

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 17 2015

9:30am

In attendance: Keith Burlingame

Frank Benell, Jr.

Michael Daley

Stanley Davies

William Lepore, Jr. Chair

Robert Zuba

Also in attendance were Robert Fratus, Electrical Investigator; Glenn Dusablon (9:49am), Chief Electrical Investigator; and Angelyne E. Cooper, DLT Legal Counsel.

1.) Call to Order: William Lepore, Jr, Chair, called the meeting to order at 9:33am.

2.) Minutes of the May 20, 2015 Meeting: Michael Daley made a

motion to accept the minutes of May 20, 2015 meeting as presented; seconded by Frank Benell Jr 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:

Mercury Tec – Violation 5146: Douglas Ainley (Mercury Tec), Robert Cooke, Johnathan Wilk, Robert Fratus (DLT Investigator) and Nicholas Ranone (DLT Chief Mechanical Investigator) are sworn in for testimony. Robert Fratus reads the violation.

Name of Violator: Mercury Tec, 33 Curtis St, East Providence, RI 02914

Location of Violation: Mega Bakery, 567 Reservoir Ave., Cranston, RI 02910

Violation: RIGL 5-6-2 Work for which license required

It was reported on 4/23/15 to Chief Electrical Investigator Robert

Fratus by Chief Mechanical Investigator Nicholas Ranone that on 4/23/15 he witness employees for Mercury Tec, Inc. Robert S. Cooke and Jonathan Wilk performed the electrical work of the determining line voltage disconnect for the HVAC roof top unit and the installation of a new unistrut rack and mounting the line voltage disconnect terminated at the new roof top HVAC unit at Mega Bakery 567 Reservoir Ave. Cranston, RI 02910. Chief Electrical Investigator Robert Fratus called Robert S. Cooke, employee for Mercury Tec, Inc., on 4/24/15 questioning Mr. Cooke about who performed the electrical work at Mega Bakery 567 Reservoir Ave., Cranston, RI 02910. Mr. Cooke admitted to performing the electrical work. Chief Mechanical Investigator Nicholas Ranone asked the two employees who performed the electrical work. They both admitted to performing the electrical work.

Violation: RIGL 5-6-25 Compliance with rules and requirement of city or town.

After contacting the city electrical inspector it was found Mercury Tec, Inc. did not have the needed electrical permit for the work performed at Mega Bakery, 567 Reservoir Ave., Cranston, RI 02910.

Robert Fratus submits a packet of 8 documents as Exhibit A. Nicholas Ranone, Chief Mechanical Investigator; Robert Fratus, Chief Electrical Investigator; Respondents Douglas Ainley (owner of Mercury Tec), Robert Cooke and Johnathan Wilk provide testimony

and are questioned by the Board.

Robert Zuba made a motion to continue the matter for Donald Gagnon to attend for clarification on who did the electrical work. Michael Daley seconds the motion. All were in favor. The continuance is for Violation 5146 (Mercury Tec), 5147 (Wilk) and 5148(Cooke) as the violations are related.

Johnathan Wilk – Violation 5147: Continued

Robert S. Cooke – Violation 5148: Continued

Arthur O. Butt – Violation 5130: Arthur Butt, Respondent and Robert Gaj, DLT Chief Licensing Examiner are sworn in for testimony. Robert Fratus reads the violation.

Location of Violation: European Wax Center, 1000 Division Street, Store 17, East Greenwich, RI 02818

Violation: RIGL 5-6-2 Work for which license required; RIGL 5-6- 25 Compliance with rules and requirements of city or town

It was reported to Chief Electrical Investigator Robert Fratus by Chief Licensing Examiner Robert J. Gaj that on 4-7-2015 Mr. Gaj made a site visit to European Wax Center, 1000 Division Street, Store 17, East

Greenwich, RI 02818, where he found two unlicensed employees of Arthur Butt Electric performing the electrical work of fishing wires in sheet rock walls. Douglas J. Leblanc and Jonathan A. Auger are the two unlicensed employees of Arthur Butt Electric (A-004886). Arthur Butt Electric (A-004886) did not have the needed town issued electrical permit to perform this electrical work at the time of Chief Licensing Examiner Robert J. Gaj investigation on 4-7-2015.

Robert Fratus, Chief Electrical Investigator, submits a packet of 8 documents as State Exhibit A.

Robert Gaj, RI DLT Chief Licensing Examiner, provides testimony.

