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1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF LABOR AND TRAINING
2 DIVISION OF PROFESSIONAL REGULATION

3

4

PROCEEDINGS AT HEARING :

5 :

IN RE: :

6 :

BOARD OF EXAMINERS OF :

7 PLUMBERS :

:

8

9

DATE: OCTOBER 17, 2006

10 TIME: 9:00 A.M.

PLACE: 1511 PONTIAC AVENUE

11 BUILDING 70

CRANSTON, RI

12

13

14 PRESENT:

MICHAEL ST. MARTIN, CHAIRMAN

15 JEFFREY HUTTON

ANTHONY CARDARELLI

16 LEO CHAMPAGNE

WILLIAM GARCIA

17 MICHAEL NEWMAN

E. PATRICK LUTHER, INVESTIGATOR

18 VAL LOMBARDI, ESQUIRE

19

20

21

22

23 RHODE ISLAND COURT REPORTING

747 NORTH MAIN STREET

24 PROVIDENCE, RI 02904

(401) 437-3366

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1 (COMMENCED AT 9:35 A.M.)

2 THE CHAIRMAN: We'll call this

3 meeting to order at 9:35. Has everybody had a

4 chance to look at the minutes of last month's

5 meeting? Can I have a motion to accept those

6 minutes?

7 MR. CHAMPAGNE: I make a motion to

8 accept those minutes.

9 THE CHAIRMAN: Can I get a second?

10 MR. HUTTON: I'll second it.

11 THE CHAIRMAN: All those in favor?

12 All those opposed? The minutes are accepted. We

13 have some hearings today?

14 MR. LUTHER: Yes, we do,
15 Mr. Chairman. First hearing is Mr. Steve
16 Desmarais.

17 STEVEN MICHAEL DESMARAIS, E. PATRICK LUTHER,
18 CHARLES W. WRIGHT
19 (SWORN)

20 THE CHAIRMAN: Can you read the
21 violation into the record?

22 MR. LUTHER: Date: August 16,
23 2006; Violation No. 2833. Name of the violator is
24 Steven Desmarais, 10 Summit Avenue, Johnston,
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1 Rhode Island 02919. Location of the violation is
2 52 through 60 Valley Street, Providence, Rhode
3 Island 02909.

4 On July 17, 2006, DLT Investigator
5 Charles Wright witnessed Alfred I. Thibeault, III
6 and Christopher E. Brown installing plumbing at
7 the above location. Mr. Thibeault and Mr. Brown
8 are not licensed plumbers or registered
9 apprentices in the state of Rhode Island.

10 This is a violation of 5-20-10, acts for
11 which an apprentice certificate is required, two
12 violations. And two violations of Rhode Island
13 General Law 5-20-25, registration of plumbing and

14 irrigation apprentices. Charles Wright was the
15 investigator at that site.

16 THE CHAIRMAN: Mr. Wright, could
17 you tell us what happened?

18 MR. WRIGHT: We were there doing
19 some other investigations also, but while we were
20 there, we ran into these gentlemen and I was led
21 to believe that they worked for Mr. December as
22 plumbers. And that's why I initiated that
23 complaint because they didn't have any
24 identification showing that they were registered
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1 or licensed, and when we checked, they weren't.

2 THE CHAIRMAN: You witnessed them
3 doing plumbing?

4 MR. WRIGHT: I didn't actually see
5 them doing any, but they were on the job site and
6 they told me they were doing work.

7 THE CHAIRMAN: They told you they
8 were?

9 MR. WRIGHT: Yes.

10 THE CHAIRMAN: Any other questions
11 for Mr. Wright? Okay. Mr. Desmarais, do you have
12 any -- would you like to make a statement?

13 MR. DESMARAIS: Sure. Chris Brown
14 is a friend. He just dropped some material off to

15 me because I can't leave my other guy alone, so he
16 just dropped some stuff off to me and he was there
17 when Charlie was there. And that's how that
18 conflict happened. Alfred the third, I have no
19 idea who that is. I have no idea.

