

RHODE ISLAND DEPARTMENT OF LABOR & TRAINING

DIVISION OF PROFESSIONAL REGULATION

BOARD OF EXAMINERS OF ELECTRICIANS

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

WEDNESDAY, September 18, 2013

9:30am

In attendance:

Frank Benell, Jr.

Keith Burlingame

Stanley Davies

William Lepore, Jr., Chair

Robert Zuba

Board Member, Michael Daley, and Chief Electrical Investigator, Glenn Dusablon, were not in attendance.

Also in attendance were Robert Gaj, Chief Licensing Examiner; Nicholas Ranone, Chief Mechanical Investigator; Angelyne Cooper, Legal Counsel; Ronald D'Ambruoso, Administrator; and Joseph Degnan, Assistant Director.

1.) Call to Order: William Lepore called the meeting to order at

9:37am.

2.) Minutes of the July 17, 2013 Meeting: Stanley Davies made a motion to accept the minutes to the previous meeting of July 17, 2013 as written; seconded by Frank Benell, Jr. and passed unanimously by the Board.

3.) Notice of Annual Legal Training, Monday, September 30, 2013, 8:30am – 1:00pm:

The Board is informed of the Annual Legal Training to take place Monday, September 30, 2013 from 8:30am – 1:00pm in the main classroom in Building 73. Board members are encouraged to attend. The agenda for the training was distributed.

4.) Conflict of Interest: Angelyne Cooper, Legal Counsel, addressed the board reminding board members that they are subject to the conflicts of interest laws and if any member has a conflict it should be disclosed and they should recuse themselves.

5.) Hearings:

Michael P. Roach – Viol 4631: Michael P. Roach, respondent, was not present at the start of the hearing and the Board proceeded with the hearing. Michael P. Roach arrived at 9:52am while the hearing was in

progress.

Robert Gaj (DLT) is sworn in for testimony. Mr. Gaj read the violation.

Name of Violator: Michael P. Roach, 67 Highwood Dr, Franklin, MA 02038

Location of Violation: North Main Self Storage 750 Winter Street Woonsocket, Rhode Island

Investigator: Robert Gaj

Violation Date: 6/6/2013

Violation: Michael P. Roach contracted for and engaged in the installation of electrical wiring, devices and equipment which requires a Rhode Island Electrical Contractor license. Michael P. Roach is not in possession of Rhode Island Electrical Contractor license as required in RIGL 5-6 to contract for and engage this type of electrical work.

This is two violations of Rhode Island General Law - Title 5, Chapter 6-2 'Work for which license required'.

Michael P. Roach failed to apply for an electrical permit with the City of Woonsocket. This is a violation of Rhode Island General Law - Title 5, Chapter 6-25 "Failure to comply with the rules and requirements of City, Town or State".

Robert Gaj provides testimony. Robert Gaj enters a packet of ten (10) documents consisting of a copy of an electrical permit, a copy of Mr. Roach's Massachusetts' Driver's License and nine (8) photographs of the job site as Exhibit A. The Board reviewed the documents. The Board questions Mr. Gaj.

Keith Burlingame made a motion that evidence has been presented that the appellant was given proper notice to appear and failed to appear; and adequate evidence has been presented to indicate that work was contracted for without a license, work was performed without a license and work was done without pulling the proper city permit and that the violation be upheld. The motion was seconded by Frank Benell Jr. The motion passed unanimously.

Stan Davies made a motion that a violation was found and the \$1,500.00 per RIGL 5-6-32 be upheld. The motion was held as respondent, Michael P. Roach, arrived at 9:52am. Angelyne E. Cooper, Legal Counsel, addressed the Board regarding the arrival of Mr. Roach. Stan Davies withdrew his motion regarding the fine.

Michael Roach is sworn in for testimony. Mr. Roach provides testimony and is questioned by the Board.

Michael Roach enters three (3) documents into evidence marked as Exhibit B (a fax receipt, a fax cover sheet and copy of permit). The Board reviews the documents. The hearing proceeds.

Robert Gaj provides testimony. Mr. Roach provides additional testimony.

After hearing testimony from Mr. Roach, Keith Burlingame did not withdraw his previous motion. The motion that a violation occurred stands.

Stan Davies made a motion that on Violation 4631, Mr. Michael Roach, 67 Highwood Dr, Franklin MA; violations of RIGL 5-6-2 (2 violations) and RIGL 5-6-25; that the fine be upheld for \$1,500.00 per RIGL 5-6-32. The motion was seconded by Frank Benell and passed unanimously.