Arthur Butt provides testimony and submits a copy of an electrical permit marked Exhibit B.

Glenn Dusablon, RI DLT Chief Electrical Investigator, is sworn in for testimony and addressed the Board.

Regarding Violation 5130, Stanley Davies moves that a violation did occur; seconded by Frank Benell Jr. and passed unanimously by the Board.

Regarding the penalty for Violation 5130, Michael Daley moves that a fine of \$1,000.00 be imposed per RIGL 5-6-32; seconded by Robert Zuba and passed unanimously by the Board.

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

****Regarding Violation 5131, Douglas J. Leblanc and Violation 5132, Johnathan A. Auger, respondents do not appear. Arthur Butt, of Arthur Butt Electric, states he represents the respondents. Mr. Butt is not an attorney.**

Michael Daley made a motion to resend the violation and notice to appear at the next meeting to Mr. Leblanc and Mr. Auger; seconded by Stanley Davies and passed unanimously.

Douglas J. Leblanc – Violation 5131: Continued

Jonathan A. Auger – Violation 5132: Continued

5.) Revocation Hearing:

Roger Ramos (A-004863) – Violation 5119: Roger Ramos is sworn in for testimony. Robert Gaj, Chief Licensing Examiner and Robert Fratus, Chief Electrical Investigator were previously sworn. Attorney Michael Pushee represents Roger Ramos. Robert Fratus reads the violation.

Name of Violator: Roger Ramos – A-004863

Location of Violation: 1390 Bald Hill Rd. Warwick, RI 02886 - Scruba

Dub Auto Wash Center, Inc.

Violation: RIGL 5-6-23 Certificates not transferable-Suspension or revocation of certificates - Subpoena of evidence.

This violation stems from a complaint made by Chief Licensing Examiner Robert J. Gaj to Chief Electrical Investigator Robert Fratus that on 4-7-2015 Mr. Gaj witnessed Beacon Energy Solutions unlicensed workers performing the electrical work of a LED retrofit pole lighting job at 1390 Bald Hill Rd. Warwick, RI 02886, Scruba Dub Auto Wash Center, Inc. The electrical permit for this work was issued to Roger Ramos, A-004863, not Beacon Energy Solutions.

This is grounds for revocation of Electrical Sign Contractor license number (A-004863) as described in RIGL 5-6-23.

A revocation of license hearing will be held Wednesday, May 20, 2015 at 9:30 am at the Rhode Island Department of Labor and Training, 1511 Pontiac Ave. Cranston RI, Building 70 Second Floor Conference Room. In addition, the above cited violation is subject to a \$500.00 fine. Your attendance is required. If you fail to appear, the hearing will continue as scheduled and be held in your absence.

A packet of 7 pages is submitted into evidence and marked Exhibit A.

It is noted that Mr. Ramos' license, A-004863, is an Electrical

Contractor license not an Electrical Sign Contractor license as stated in the violation.

Robert Gaj provides testimony.

Attorney Michael Pushee addressed the board. The Board questions Roger Ramos.

Glenn Dusablon, Chief Electrical Investigator, addressed the Board.

Regarding Violation 5119 Roger Ramos, Stanley Davies made a motion that a violation did occur; seconded by Michael Daley and passed unanimously.

Regarding the penalty for Violation 5119, Michael Daley made a motion that a fine of \$500.00 be imposed and "A" license be suspended for period of one (1) year and the suspension be stayed. If Mr. Ramos has no further violations the suspension will go away but the fine will still be imposed. The motion was seconded by Stanley Davies and passed unanimously by the Board.

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

6.) 15 Hour Continuing Education: No new information.

7.) Old Business: Status of recommended legislative changes: S602 has passed the Senate and has been referred to House Corporations.

8.) Trade Source - Discussion: Angelyne Cooper, DLT Legal Counsel, addressed the board. A meeting was held with Ms. Cooper, Assistant Director Joseph Degnan, Administrator John Shaw, Glenn Dusablon and Robert Fratus regarding Trade Source and RIGL 5-6-23. Ms. Cooper has contacted Trade Source's attorney regarding a need of a permit for the projects they have workers on. The attorney contacted Ms. Cooper but was out of state at the time. Ms. Cooper and Trade Source's attorney are to discuss the matter upon his return.

There is discussion continued regarding a separate and distinct permit from the contractor being supplied labor.

9.) Adjournment: A motion to adjourn was made by Stanley Davies; seconded by Michael Daley. There was no opposition. The meeting adjourned at 10:38am.