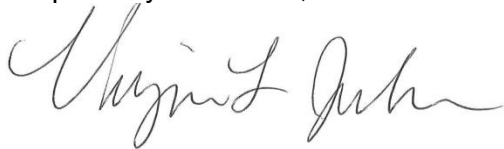
**NEXT SCHEDULED MEETING**

The next meeting is scheduled for May 12, 2020 at 8:30 a.m. via teleconference.

**ADJOURNMENT**

There being no further business before the Board, a motion was made by Mr. Caswell, seconded by Mr. Mills, to adjourn the meeting. The motion carried unanimously. The meeting went off record and adjourned at 11:13 a.m.

Respectfully Submitted,



Virginia L. Jackson  
Administrative Specialist III