20 THE CHAIRMAN: Okay.

21 MR. HUTTON: Does Chris Brown --
22 Chris doesn't work for you is what you're saying?
23 He's not on the payroll?

24 MR. DESMARAIS: No. He's not on
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1 my payroll.

2 MR. HUTTON: Neither is this
3 Alfred Thibeault?

4 MR. DESMARAIS: No. Not at all.

5 MR. NEWMAN: Why would they say to
6 Mr. Wright that they were doing plumbing work
7 there?

8 MR. DESMARAIS: The only one that
9 was dropping material was Chris Brown. Alfred, I
10 don't know. Maybe he worked for Gas Pro or one of
11 the other companies, just because they didn't have
12 a license. I have no idea. There's a lot of guys
13 in that place. You would say there's a lot of
14 guys in there, between 52 and 60.

15 THE CHAIRMAN: Were you on site

16 that day?

17 MR. DESMARAIS: Yes.

18 THE CHAIRMAN: Did you speak with

19 Mr. Wright that day?

20 MR. DESMARAIS: Yes, I did.

21 MR. HUTTON: Charlie, as far as

22 the payroll?

23 MR. WRIGHT: I didn't check

24 payroll. With the second -- the first person,

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1 Chris Brown, I'm not sure, but he was delivering

2 material. We know that.

3 The second person, there might have been

4 something more there because I remember

5 Mr. Desmarais saying, talking about they moved

6 people around between another company and his

7 company. So that other person might have been

8 working for another company, I don't know, but he

9 led me to believe he was there working for

10 Mr. Desmarais.

11 MR. HUTTON: He might have been a

12 loaner for another company?

13 MR. WRIGHT: Exactly. That's

14 quite possible.

15 THE CHAIRMAN: So you actually

16 didn't witness --

17 **MR. WRIGHT:** He led me to believe
18 that he was working for Mr. Desmarais.

19 **THE CHAIRMAN:** You actually didn't
20 witness him doing plumbing, so you couldn't say
21 for sure?

22 **MR. WRIGHT:** No.

23 **MR. HUTTON:** Well, any more
24 comments?

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1 **THE CHAIRMAN:** Any other
2 questions?

3 **MR. NEWMAN:** How do we establish,
4 other than Mr. Desmarais' testimony, that the
5 gentleman actually worked there, worked for him or
6 didn't work for him?

7 I am one of the inspectors that is doing
8 inspections on the project. There are two
9 projects going on at the same time, but two
10 separate contractors. I deal with one contact
11 person. I don't ever see any other plumbers
12 usually working there.

13 By the time I'm there, it's already been
14 roughed and either Steve meets me and then we go
15 through the job, or the other project, I don't
16 remember the gentleman's name, but I go through
17 the job with the master plumber that's on that

18 job. I've never really seen, and he's correct,
19 there are quite a few people working there.
20 I don't know how many plumbers are
21 there, but there are quite a few people working
22 there. But the question is, how do you determine
23 if this Thibeault actually, who he works for?
24 Just that we have to take Steve's --

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1 THE CHAIRMAN: Mr. Desmarais, how
2 many employees do you have?

3 MR. DESMARAIS: I have one under
4 me.

5 THE CHAIRMAN: And you did this
6 whole project with just the two of you?

7 MR. DESMARAIS: No. I team up
8 with my uncle and he has one guy, so there's four
9 of us. He's a master plumber and he has an
10 apprentice, too.

11 THE CHAIRMAN: This Alfred
12 Thibeault doesn't work for your uncle either?

13 MR. DESMARAIS: Not at all.

14 MR. CARDARELLI: So there is
15 another plumbing company on site?

16 MR. NEWMAN: Yes. But I don't
17 know if they share work or not. I don't see how
18 that would happen, but that's not for me to say.

