

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, June 18, 2014

9:30am

In attendance: Frank Benell, Jr

Keith Burlingame

Michael Daley

Stanley Davies

William Lepore, Jr

Board Member Robert Zuba was not in attendance.

Also in attendance were Robert Fratus, Electrical Investigator; John Shaw, Administrator; and Angelyne E. Cooper, DLT Legal Counsel.

1.) Call to Order: William Lepore, Jr, Chair, called the meeting to order at 9:32am.

2.) Minutes of the May 21, 2014 Meeting: Michael Daley made a motion to accept the minutes of May 21, 2014 meeting as submitted; seconded by Stanley Davies 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.

5.) Violation Appeal Hearings:

Hallkeen Management – Viol 4795: This matter was on the May 21, 2014 agenda and was continued to today's meeting for testimony from the Coventry Building Official and Electrical Inspector at the request of the Board.

Robert Hiltz, Leigh Ann Janovsky, Corey Hartman and Robert Fratus are sworn in for testimony. Robert Fratus reads the violation.

VIOLATION: 4795 NAME OF VIOLATOR: Hallkeen Management

LOCATION OF VIOLATION: B2-APT. 404 at 400 Woodland Dr. Coventry, Rhode Island 02816

VIOLATION: On 2/19/2014, CMI Nicholas D. Ranone, and I made a site

visit to B2-APT. 404 Woodland Dr. Coventry, RI following up on complaints made by tenant, Deborah Dodge. In the complaint filed by Mrs. Dodge she stated she had electric heating issues from Dec.1st 2013. After repeated calls to the management office they sent over their unlicensed maintenance supervisor to investigate the heating problem the first week of January 2014 and again on 1/24/2014 to repair the electric heating problem. On 2/19/2014, Mrs. Dodge phoned me and reported that the electric heat she thought was fixed had shorted out today and would I stop by to investigate the matter. After speaking with Mrs. Dodge at her apartment, the property manager, Leigh Ann Janovsky, and maintenance supervisor, Robert A. Hiltz were asked to stop by to answer some question relating to the electric heating issue. When both the manager and the maintenance supervisor were asked about who installed the new section of electric heat they admitted to directing and installing respectively. Mr. Hiltz is not licensed to do electrical work in Rhode Island.

This is two violations of RIGL for enter into and engage in electrical work, RIGL 5-6-2 Work for which license required. This is one violation for not getting the town issued electrical permit, RIGL 5-6-25 Compliance with rules and requirements of city or town.

Board member, Keith Burlingame, inquires if the Coventry Electrical Inspector and Coventry Building Official were given notice to attend today's hearing. Robert Fratus informed the Board that they were sent notice and that the Coventry Electrical Inspector informed him

that he would not be able to attend. While the board was inquiring, Robert Assalone, Coventry Building Official, arrived and was sworn in for testimony.

The Board questions Mr. Assalone. Mr. Assalone provides testimony.

Robert Fratus, Chief Electrical Investigator, is questioned by the Board. A photo of the electric heat is entered as Exhibit A. Robert Assalone responds.

Robert Hiltz, Corey Hartman and Leigh Ann Janovsky (all of Hallkeen Management) provide testimony.

Michael Daley made a motion that a violation of RIGL 5-6-2, Work for which license required, did occur; seconded by Stanley Davies and passed unanimously by the Board.

Michael Daley made a motion that the fine of \$500.00 be held for one year; that Hallkeen Management not violate RIGL 5-6-2, Work for which a license required, for a year; and make sure any electrical work be done by a licensed electrician in the future. The motion was seconded by Frank Benell, Jr. There was no opposition. Motion carried.

The recommendation will be forward to the Director's office.

Robert A. Hiltz – Viol 4794: This matter was heard at the May 21, 2014 meeting and continued to today's meeting for testimony from the Coventry Building Official and Electrical Inspector at the request of the Board. The Board's recommendation of May 21, 2014 that a violation occurred and the \$500.00 fine be upheld, was held in abeyance for their testimony.

Testimony having been heard along with Violation 4795, Hallkeen Management; Stanley Davies made a motion that the fine (\$500.00) per RIGL 5-6-32 for Violation 4794 be suspended for one year pending no violations; seconded by Frank Benell, Jr.. There was no opposition. Motion passed.

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

Anthony M. Capuano – Viol 4822: Respondent, Anthony Capuano; DLT Investigator, E. Patrick Luther; and witness, David Potvin, are sworn in for testimony. Robert Fratus reads the violation.

