

Scores of sex offenders have state licenses to be electricians, manicurists, and more. The official who found out got fired

By **Andrea Estes** Globe Staff, December 14, 2019, 6:27 p.m.



Ada Alfonso, who was fired by the state Division of Professional Licensure. SUZANNE KREITER/GLOBE STAFF

It was pure chance that Ada Alfonso discovered a high-risk registered sex offender among the licensed electricians that her office oversees. Benjamin B. Brause had

renewed his license online in June 2016 — even though at the time he was locked up for sexually assaulting a boy he coached in youth football.

“I was appalled and concerned, but was told it was no big deal and someone would look into it,” said Alfonso, former executive director of the Massachusetts Board of State Examiners of Electricians, who learned about Brause’s past from a teacher in April and reported it to her superiors.

Even one such lapse is problematic; people licensed in the trades are trusted to work unsupervised in private homes. But a review of licensed professionals conducted by the state in May after Alfonso’s questions revealed a much bigger problem: Sixty-eight other registered sex offenders held state licenses of various kinds, including 21 electricians. Eight, including Brause of Leominster and another electrician, were rated level 3, meaning they are considered the most likely to reoffend.

Officials at the Division of Professional Licensure, which oversees Alfonso’s board and dozens of others, admitted they had failed to check license applicants against the state sex offender registry for nearly three years — from August 2016 to May 2019 — allowing some sex offenders to get by undetected.

Division spokeswoman Carolyn Assa blamed the lapse on a “technical glitch,” noting that when the problem was “brought to the department’s attention, it was immediately rectified.”

But that explanation doesn’t nearly cover the scope of the breach. Sixty-three of the 69 sex offenders uncovered in June received their licenses *before* the “glitch” in 2016. That means Massachusetts’ licensing boards have been handing out licenses to registered sex offenders for years — even when they were, by their account, checking the registry regularly.

“It’s an enormous public safety risk,” said one division employee who works with several licensing boards and asked not to be named. “It’s contrary to our reason for being: to

protect the public.”

All new license applicants undergo criminal record checks for potential disqualification, and are supposed to disclose any new criminal charges when they renew their licenses. The licensing office also regularly checks the sex offender registry to see if any new applicants or those seeking renewal are on the list. Though the exact standards for denying a license vary depending on the profession, all state boards are supposed to consider public safety risks.

The revelations about the division’s lax approach to preventing even high-risk sex offenders from getting state licenses put the agency on a collision course with Alfonso. She became convinced that the division, which licenses everyone from electricians to massage therapists to veterinarians, was not doing nearly enough to prevent criminals from getting state licenses.

But after Alfonso pushed agency officials to uphold stricter safety standards, including requiring applicants with criminal records to appear before the board, she was fired. She had sought whistle-blower protection just one workday before her dismissal on Sept. 23, allegedly for insubordination.

Division officials declined to discuss Alfonso’s dismissal. But her termination letter from Commissioner Diane Symonds cited “a significant level of noncooperation and mistrust by you towards the management of this Agency.”

People who worked with Alfonso were shocked.

“I have people asking me all the time, ‘What happened? Why did they get rid of this woman?’ They want to storm the governor’s office and write letters,” said Bill Laidler, a member of the state Board of Fire Prevention Regulations, who works closely with the electrical board. “Ada gave 110 percent.”

Alfonso herself was outraged, saying, “I should not have been fired for trying to protect the consumer and the general public.”

Alfonso's firing has put an uncomfortable spotlight on an agency whose mission is to protect consumers and the public, but rarely seems to turn down anyone for a professional license, even those with criminal records. A massage therapist, to cite one example, is now facing charges of raping a client, just months after getting a license while on probation for assault and battery on a police officer.

Division officials say they have now investigated all of the sex offenders holding professional licenses and found 43 "suitable for licensure," while 18 are still under review. Brause's license was suspended almost immediately because he omitted his criminal conviction from his application.

His lawyer, Ben Rudolf, is challenging the board's action.

Six other level 3 sex offenders have since either had their licenses suspended or turned them in voluntarily. Two of the level 3 sex offenders — a manicurist and an electrician — still have licenses while their cases are reviewed.

Assa, the spokeswoman for the agency, said it "strives to put the strongest measures in place to protect [the public] across the 28 boards that it oversees, which encompasses some 102 trades and professions." She said that includes both a criminal record check and a review of the sex offender registry for every applicant.

Not a barrier

A criminal record, by itself, is not a barrier to getting most professional licenses, especially for offenses that are either older or relatively minor. Often, candidates are simply required to appear before the board to explain their past.

But the division leaves it up to each board to write its own guidelines on criminal offenses, making it difficult to generalize.

Some boards are lenient toward applicants with criminal records. The Board of Registration of Cosmetology and Barbering doesn't prohibit convicted murderers or sex

offenders from being licensed, requiring only that their applications “receive further review” from the board. In fact, some prisons train inmates in barbering so that they’ll have a potential career when they’re released.