19 MR. DESMARAIS: I'm strictly doing
20 52. There's three other buildings there.

21 MR. HUTTON: I want -- are we done
22 with the discussion? Can I make a motion?

23 THE CHAIRMAN: You can make a
24 motion.

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1 MR. HUTTON: I would like to make
2 a motion that we basically that we vote on the
3 guilt of Mr. Desmarais and that he's guilty of the
4 charges which are, because we have to do that
5 before the fine, which are 5-20-10, acts for which
6 an apprentice certificate is required, and two
7 violations of Rhode Island General Law 5-20-25. I
8 would like to make a motion that he's guilty of
9 the charges.

10 THE CHAIRMAN: Any other
11 discussion?

12 MR. NEWMAN: I don't see how we
13 can find him guilty or innocent. We have
14 Mr. Desmarais saying that someone is just dropping
15 something off to him and then we have him saying
16 that this other gentleman never worked for him.

17 That was the original question, how do
18 we determine about Mr. Thibeault's status? Fine
19 him for something that he denies works for him?

20 That wouldn't be fair.

21 THE CHAIRMAN: It's been suggested
22 to discuss the two violations separately, the one
23 for Mr. Thibeault and one for Mr. Brown. Do you
24 have any questions, starting with Mr. Thibeault,
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1 does anybody have any other questions regarding
2 whether or not -- he was obviously he was there,
3 whether or not he was working for Mr. Desmarais?

4 MR. CHAMPAGNE: Mr. Chairman,
5 would it be under our jurisdiction to request the
6 payroll records for Mr. Thibeault, Mr. Brown from
7 the Department of Labor to find out who they
8 actually work for?

9 MR. NEWMAN: I think we determined
10 that Mr. Brown doesn't work for, is not a plumber,
11 he's a friend.

12 MR. LOMBARDI: We don't keep any
13 records.

14 MR. LUTHER: We wouldn't have
15 those records, Mr. Champagne.

16 THE CHAIRMAN: Would you be able
17 to produce proof that you did not have them on
18 your payroll?

19 MR. DESMARAIS: I mean, there
20 would be nothing.

21 MR. LUTHER: You don't have
22 anything.

23 MR. NEWMAN: I have a question
24 about the other gentleman, Mr. Brown. Charlie,
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1 did you see him handling material or inside?

2 Where was it inside, outside, on the curb?

3 MR. WRIGHT: We rounded them up
4 outside. We had everybody brought outside.

5 MR. HUTTON: So he was inside the
6 building?

7 MR. WRIGHT: He was inside. We
8 had everybody come out.

9 MR. NEWMAN: Did he have material;
10 did you see him?

11 MR. WRIGHT: Not in his hands, no.

12 THE CHAIRMAN: Can I ask you to
13 table to your motion and make a new motion
14 specifically to Mr. Thibeault?

15 MR. HUTTON: Or Mr. Brown. Well,
16 Mr. Wright said that these two gentlemen were
17 there, so I'm going with what he said, and my
18 motion is that we uphold the fines.

19 If you want to split them up or go --
20 whatever, which way, just like it says here, the
21 two violations of Rhode Island General Law

22 5-20-10, acts for which an apprentice certificate
23 is required. Two violations of Rhode Island
24 General Law, 5-20-25.

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1 THE CHAIRMAN: I'm sorry, Jeff.
2 We need the motion to be whether or not the motion
3 whether or not he's guilty.

4 MR. HUTTON: Right. That's the
5 motion. That like I said, the first motion I
6 made, that they're guilty of these charges and
7 that Mr. Desmarais is guilty.

8 MR. LOMBARDI: Off the record
9 please.

10 (OFF THE RECORD)

11 THE CHAIRMAN: Jeff.

12 MR. HUTTON: I would like to make
13 that motion.

14 THE CHAIRMAN: Any discussion?

15 MR. NEWMAN: With everything that
16 Mr. Desmarais said, I don't see how it's clear, he
17 said that Mr. Thibeault does not work for him, and
18 Mr. Wright said he didn't see him handling
19 material, so I don't understand how we can
20 determine that he was doing anything but
21 delivering coffee.

22 THE CHAIRMAN: Right. Do I hear a

23 second to the motion?

