

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF PLUMBERS
TUESDAY, SEPTEMBER 20, 2004**

9:00 A.M.

In attendance: William Riley

William O'Brien

Leo Champagne

Jeffrey J. Hutton

Michael Newman

Michael St. Martin

Michael St. Martin, Chairperson, called the meeting to order at 9:15 a.m.

Board member, William Garcia was not in attendance at today's meeting.

The first item on the agenda is approval of the minutes of the previous Board of Examiners of Plumbers meeting held on Tuesday, July 19, 2005. Mr. William O'Brien made a motion to approve the minutes as submitted. Mr. William Riley seconded the motion. All members voted in favor.

The next item on the agenda is appeal hearings. There are four (4) appeal hearings on the agenda today for which there is a court reporter. Mr. Patrick Luther, Chief Plumbing Investigator, was sworn in by the court reporter.

APPEAL HEARINGS:

1. Standish Heating & Air Conditioning – Violation #2416

The first appeal hearing on the agenda pertains to Standish Heating & Air Conditioning. Mr. Donald Standish of Standish Heating & Air Conditioning, and Mr. Mike Tasso, West Warwick Mechanical Inspector were sworn in by the court reporter. Mr. Standish was represented today by his attorney, Mr. Peter Finesse.

Mr. Luther read the violation: RIDLT Investigator, Charles W. Wright investigated a complaint from the West Warwick Mechanical Inspector, Michael Tasso, that on or about February 11, 2005, Standish Heating & Air Conditioning did install a 750,000 BTU domestic hot water boiler and related piping at the Cowesett Inn, Route 3, West Warwick. Donald Standish is not a licensed plumber in Rhode Island, and Standish Heating & Air Conditioning does not have a master plumber in its corporate structure. No plumbing permit was issued by the Town of West Warwick. The proposal for the work did not include a plumbing license number as required. These are violations of RIGL 5-20-8 "Practices for which a license is required",

5-20-12 “Corporations and

firms engaged in business”, 5-20-26 “Municipal inspectors and installation permits”, and 5-20-24 “License displayed in place of business (advertising)”.

Mr. Wright was not present today for testimony, and therefore, the Board agreed to take testimony from Mr. Standish and Mr. Tasso, and postpone voting on the violations until the October meeting of the Plumbing Board when Mr. Wright can be questioned by Mr. Finesse and provide needed testimony to the Board regarding this issue.

Based on the testimony provided today in regards to the violation pertaining to RIGL 5-20-24 “License displayed in place of business (advertising)”, Mr. Riley made a motion to rescind this violation against Standish Plumbing & Heating, and take it up at a future meeting to determine the definition of what is considered advertising. Mr. Hutton seconded the motion. All members voted in favor.

Based on today’s testimony, Mr. Hutton made a motion to table the other three (3) violations until the October, 2005 meeting of the Board of Examiners of Plumbers so that Mr. Charles Wright, DLT Investigator can provide testimony regarding his investigation. Mr. Champagne seconded the motion. All members voted in favor, with the exception of Mr. Riley who voted in opposition. The motion passed by a majority vote.

2. Lawrence Kissell – Violation #2413

The second appeal hearing on the agenda pertains to Mr. Lawrence Kissell. Mr. Lawrence Kissell and Mr. Manual Peixoto, complainant, were sworn in by the court reporter.

Mr. Luther read the violation: It is alleged that on April 16, 2004, Mr. Larry Kissell entered into a contract for plumbing work at MVP Associates, 10 Francis Street, Bristol, RI. Mr. Kissell is not a licensed plumber in Rhode Island. Mr. Kissell received a deposit in the amount of \$6,500 for work that was started but never completed. This is a violation of RIGL 5-20-8 “Practices for which a master’s license required”.

Based on the testimony provided today, Mr. Riley made a motion that a finding of fact has been made by the Board that a violation of RIGL 5-20-8 “Practices for which master’s license required” did occur, and to recommend to the Director that the fine of \$500 be upheld. Mr. O’Brien seconded the motion. All members voted in favor.