Location: Shore's Market 435 Atwood Ave. Cranston, RI 02920

Violation: On 3/06/2014, Chief Plumbing Investigator, Pat Luther made a site visit to Shore's Market Atwood Ave. Cranston where he found unlicensed/unregistered electrical worker, Anthony M. Capuano, performing electrical work on a sign at above mention location for

Potvin Electric Inc.

This is one violation of RIGL 5-6-2 Work for which license required.

E. Patrick Luther provides testimony.

Anthony Capuano and David Potvin provide testimony.

Michael Daley made a motion regarding Violation 4822 that there was a violation of RIGL 5-6-2, Work for which license required; seconded by Stanley Davies and passed with no opposition.

Michael Daley made a motion that the \$500.00 fine be imposed per RIGL 5-6-32 on Violation 4822; seconded by Frank Benell, Jr. and passed with no opposition.

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

Edgardo S. Pagan – Prime Electric – Violation 4832: Edgardo S. Pagan does not appear. Robert Fratus addressed the Board. Sean Nolan, Implementation Aide for DLT, is sworn in and addressed the Board regarding notice of today's hearing. On or about 5/9/2014, notice of today's hearing was sent by certified mail and regular mail to Edgardo S. Pagan, Prime Electric 11 Alden St, Providence RI. The certified mail was returned 6/4/2014. There is no record of the

regular mail being returned. Keith Burlingame made a motion to continue with the hearing; seconded by Stanley Davies and passed with no opposition.

LOCATION: 292 Pocasset Ave. Providence, RI 02909

VIOLATION: On 4/24/2014 it was reported to Chief Electrical Investigator, Robert Fratus, that on 12-25-13 Prime Electric sent unlicensed worker Angel Jorge to perform electrical work at 292 Pocasset Ave.

This is one violation of RIGL 5-6-2 Work for which license required.

Robert Fratus provides testimony.

Witnesses Marcus Rosado and Yanet Suero are sworn in for testimony. Yanet Suero requests an interpreter. Angela Martinez, DLT Labor Standard Examiner, is sworn in to interpret. Ms. Suero provides testimony through an interpreter, Angela Martinez.

Evidence is entered; Exhibit A: Proposal from Prime Electric.

Marcus Rosado provides testimony. Evidence is entered; Exhibit B: Contract with Prime Electric.

Michael Daley made a motion regarding Violation 4832 that a violation of RIGL 5-6-2 Work for which license required, did occur; seconded

by Stanley Davies and passed with no opposition.

Michael Daley made a motion that the requested fine of \$950.00 be imposed per RIGL 5-6-32 for Violation 4832; seconded by Frank Benell, Jr. and passed with no opposition.

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

Mr. Rosado addressed the Board.

Carlos M. De La Rosa – Violation 4824: Carlos M. De La Rosa requests a translator. Legal Counsel addressed the Board. Carlos M. De La Rosa is sworn in for testimony through an interpreter, Angela Martinez (DLT Labor Standard Examiner). Robert Fratus provides reads the violation.

NAME OF VIOLATOR: Carlos M. De La Rosa

LOCATION: 1251 Atwood Ave. Johnston, RI 02919

VIOLATION: It was reported to me, Robert Fratus, Chief Electrical Investigator, that on 3/21/2014 Pat Luther, Chief Plumbing Investigator, witnessed unlicensed/unregistered electrical worker Carlos M. De La Rosa performing the electrical work of installing a meter socket at 1251 Atwood Ave. for JF Electric.

This is one violation of RIGL 5-6-2 Work for which license required

Robert Fratus addressed the Board and enters a photo as Exhibit A.

Having previously been sworn, E. Patrick Luther provides testimony.

The Board questions Carlos De La Rosa. Mr. De La Rosa provides testimony through an interpreter.

Stanley Davies made a motion that Violation 4824 did occur; seconded by Michael Daley and passed with no opposition.

Michael Daley made a motion that the fine of \$500.00 per RIGL 5-6-32 for Violation 4824 be imposed; seconded by Frank Benell, Jr. and passed with no opposition.

The recommendation is explained to Mr. De La Rosa.

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

End of violation appeal hearings.

5.) Old Business: Status of recommended legislative changes: The recommended legislative changes do not appear to be happening this year.

6.) Old Business: Discussion of Rules and Regulation #7: No new information.

7.) Old Business: Discussion of Temporary Employment Agencies / Labor Suppliers: Robert Fratus provided Board members with information received from Trade Source to review. Robert Fratus addressed the Board that this is a temporary agency industry issue to ensure compliance with the spirit of law of individuals being properly employed with employees supervised by employers, work supervision, and permits. There is discussion. It is recommended to request Trade Source appear at the August meeting.

8.) Adjournment: A motion to adjourn was made by Michael Daley. There being no objection, the meeting adjourned at 11:03am.