24 MR. CARDARELLI: I want to ask

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1 Charlie a question. What did he actually say to
2 you?

3 MR. WRIGHT: Well, I wouldn't have
4 had their names and information unless I was
5 there.

6 MR. CARDARELLI: What they were
7 doing --

8 MR. WRIGHT: I saw their
9 identification and they said working, doing
10 plumbing.

11 MR. CARDARELLI: They were doing
12 plumbing?

13 MR. WRIGHT: Yes. That's why I
14 wrote that like that. I didn't actually see them
15 doing any work, but they indicated to me that they
16 were, and they were working for Mr. Desmarais.

17 THE CHAIRMAN: Is there a second
18 to Jeff's motion?

19 MR. CARDARELLI: I make a second
20 to Jeff's motion.

21 THE CHAIRMAN: All those in favor?
22 All those opposed?

23 MR. NEWMAN: Aye.

24 THE CHAIRMAN: The ayes have it.

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1 MR. LUTHER: Mr. Chairman, we have
2 to vote on the upholding of the fines.

3 THE CHAIRMAN: I would like to
4 entertain a motion as far as upholding the fines
5 in this case.

6 MR. HUTTON: I make a motion that
7 we uphold the fines under Rhode Island General Law
8 5-20-10, acts for which an apprentice certificate
9 is required, and two violations of Rhode Island
10 General Law 5-20-25, registration of plumbing and
11 irrigation apprentices.

12 THE CHAIRMAN: Any discussion?
13 Second?

14 MR. CHAMPAGNE: I'll second that
15 motion.

16 THE CHAIRMAN: All those in favor?
17 All those opposed?

18 MR. NEWMAN: Aye.

19 THE CHAIRMAN: The ayes have it.
20 You'll be getting a notification from the
21 director. This is a recommendation to the
22 director. You'll be receiving something in
23 writing from her and she can decide to do
24 something, but this is just a recommendation from

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1 the board.

2 MR. DESMARAIS: Can I ask a
3 question?

4 THE CHAIRMAN: Sure.

5 MR. DESMARAIS: If there's a bunch
6 of guys on the job and someone comes up to you,
7 "I'm working for this company," how do you know
8 he's working for this company? Do you know what I
9 mean? If he's saying Alfred the third and I'm
10 saying no, anybody could say it, know what I mean?
11 I could have the whole crew saying they're working
12 for me and I'm getting fined for it?

13 I addressed the problem. I know Chris
14 Brown was there. If you want to fine me for him,
15 fine, I agree, but not for the Alfred the third, I
16 don't know this guy. How can you?

17 THE CHAIRMAN: I don't know what
18 to tell you.

19 MR. DESMARAIS: How can you fine
20 me on that? It's like going on an electrician job
21 and 20 electricians out there, I work for him,
22 work for him, so you get 20 fines?

23 THE CHAIRMAN: Well --

24 MR. HUTTON: I got, if the 20

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1 electricians are out there and there's only one
2 contractor per job that has the job, the other 19
3 guys are working for free then.

4 Because if there's 20 electricians on
5 the job, they actually work for one contractor,
6 unless it's a huge job and they have more than one
7 contractor on the job. If this is the only
8 plumber on the job, then they work for that
9 plumber.

10 MR. NEWMAN: Can I explain
11 something to Jeff? There is two jobs, two
12 separate contractors on this particular job. It's
13 a big complex and they split it up. Some got two
14 buildings, one address; and someone got the other
15 address. Just so that you know because it happens
16 to be in my city and I am doing the inspections.

17 So your scenario originally would have
18 been right, but in this case there happens to be,
19 and I don't know about the other trades, but I
20 know that plumbing is two different contractors.

21 MR. CARDARELLI: But the thing is
22 they admitted to Charlie --

23 MR. CHAMPAGNE: Very simple --

24 MR. HUTTON: If the other

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1 gentleman was there, if Chris Brown was a friend

2 of yours to drive the truck, and this Alfred said,
3 "I work for Steve." I mean, I don't know anybody
4 on the planet that wouldn't say, "No, you don't
5 work for him." You wouldn't let that man
6 corroborate that story to him. He would have said
7 "No, he doesn't work for that gentleman."