3. Mr. Edward J. Bucher – Revocation #2418

The third appeal on the agenda pertains to Edward J. Bucher. Mr. Bucher was sworn in by the court reporter.

Mr. Luther read the violation: It is alleged that on May 19, 2004, Mr. Ed Bucher, master plumber license number MP 01375, did take a permit in the Town of Bristol, RI for plumbing at 17 Woburn Street, Bristol, RI. Mr. Bucher was not under contract for the

plumbing at the above location. Mr. Lawrence Kissell was in a contract with Mr. Manual Peixoto for plumbing work at 7 Woburn Street, Bristol, RI. This is grounds for revocation and/or suspension of master plumbing license number MP01375.

Based on the testimony provided today, Mr. Riley made a motion that a finding of fact has been made by the Board that a violation of RIGL 5-20-27(3) "Grounds for revocation of License" did not occur, and to recommend to the Director, that Mr. Bucher's license not be revoked. Mr. Riley further recommended that the violation against Mr. Bucher be rescinded, and that he be issued a warning. Mr. O'Brien seconded the motion. All members voted in favor.

4. Alpha Omega Construction, Inc./Mr. Fred Abatecola – Violation #2398

The final appeal on the agenda pertains to Mr. Fred Abatecola/Alpha Omega Construction, Inc. Mr. Abatecola was sworn in by the court reporter.

Mr. Luther read the violation: It is alleged that on June 10, 2005, Mr.

Fred Abatecola did have Mr. Romeo A. DaSilva installing 3” cast iron leaders at The Foundry, 42 Holden Street, Providence, RI. Mr. DaSilva is not a licensed plumbing in Rhode Island. Alpha Omega Construction, Inc. does not have a master plumber’s license in its corporate structure. This is a violation of RIGL 5-20-8 “Practice for which a master’s license required” and RIGL 5-20-12 “Corporations and firms engaged in business”.

Based on the testimony provided today, Mr. Hutton made a motion that a recommendation be made to the Director that fines in the amount of \$1,000 against Mr. Abatecola be suspended for a 12-month period pending any further violations. Mr. Riley seconded the motion. All members voted in favor.

This concludes today’s hearings.

Mr. O’Brien made a motion to put in for gas mileage to come to these meetings. Mr. Riley seconded the motion. All members voted in favor.

Mr. Luther informed the Board that all apprentice registrations have been checked, and are in order. Mr. Riley made a motion to approve all apprentice registrations. Mr. Newman seconded the motion. All members voted in favor.

Mr. Jay Healy requested to address the Board. Mr. Healy has been

working for Mr. Ed Boucher since July 2003. At that time, he sent in his registration with cash instead of a money order, but never received his apprentice card. He would like credit for the time that he has been working for Mr. Boucher. Mr. Healy has a letter from Mr. Boucher's accountant confirming his employment record with Mr. Boucher, and also has a copy of his application, which was notarized back in 2003 by his neighbor.

Based on the information provided, Mr. Newman made a motion to recommend that Mr. Healy's time working for Mr. Bucher be approved. Mr. Riley seconded the motion.

Under discussion Mr. Luther informed the Board that approval of this request would set a precedent for future requests of this type, and could result in the Board being inundated with these requests, both legitimate and not legitimate. No one voted on the motion.

Mr. Riley made a motion that Mr. Healy get a letter from the notary who signed his application in 2003 stating that she did in fact notarize that application in 2003. Mr. Healy should get any other documentation he has confirming his employment with Mr. Boucher, and the Board will consider his request at its next meeting in October 2005. Mr. Newman seconded the motion. All members voted in favor.

Mr. Healy was advised to find out about schooling as soon as

possible, and to go to the counter today to get his apprentice license so that he is not working illegally as an apprentice any longer.

There was no further business before the Board.

Mr. Riley made a motion to adjourn at 11:00 a.m. Mr. Newman seconded the motion. All members voted in favor.

The next meeting of the Board of Examiners of Plumbers is scheduled for Tuesday, October 18, 2005 at 9:00 a.m. at the RI Department of Labor & Training, 1511 Pontiac Avenue, Building 70, second floor conference room, Cranston, RI 02920.