The recommendation will be forwarded to the Director.

**Joshua Jordan , JN Jordan Plumbing and Heating – Viol 4513:
Joshua Jordan (Respondent) and Nicholas Ranone (DLT) are sworn in for testimony. Nicholas Ranone reads the violation into the record.**

Date written: 1/24/2013; Violation # 4513

**Name of Violator: Joshua Jordan, JN Jordan Plumbing and Heating;
PO Box 297 86 Old Shannock Rd, Shannock, RI 02875**

Location of Violation: 99 Shore Rd. Westerly, RI

Violation: Rhode Island General Law 5-6-2 "Work for which a license

is required" Mr. Jordan bid the installation of electrical apparatus for power of an LP gas furnace without a RI Master Electrician's electrical license. This is one violation of RIGL 5-6-2.

Violation: RIGL 5-6-2 Mr. Jordan installed electrical apparatus without a RI B journeyperson's electrical license in RI. This is an additional violation of RIGL 5-6-2.

Violation: RIGL 5-6-25 "failure to comply with the rules and requirements of city town or state". Mr. Jordan failed to obtain an electrical permit from the Town of Westerly to install electrical apparatus. 1 Violation of RIGL 5-6-25.

Glenn Dusablon, Chief Electrical Investigator, issued the violation based on documents submitted by RIDLT Chief Mechanical Investigator, Nick Ranone, and complaints by Ms. Debbie Stebenne, property owner of 99 Shore Rd. in Westerly RI.

Fine \$1,500.00

Nicholas Ranone provides testimony. Mr. Ranone submits 3 documents: 1 photo of wall mounted burner switch, an email from Tim Riley, and picture of Sea Spray Inn as Exhibit A. The Board reviews the documents. The Board questions Mr. Ranone.

Joshua Jordan provides testimony and is questioned by the Board.

Testimony from both parties continued.

Keith Burlingame made a motion based upon the testimony and evidence presented that one violation of RIGL 5-6-2 for installing electrical apparatus did occur. The motion was seconded by Stan Davies. The vote was three (3) in favor (Benell, Burlingame, Davies) and one (1) opposed (Zuba). Motion carries.

Stan Davies made a motion for one violation of RIGL 5-6-2 for a fine of \$500.00. The motion was seconded by Keith Burlingame. The vote was three (3) in favor (Benell, Burlingame, Davies) and one (1) opposed (Zuba). Motion carries.

The recommendation will be forwarded to the Director

End of hearings.

6.) Review of RIGL 5-6 for consideration of legislative changes: Matt Weldon, Assistant Director and DLT Legislative Liaison, was to speak to the Board but was unable to attend and will be put on the agenda for next month.

There is discussion of issues in the current law, specifically RIGL 5-6-2.

Joe Degnan, Assistant Director, recommends the Board form a subcommittee to work on language. Kieth Burlingame, Robert Zuba and William Lepore volunteer to be on the subcommittee. Mr. Lepore requests that the subcommittee relative to legislation meet after the next meeting and it be put on the agenda.

7.) 15 Hour Continuing Education: Angelyne Cooper, Legal Counsel addressed the Board that it is the opinion of the Department's Office of Legal Counsel that the Board of Examiners of Electricians does have the authority and jurisdiction to investigate continuing education reports submitted by providers and running the continuing education program as it relates to licensed electricians. There is discussion. The Board is questioning who has the authority to approve a continuing education provider.

Joseph Degnan addressed the Board that the present situation of an individual that submitted an inaccurate statement that needs to be investigated. Legal has instructed that the Chief Electrical Investigator will investigate and, when his/her investigation is complete, he/she will submit the results to the Board.

8.) Discussion of solar photo voltaic installations: Regarding installation of solar voltaic systems and licensing requirements,

Joseph L. Walsh Jr, IBEW Local 99, addressed that board to present written testimony for Michael Daley who is out of town. Mr. Walsh distributes copies of the statement. Mr. Walsh is sworn in for testimony. Mr. Walsh reads the written statement. Mr. Walsh also provides his own testimony.

There is discussion.

The Board will review the matter and take a motion at the next meeting.

9.) Adjournment: A motion to adjourn was made by Stan Davies and seconded by Keith Burlingame. There being no objection, the meeting adjourned at 11:02am.