8 MR. DESMARAIS: I was there with
9 Chris Brown and we left together with Chris Brown.
10 So after the fact must have been when he said it
11 was Alfred the third, but there was no Alfred the
12 third with me.

13 MR. HUTTON: I'm all done.

14 MR. LUTHER: Steve, this is just a
15 recommendation to the director. You're going to
16 receive some paperwork in the mail.

17 THE CHAIRMAN: Thanks for coming
18 in.

19 MR. NEWMAN: Could I have a
20 moment?

21 THE CHAIRMAN: Sure.

22 (OFF THE RECORD)

23 THE CHAIRMAN: Stephen O'Donnell?

24 MR. LUTHER: He is not here. He

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1 is in Florida. He has requested a continuance.

2 THE CHAIRMAN: The next case?

3 MR. LUTHER: That is Mr. Federici,
4 and we're just going to wait for Mr. Newman.
5 Maybe we swear these gentlemen in while we're
6 waiting for Mr. Newman.

7 ALGOT R. ABRAHAMSON, THOMAS FEDERICI
8 (SWORN)

9 THE CHAIRMAN: Mr. Luther, if you
10 can read the violation.

11 MR. LUTHER: I'll read the
12 violation, and there's a letter in your packet
13 from the solicitor, the lawyer for the city of
14 Providence. I'm going to be entering that as an
15 exhibit.

16 Date of the violation: September 25,
17 2006; Violation No. 2859. Name of the violator is
18 Thomas Federici, 72 Whitford Street, Warwick,
19 Rhode Island 02886. This is a notice of
20 violation, revocation of license. Location of the
21 violation is 197 Althea Street, Providence, Rhode
22 Island 02909.

23 Violations are Rhode Island General Law
24 5-20-12, corporations and firms engaged in
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1 business; Rhode Island General Law, 5-20-27,
2 grounds for revocation of license.

3 On September 28, 2005, Thomas Federici

4 did take a permit in the City of Providence for
5 Nickel Enterprises, Incorporated for the
6 installation of a sewer line at the above address.
7 Nickel Enterprises is not licensed in Providence
8 to perform sewer work and Mr. Federici is not an
9 officer or director of Nickel Enterprises.

10 A hearing will be held on October 17th,
11 which was continued to this date, November 21,
12 2006, at the offices of the Department of Labor &
13 Training, 1511 Pontiac Avenue, Cranston, Rhode
14 Island. Your attendance is required. If you fail
15 to appear, your license will be revoked effective
16 November 21, 2006.

17 I would like to enter into the record a
18 letter from the Assistant City Solicitor Melissa
19 C. Tucker, which is in your packet, outlining her
20 testimony. She was not able to appear today
21 because of a conflict in scheduling. I will enter
22 that into the record. You have a copy of that in
23 your packet.

24 Also, we have Mr. Algot Abrahamson here
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1 to give testimony on the work that was done at
2 Althea Street in Providence and Mr. Federici is
3 present. Mr. Abrahamson, can you explain to us?
4 There is a copy of the permit also in your packet

5 and a copy of a contract for services. Algot?

6 MR. ABRAHAMSON: Yes. The issue,
7 we believe that Mr. Federici either was paid to
8 pull a permit or pulled a permit for an
9 acquaintance, whatever.

10 The day they did the job, my foreman
11 happened to stumble upon them and Mr. Federici was
12 not on the job. I inspected the job when they
13 were done with it. What I saw was done right.
14 Unfortunately, I only saw a portion of what they
15 did. The job was buried.

16 Within a short period of time, due to
17 not repairing a hole in the sewer in the lateral,
18 the street undermined, caved in. The line backed
19 up. We had sewerage going down the sidewalk, down
20 the curb line for a hundred feet running into a
21 catch basin.

22 I contacted Mr. Federici through the
23 director. The director said, "Try if you can get
24 ahold of the guy, give him the weekend or even

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1 Monday," this was like a Thursday, "to correct the
2 situation."

