

**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, April 16, 2014**

**9:30am**

**In attendance: Keith Burlingame**

**Michael Daley**

**Stanley Davies**

**William Lepore, Jr**

**Robert Zuba**

**Frank Benell, Jr was not in attendance.**

**Also in attendance were Robert Fratus, Electrical Investigator; Joseph Degnan, Assistant Director; and Angelyne E. Cooper, DLT Legal Counsel.**

**1.) Call to Order: William Lepore, Jr, Chair, called the meeting to order at 9:35am.**

**2.) Minutes of the February 19, 2014 Meeting: Stanley Davies made a motion to approve the minutes of February 19, 2014 meeting as written; seconded by Michael Daley and passed unanimously by the Board.**

**3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Angelyne E. Cooper, DLT Legal Counsel, reminds board members that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest, financial or otherwise, and should recuse from hearing and voting on the matter.**

**4.) Violation Appeal Hearings:**

**Daniel Sullivan DBA Lightning Electric – Viol 3820: Daniel Sullivan of Lightning Electric and Robert Fratus, DLT, are sworn in for testimony. Robert Fratus reads the violation.**

**Daniel Sullivan DBA Lightning Electric A-0003710; Violation # 3820, dated 11/19/2009**

**Location of Violation: 67 Floyd Ave, East Providence, RI**

**Violation: RIGL 5-6-25 “failure to comply with the rules and requirements of city town or state”. Mr. Daniel Sullivan A-003710 has not complied with the Notice of Violation issued by the City of East Providence to correct violations at 67 Floyd Ave. in East Providence.**

## **1 Violation.**

**Glenn Dusablon, Chief Electrical Investigator, performed the investigation.**

**The Board questions Robert Fratus. Mr. Fratus was not the investigator at the time. The matter had been previously before the Board.**

**Daniel Sullivan provides testimony. Mr. Sullivan paid the \$500.00 fine issued by the Department of Labor and Training in order to have his license renewed. Keith Burlingame inquires why the matter is before the Board if Mr. Sullivan has already paid the fine. Mr. Sullivan addressed the Board that he was informed by DLT staff in order to be reimbursed the \$500.00 he would need to appear before the Board. Testimony continued.**

**Chair Lepore, asks board members if they would like to continue the hearing without having the city inspector present.**

**Stanley Davies made a motion to continue the hearing today. The motion was seconded by Michael Daley. There is discussion. Michael Daley, Stanley Davies and Robert Zuba were in favor. Keith Burlingame was opposed. By a vote of 3:1 the motion carried. There is further discussion. Mr. Burlingame then changed his vote and was in favor of continuing with the hearing today.**

**Mr. Sullivan enters the following into evidence, Exhibit A (3 pages): Copies of 2 electrical permits and copy of a portion of a letter; Exhibit B (2 pages): a printout of the violation from the Professional Regulation website and a receipt for \$500.00.**

**On Violation 3820, Michael Daley, in light of evidence presented by the defendant, made a motion that Mr. Sullivan be reimbursed the \$500.00 assessment by the Department of Labor and Training for no permit on the job. The motion was seconded by Stanley Davies. There is discussion. Board member, Robert Zuba, requests clarification on the permits. Mr. Sullivan provides additional testimony and answers additional questions by the board. Angelyne E. Cooper, DLT Legal Counsel; and Joseph Degnan, Assistant Director, addressed the Board. Discussion and questioning of parties continued.**

**Stanley Davies made a motion to continue. It is noted that the previous motion had not been voted on.**

**A vote was taken on Mr. Daley's previous motion to reimburse Mr. Sullivan \$500 that was previously seconded by Stanley Davies. Michael Daley, Stanley Davies and Robert Zuba were in favor. Keith Burlingame opposed. By a vote of 3 to 1 the motion passed.**

**The recommendation will be forwarded to the Director's office.**

**William Harfst – Viol 4756: William Harfst was not present. This matter was previously before the board and the respondent did not appear. Notice was sent to the respondent for today's hearing by both certified and regular mail. Sean Nolan, Implementation Aid for DLT is sworn in for testimony. Notice of the April 16, 2014 hearing was sent to the respondent by certified and regular mail. There was no indication that anything had been returned. The hearing continued. Robert Fratus, having previously been sworn, read the violation into the record.**

**Violation #4756**

**Name of Violator: William Harfst**

**Location of Violation: Vixen Styles 722 Tiogue Ave. Coventry, RI 02816**

**Violation: On 12/6/2013, I, Robert Fratus, Chief Electrical Investigator, and Nicholas Ranone, Chief Mechanical Investigator, visited Vixen Styles to follow up on a complaint made by Mr. Randy Burt, who's daughter is the owner of Vixen Styles. Mr. Burt provided me with a witness statement and a copy of a smart phone message in which he stated Mr. Harfst intended to and completed the installation of the t-stat wiring and t-stat for the HVAC system.**

**This is two violations, one for enter in, and one for engage in electrical work, of Rhode Island General Law 5-6-2 Work for which**

**license required.**

**This was also one violation for not obtaining a town issued electrical permit, RIGL 5-6-25 Compliance with rules and requirements of city or town.**

**Mr. Fratus is questioned by the board.**

**Keith Burlingame made a motion to uphold that a violation did occur. The motion was seconded by Michael Daley. There is discussion. Motion passed unanimously by the Board.**

**Stanley Davies made a motion on Violation 4756 per RGL 5-6-32 a \$1,500.00 fine be imposed. The motion was seconded by Michael Daley. The motion passed unanimously.**

**The recommendation will be forwarded to the Director's office.**

**End of hearings.**

**New Business:**

**5.) Correspondence from the Board – John Shaw, Administrator: Assistant Director, Joseph Degnan addressed the Board in John Shaw's absence. Mr. Degnan reminds the board of the Department's policy that if the board would like to correspond in writing with**

anyone such correspondence should be addressed to Assistant Director Degnan or the Director and then any correspondence to the public or cities and towns will come from the Department.