On the other hand, a few, including the electricians’ and plumbing boards, expressly prohibit level 3 sex offenders from being licensed. The massage board will not license anyone convicted of a sex crime in the previous 10 years. And written regulations for several other boards, including real estate brokers, social workers, podiatrists, and home inspectors, appear to require only that candidates be “of good moral character.”

The division offered four examples of applicants who were denied licenses, including a CPA who had five felony convictions and a massage therapist who was convicted of arson and assault. The Board of Cosmetology and Barbering denied a license to an applicant who had been convicted of second-degree murder and arson involving the deaths of two children, a spokeswoman said, and the Board of Registration of Real Estate Brokers and Salespersons denied a license to an applicant convicted of loan fraud.

But a longtime division employee said it’s far more common that board members scrutinize applicants’ criminal records and approve the license anyway. Several people who work for the agency said the Division of Professional Licensure has a strong bias toward approving licenses, which brought in more than \$28 million in fees in fiscal year 2016.

The potential risk from violent criminals getting state licenses came into sharp focus in October when [a massage therapist, Daniel Feener, was accused of raping a client](#). He had just received a “conditional” license from the state in July. At the time, he was on probation related to an incident at his home in Peabody in July 2018, when his wife told police he was mentally unstable.

Feener was so aggressive when police questioned him, they wrote, that they had to use a taser to subdue him. His wife said she was afraid of him. During booking, he stared into

the camera at the police station, muttering to himself for 10 to 20 minutes and shadowboxing, according to the police report.

The Board of Registration of Massage Therapy issued him a license, according to a former employee, because Feener had complied with court conditions that he undergo a mental health evaluation and take an anger management program. In January, he admitted sufficient facts to assault on a police officer and disorderly conduct, and the case was continued without a finding for a year.

“His initial charge was not a sex crime,” said the former employee. “But we all knew eventually we’d see him back at the board, because he’s not stable.”

Feener has pleaded not guilty to the rape charge.

Assa said she couldn’t comment on his case except to say that “the massage therapy board reviewed Mr. Feener’s application in accordance with the board’s policies and regulations before he was given the license.”

At the electricians’ board, Alfonso clashed with division leadership over what she felt was a lax approach to making sure that dangerous criminals did not become licensed electricians.

Between June 2018 and April 2019 — when Alfonso discovered that Brause, the sex offender, had been licensed — the 11-member electricians’ board allowed several applicants with serious convictions to take the electrician’s exam, the final step before getting a license.

That included one man convicted of stabbing a man to death and then running him over, two men with criminal records that were 13 pages long, and another who served seven years for attempted kidnapping and attempted murder, according to records reviewed by the Globe.

“Some of the things were appalling,” said Alfonso, adding that the board seemed determined to approve almost all licenses. “I do not know why.”

As an administrator, Alfonso had no power to change the board’s votes. But she could call applicants before the board to explain their past and the steps they were taking to live crime-free. She could also delay for six months the licensure of anyone who lied about their criminal record on their application.

In June, Alfonso raised concerns about one applicant, who had failed to report a six-year-old misdemeanor assault-and-battery conviction. The applicant was also a friend of the commissioner’s executive assistant. Alfonso initially delayed his license for six months and then, when he reapplied, she wanted him to come before the board to explain the omission before he could take the exam.

The lawyer for the board, Charles Kilb, directed her to permit him to take the exam, saying that any candidate whose crimes were years in the past — 10 years or older for a felony, five years for a misdemeanor — should automatically be allowed to take the licensing test.

“This is my legal direction,” wrote Kilb in a June e-mail, adding that “barring something not previously revealed, this candidate must be allowed to test. If you want to take it further, you can go to my supervisor.”

Kilb went on to explain: “A large number of people entering the trades have criminal convictions. . . . If every person with a record was made to appear, it would be burdensome for the Board and could lead to future legal challenges.”

But Alfonso refused to back down and pressed ahead with her plans to call the applicant before the board. Looking back, she believes this episode was the beginning of the end for her. The applicant was licensed without having to appear before the board, and Alfonso was terminated.

Division spokeswoman Assa said she couldn't comment on Alfonso's firing, but "disagrees with the characterization asserted by Ms. Alfonso. Due to potential legal implications, we cannot comment any further on this issue." The executive assistant also declined to comment.

On Sept. 20, Alfonso wrote an e-mail entitled "suspected corruption" to a division labor lawyer, seeking whistle-blower protection. She alleged that division officials had prevented her from telling her board that she would no longer be allowed to require that applicants explain their criminal records.

The following Monday, Sept. 23, she was fired.

Alfonso is convinced that she was fired for attempting to fully vet applicants with criminal records.

Laidler, the state Board of Fire Prevention Regulations member, said Alfonso was right.

He said that candidates with serious criminal records, even older convictions, should be required to appear before the board so that board members, not staffers or division personnel, make the licensing decision.