3 I had Mr. Federici in my office and I
4 explained to him, you know, we all need our
5 plumber's licenses. It's what puts food on the

6 table. I'm sure you need yours like I need mine.
7 You know, go back tomorrow. It will take you a
8 half a day to straighten all this out. You know,
9 he just refused to go back. He just did not want
10 to go back.

11 THE CHAIRMAN: Did he indicate
12 that he had done the work?

13 MR. ABRAHAMSON: I don't know if
14 he said he did the work, but he was certainly
15 aware of it all. So the first thing Tuesday, I
16 get a phone call from the director, go see the
17 job, what's the story with it?

18 It was not fixed. He sent me and my
19 crew over there Wednesday. We ran a new line from
20 the sidewalk right out to the main. When we did,
21 we found out that whoever excavated the job ripped
22 out the water line going to the house too, while
23 they were at it. And put it back without
24 installing a curb stop. We found the curb stop in
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1 the hole. So we had to notify Providence Water.

2 They had to come shut off the water for
3 a block or two, run a new curb stop in the house.
4 When we excavated, we found two large holes in the
5 lateral that supposedly they were hired to fix. I
6 mean, I'm not a lawyer. I'm not going to get into

7 that part of it.

8 But that's what definitely caused the
9 undermining. We had to notify Providence Water.
10 They had to send a crew out. We had to work all
11 day. They had to work all day. The street caved
12 in. It was a pretty serious thing.

13 THE CHAIRMAN: A lot of that is
14 not our responsibility here. But if you could
15 tell us who pulled the permit for the work?

16 MR. ABRAHAMSON: Mr. Federici.

17 MR. LUTHER: I have a copy of the
18 permit.

19 MR. ABRAHAMSON: I came
20 unprepared.

21 MR. LUTHER: Those are the permits
22 that are required in the city of Providence?

23 MR. ABRAHAMSON: Yes.

24 MR. LUTHER: Mr. Federici, that's

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1 your signature on the bottom of that?

2 MR. FEDERICI: Yes, it is.

3 THE CHAIRMAN: Are you aware of
4 who actually did the work?

5 MR. ABRAHAMSON: I guess it was
6 Nickle Enterprises. I don't know the name they go
7 under.

8 THE CHAIRMAN: You did see them
9 there?

10 MR. ABRAHAMSON: I saw them
11 briefly. I had rode by the job, made sure they
12 had a permit, which they did.

13 THE CHAIRMAN: Okay.

14 MR. LUTHER: All that information
15 is in your package, gentlemen.

16 MR. NEWMAN: I don't think I have
17 it in my mine.

18 THE CHAIRMAN: Mr. Federici, you
19 pulled the permit?

20 MR. FEDERICI: Yes, I did.

21 THE CHAIRMAN: Did you perform any
22 of the work?

23 MR. FEDERICI: Yes, I did, me and
24 my son, who is an apprentice plumber.

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1 THE CHAIRMAN: You were working
2 for Nickel?

3 MR. FEDERICI: They subcontracted
4 the work out to me. They subcontracted for the
5 digger, the backhoe, to somebody else, Universal.
6 I installed the pipe.

7 I left the job for a little while
8 because I needed a booth because it was clay. I

9 didn't have one. I had to go out and get that.

10 That's the only time I was gone from the job.

11 THE CHAIRMAN: Any other

12 questions?

13 MR. HUTTON: Yes. Do you have

14 anybody from Nickel, from this company, that can

15 verify that you did the work?

16 MR. FEDERICI: Yes. I didn't

17 bring anybody. I didn't know what was going to

18 happen here.

19 MR. NEWMAN: I have a question.

20 When the job was found to be defective, it was

21 undermining the street, Mr. Abrahamson called you,

22 why didn't you return to repair it?

23 MR. FEDERICI: When this job

24 happened, we did it in November, and we sent a

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1 camera down and we found a leak. We gave the

2 person the option of repairing where the broken

3 line was or going to the street. And they didn't

4 have much money at all, so we just did the repair

5 in the street.