6.) Continuing Education before the 2014 code is adopted: Michael Daley addressed that board that the 2014 electrical code has not been adopted yet. The Building Code Commission is conducting a public hearing in May and will then go to the legislature for approval. The goal for adoption is July 1st.

Robert Fratus inquires as to what to tell providers in other states regarding the 2014 update before the adoption date. There is discussion regarding providers giving the continuing education based on the 2014 NEC and any amendments adopted by the State of RI after the class has been provided could be provided by mail. It is not clear if there are any amendments at this time. Waiting until the state adopts the code if the course is taught in RI is also discussed. Discussion continued.

Robert Zuba made a motion that not to accept any certifications until the code is adopted by the State. The motion is seconded by Michael Daley. The motion passed unanimously.

Following agenda Item 11, Michael Pillarella addressed the board regarding continuing education. James Lombardo also addressed

**the board regarding the process of becoming a continuing education provider. Discussion continued regarding the process.**

**7.) Paul Guglielmo – petition to take Master Electrician Exam: Michael Daley recused himself from the matter.**

**Paul Guglielmo requests to take the master electrician exam. Mr. Guglielmo submitted a letter to the Board requesting reconsideration of the Board of Examiners of Electricians regulation that out of state applicants who hold a contractor license and a RI Journeyman license for two (2) years will be allowed to take the RI Master Electrician exam. Mr. Guglielmo, possesses a RI Journeyman Electrical license, resides in Massachusetts but does not possess a Master Electrician license in Massachusetts.**

**The regulation in question is #7 in the Rules and Regulations. There is discussion.**

**Keith Burlingame made a motion that the rules be upheld as written. There was no second. There is discussion. The motion is withdrawn.**

**Robert Zuba made a motion to accept Mr. Guglielmo's request to sit for the contractor exam. The motion was seconded by Stanley Davies. Stanley Davies and Robert Zuba were in favor; Keith Burlingame was opposed and Michael Daley recused. By a vote of 2**

**to 1 the motion passed.**

**Joseph Degnan, Assistant Director, addressed that if the Board feels the rule is inappropriate or exceeds the law it should be put on the agenda to look at the issue. There is discussion. The matter if Item 7 of the Rules and Regulations will be put on the agenda for the next meeting.**

**\*\*\* As the Board will be moving into Executive Session to discuss Agenda Item #8, Keith Burlingame made a motion to hear agenda items out of order; seconded by Michael Daley and passed unanimously by the Board.**

**Old Business:**

**Items were heard out of order.**

**9.) Status of recommended legislative changes: Michael Daley addressed the board informing the board that the recommended changes have been submitted and heard in the House and were held for further study. Mr. Daley will get the bill number for board members.**

**10.) Examination Updates: It was suggested that existing questions**

be reviewed. Keith Burlingame has submitted a request to the Department as to how to accomplish this. Mr. Burlingame is waiting for a response from the Department.

Joseph Degnan welcomes Mr. Burlingame putting new questions together to the Department. Mr. Burlingame will provide new questions and states some questions may just need to be updated to the current code.

11.) Discussion of Trade Source and Newport Electric from February meeting for vote: This matter was added to a previous agenda for discussion only and added to today's agenda for formal action. The concern is Trade Source lending out licensed electricians to electrical contractors. Trade Source has a contractor's license allowing them to hire journeyman on their payroll but they do not supervise the work and obtain permits. There is discussion as to the responsible party ensued regarding Trade Source, and companies like Trade Source, being labor suppliers or subcontractors with a scope of work and permits. Electricians are employed by the company but are sent to work for other contractors. Discussion continued.

The board will look at the Rules & Regulations regarding this matter at the next meeting.

**8.) Status of SolBright Investigation – Sean Fontes, Executive Counsel:** This agenda item was heard at the end of the meeting in consideration of the public that were present. Angelyne E. Cooper is present in Executive Counsel, Sean Fontes, absence.

Pursuant to RIGL 42-46-5 (a) (2), discussion of litigation, Michael Daley made a motion to move into Executive Session; seconded by Robert Zuba. A roll call vote was taken and Keith Burlingame, Michael Daley Stanley Davies, William Lepore and Robert Zuba were all in favor. The meeting enters into Executive Session to discuss litigation.

Michael Daley made a motion to conclude the executive session; seconded by Stanley Davies and passed unanimously by the board.

No votes were taken in executive session.

The meeting returns to open session.

**12.) Adjournment:** A motion to adjourn was made by Michael Daley; seconded by Robert Zuba. There being no objection, the meeting adjourned at 11:25am.