"The board needs to be aware of these situations. Her job is to present it to the board," he said, referring to Alfonso. "I think that's what she wanted to do."

State Senator Diana DiZoglio, who serves on the Joint Committee on Consumer Protection and Professional Licensure, called Alfonso's allegations "extremely concerning."

"Their primary mission is to protect the citizens of Massachusetts by establishing standards for people performing electrical installations. For the safety of the residents of Massachusetts, it's imperative that the licensure process be a thorough one."

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Following Globe report, lawmakers call for investigation into state's licensing of 'dangerous' people

By [Andrea Estes](#) Globe Staff, December 16, 2019, 7:50 p.m.



State Senator Paul R. Feeney HANDOUT

A legislative oversight committee on Monday urged the Baker administration to launch an “immediate and thorough” investigation into the agency that licenses more than 400,000 professionals and tradespeople across the state.

The request comes a day after [The Boston Globe revealed](#) that the state Division of Professional Licensure has issued licenses to people with serious criminal records, including dozens of sex offenders.

“The central tenet of professional licensing is to protect the public above all else,” state Senator Paul Feeney and Representative Tackey Chan said in a released statement Monday. “The residents of the Commonwealth deserved to know whether or not [DPL] is living up to that basic standard.”

Feeney and Chan, cochairs of the Joint Committee on Consumer Protection and Professional License, also said the state’s firing of a woman who pushed for stricter standards was “alarming and raises many additional questions about the operation of the department.” The lawmakers called for an oversight hearing as soon as possible.

The Globe reported Sunday that state boards and commissions routinely issue licenses to applicants with criminal records. Those boards are overseen by the Division of Professional Licensure, which licenses everyone from electricians to massage therapists to veterinarians. But each board has its own guidelines for conducting criminal records checks.

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Responding to the calls for an investigation of the agency, Elizabeth Guyton, a spokeswoman for Governor Charlie Baker, said, “We continue to evaluate this issue and will work with the Legislature.”

The governor told reporters earlier in the day that he was pleased that the agency is again cross-checking names of applicants against the sex offender registry — after failing to do so for almost three years.

“I’m glad they went back and looked at all the folks who had been processed previously and made sure that the boards handled those cases based on the new information,” Baker said. “At this point in time, everybody who gets processed is being processed with the right information to make decisions about whether or not somebody qualifies to get a license.”

Ada Alfonso, the former head of the Massachusetts Board of State Examiners of Electricians, was fired in September after raising questions about the issuance of some licenses. She wanted applicants with serious criminal records to appear before the board to explain their past and their efforts to live crime-free.

She had requested whistle-blower protection just one workday before she was fired.

Last April, Alfonso discovered by chance that a level 3 sex offender, Benjamin Brause, was working as a licensed electrician since being released from jail where he served time for sexually assaulting a boy he had coached in youth football. The board’s rules prohibits level 3 sex offenders from getting licenses.

Alfonso soon learned that the Division of Professional Licensure, which oversees her board and dozens of others, had failed to check license applicants against the state sex offender registry from 2016 until 2019. “I was appalled and concerned, but was told it was no big deal and someone would look into it,” she told the Globe.

Division spokeswoman Carolyn Assa blamed the lapse on a “technical glitch,” telling the Globe that the problem was “immediately rectified” after it was “brought to the

department's attention.”

Following Alfonso's discovery, the department assigned a lawyer to investigate. He found that 69 level 2 or level 3 sex offenders held licenses of various kinds, including 21 electricians.

Nearly all of the sex offenders had been approved for licenses *before* the “technical glitch.”

A criminal record, by itself, is not a barrier to getting most professional licenses, especially for offenses that are either older or relatively minor.

All new license applicants undergo criminal record checks and licensees are supposed to disclose any new criminal charges when they seek license renewal. The division also regularly checks the sex offender registry to see if any new applicants or those seeking renewal are on the list.

Alfonso believes the state agency didn't do enough to prevent dangerous criminals from getting state licenses.

At the electricians' board alone, whose guidelines are among the most stringent, applicants approved to take the exam, the final step before getting a license, included a man convicted of stabbing someone to death in the heart and then running him over, two men with 13-page criminal records, and another who served seven years for attempted kidnapping and attempted murder.

Assa wouldn't comment on Alfonso's firing but disagreed with her characterization.

“Due to potential legal implications, we cannot comment any further on this issue,” Assa said.

Alfonso Monday said she is thankful that there will be a fair hearing.

“The first rule of the electrical code is to protect people and property; the mission of the DPL is consumer protection,” she said. “I just want my job back.”

State Senator Diana DiZoglio, another member of the committee, said she was “grateful” that her colleagues want “to get to the bottom of this” and urged Baker to “follow their lead.

“Individuals who question departmental policies should not be penalized for raising concerns directly related to fulfilling their department’s primary purposes. Our committee will evaluate this and DPL’s criteria used in making licensing determinations and work to ascertain whether the department is appropriately applying those criteria,” she said.

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