

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, May 20 2015

9:30am

In attendance: Keith Burlingame

Michael Daley

Stanley Davies

William Lepore, Jr. Chair

Robert Zuba

Board member, Frank Benell, Jr., was not in attendance. Also in attendance were Robert Fratus, Electrical Investigator; and Mary Ellen McQueeney-Lally, DLT Legal Counsel.

1.) Call to Order: William Lepore, Jr, Chair, called the meeting to order at 9:37am.

2.) Minutes of the April 15, 2015 Meeting: Michael Daley made a motion to accept the minutes of April 15, 2015 meeting as presented;

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: Mary Ellen McQueeney-Lally, 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: The hearing Violation 5082 was held until the respondent arrived.

Herve Tellier, City of Woonsocket Housing Inspector; Larry Desormier, City of Woonsocket Building Official; James Desrosiers, Respondent; and Christian Jordan, Respondent are sworn in for testimony.

Modern Mechanical LLC – Richard Bolvin III – Violation 5082: Richard Bolvin, III is sworn in for testimony. Robert Fratus, Chief Electrical Investigator, reads the violation.

LOCATION OF VIOLATION: 70 Newland Ave, Woonsocket, RI 02895

VIOLATION: RIGL 5-6-2 Work for which license required.

On 3/9/2015, I, Chief Electrical Investigator Robert Fratus received a complaint about two unlicensed workers, James Desrochers and C.P. Jordan of Modern Mechanical, performing the electrical work of installing 2x4 drop in fixtures at 70 Newland Ave, Woonsocket, RI 02895 from Larry Desormier, the Woonsocket City Building Official, and Herve E. Tellier, House Inspector, City of Woonsocket, RI 02895. The multi unit house located at 70 Newland Ave, Woonsocket, RI 02895 is owned by Mr. Richard Bolvin III. He is also the owner of Modern Mechanical, LLC.

VIOLATION: RGIL 5-6-25 Compliance with rules and requirements of city or town.

At the time of this electrical work and site visit from Larry Desormier, the Woonsocket City Building Official, and Herve E. Tellier, House Inspector, City of Woonsocket, RI 02895, Mr. Richard Bolvin III did not have the needed city issued electrical permit.

Witness Larry Desromier, City of Woonsocket Building Official, provides testimony and is questioned by the Board.

Robert Fratus submits a packet of documents, photographs and a statement from Herve Tellier is submitted as Exhibit A.

Richard Bolvin, III, of Modern Mechanical LLC, provides testimony.

In the matter of Violation 5082, Michael Daley made a motion that two (2) violations occurred, one violation of RIGL 5-6-2 Work for which a license required and RIGL 5-6-25 Compliance with rules and requirements of city or town. Stanley Davies seconds the motion. All were in favor. Motion carries.

In the matter of Violation 5082, Michael Daley made a motion to uphold the fine of \$1,000.00 per RIGL 5-6-32. Robert Zuba seconds the motion. All were in favor. Motion carries.

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

James Desrochers – Violation 5083: Robert Fratus, Chief Electrical Investigator, reads the violation.

LOCATION OF VIOLATION: 70 Newland Ave, Woonsocket, RI 02895

VIOLATION: RIGL 5-6-2 Work for which license required.

On 3/9/2015, I, Chief Electrical Investigator Robert Fratus received a complaint about two unlicensed workers, James Desrochers and C.P. Jordan of Modern Mechanical, performing the electrical work of installing 2x4 drop in fixtures at 70 Newland Ave, Woonsocket, RI 02895 from Larry Desormier, the Woonsocket City Building Official, and Herve E. Tellier, House Inspector, City of Woonsocket, RI 02895.

The multi unit house located at 70 Newland Ave, Woonsocket, RI 02895 is owned by Mr. Richard Bolvin III. He is also the owner of Modern Mechanical, LLC.

A packet of documents, photographs and a statement from Herve Tellier is submitted as Exhibit A.

Witnesses, Larry Desormier and Herve Tellier, provide testimony and are questioned by board members.

James Desrochers provides testimony and is questioned by board members.

In the matter of Violation 5083, Michael Daley made a motion that there was a violation of RIGL 5-6-2, Work for which license required; seconded by Stanley Davies and passed unanimously by the Board.

In the matter of Violation 5083, Michael Daley made a motion to impose the fine of \$500.00 per RIGL 5-6-32; seconded by Robert Zuba and passed unanimously by the Board.

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

C.P. Jordan – Violation 5084: Violation 5084 is identical to Violation

5083 therefore the violation was not read. Robert Fratus submits a packet of documents, photographs and a statement from Herve Tellier is submitted as Exhibit A.

Christian Jordan provides testimony and is question by the Board.

James Desrochers provides testimony.

Larry Desormier clarifies that photographs submitted were take by him the day of the site visit.

Stanley Davies made a motion the Violation 5084 did occur; seconded by Michael Daley and passed unanimously by the Board. Motion carries.

Michael Daley made a motion to impose the fine of \$500.00; seconded by Stanley Davies and passed unanimously by the Board. Motion carries.

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

5.) Revocation Hearing:

Roger Ramos (A-004863) – Violation 5119: Rescheduled to June.

6.) 15 Hour Continuing Education: Robert Fratus reports that he has referred packets to the Building Commissioner's Office.

7.) Old Business: Status of recommended legislative changes: A substitute bill has been submitted. No hearing date scheduled as yet.

8.) Trade Source - Discussion: John Shaw, Workforce Regulation & Safety Administrator, addressed the Board, that the department has looked at the matter and Trade Source has the proper license. Focus was on RIGL 5-6-8 and RIGL 5-6-28. The board continues discussion that, as an employer, the company should obtain a permit. As Legal Counsel, Mary Ellen McQueeney-Lally, is covering the meeting for another attorney, it is recommended that if the board has different laws they feel should be looked into she will bring that to the attorney's attention. RIGL 5-6-2(b), RIGL 5-6-25 and "transfer of license" are referenced to be looked at.

Trade Source, an employment agency, provides contractors with labor. The workers are employees of Trade Source and are sent to work for other contractors. The Board feels Trade Source needs to obtain a permit for the work their employees are performing and not work under the permit of the contractor they are providing labor for.

Glenn Dusablon, Chief Electrical Investigator, addressed the Board. Trade Source possesses a Corporate Electrical license and provides labor. As the employer they should be responsible for the work that their employees perform and should obtain a permit and identify what their employees are doing. Trade Source should be the responsible party for their employee's labor.

Legal Counsel asks the board to move the discussion to next month when the attorney with familiarity with matter returns. Ms. McQueeney-Lally will share with the attorney the points the board made as she is not familiar with the issue and cannot advise.

Discussion on permits continued.

Glenn Dusablon, Chief Electrical Investigator, questions if a company like Trade Source does not obtain a permit for the work their employees perform is that a "transfer of license.

The matter will be continued to next month.

9.) Adjournment: A motion to adjourn was made by Michael Daley; seconded by Stanley Davies. There was no opposition. The meeting adjourned at 10:30am.