6 The water -- I have pictures. I didn't

7 know what it was going to be about, but I have

8 pictures. We have a camera. The water main was

9 three feet off from the mark, where they called

10 Dig Safe. They came down and they fixed it, the
11 water department, the first time.

12 And then six months later, they put a
13 jet, you guys went down and put a jet in there to
14 clean the line out after we did the work. Then
15 six months later there was a problem in the street
16 and then they want us to go down there and fix the
17 problem in the street. And I didn't think that
18 was our problem.

19 Everything was fine for six months and
20 all of a sudden, boom, there's a leak in the
21 street. And they want me to go back there and
22 keep going with it, you know.

23 THE CHAIRMAN: Algot, didn't you
24 say this was over the next weekend that the
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1 problem --

2 MR. ABRAHAMSON: The leak was --
3 the city is responsible for the main, for the main
4 only. The homeowner is responsible for the
5 lateral up to the stub, including the stub. Where
6 the sinkhole developed was exactly over the
7 lateral in the curbing. The main's out in the
8 middle of the street. It was clearly where they
9 worked. When we excavated it --

10 THE CHAIRMAN: My question was,

11 the work, the sinkhole lateral, that's not even
12 really relevant here, but when the sinkhole
13 happened, was it right away or was it six months
14 later?

15 MR. NEWMAN: I'd like to know the
16 dates. When was the initial job done?

17 MR. ABRAHAMSON: November. Right
18 away -- we notified the homeowner about it. The
19 homeowner got back to us saying they had hired
20 somebody to put a new one in.

21 MR. NEWMAN: What date is on the
22 permit that was issued by the City of Providence
23 Public Works Department?

24 MR. LUTHER: September 20th,
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1 September 26th.

2 MR. NEWMAN: So September 26th,
3 the permit was pulled. When was the work
4 performed?

5 MR. FEDERICI: Right away. It was
6 an emergency.

7 MR. NEWMAN: So September it was
8 pulled. So what happened in November?

9 MR. FEDERICI: I'm just saying
10 November because I thought it was November.

11 MR. ABRAHAMSON: I'm not sure

12 about the dates, what happened was, how we got
13 started on this whole job is a sinkhole developed
14 in the street and naturally from the hole in her
15 line, there was two existing holes in her line,
16 the sand went down in her line, clogged her line.
17 There was no cover on the clean-out in front of
18 house.

19 The sewerage was coming out of the
20 clean-out, across the sidewalk, into the gutter,
21 going down the street. And the sinkhole was
22 exactly over the lateral at the curb line.

23 **THE CHAIRMAN:** I'm sorry to
24 interrupt, but actually when it happened isn't
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1 really all that relevant here. It's whether or
2 not Mr. Federici actually did the work or not. If
3 he did the work, then there's clearly no violation
4 here under the law, under the licensing law.

5 **MR. NEWMAN:** How do we determine
6 that except for Mr. Federici's testimony here?

7 **MR. CARDARELLI:** What did Nickel
8 Enterprises do?

9 **MR. FEDERICI:** They had the whole
10 job, and I took out the permit. They
11 subcontracted the work out to me to do the work.

12 **THE CHAIRMAN:** Who did the

13 excavation?

14 MR. FEDERICI: Universal.

15 THE CHAIRMAN: So Nickel didn't do
16 any work?

17 MR. FEDERICI: No. They were just
18 like a contractor for the job.

19 THE CHAIRMAN: Do you have a copy
20 of your contract or purchase order from them?

21 MR. FEDERICI: No.

22 MR. CARDARELLI: What is Nickel
23 Enterprises, what do they do? What is their main
24 function?

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1 MR. FEDERICI: They do
2 construction work. I guess they knew the people
3 in the house and everything, you know. So they
4 hired me to do the -- fix the break, and they
5 hired Universal, and they hired the guy who put
6 the camera down and find the problem. I felt like
7 I did everything properly, you know.

8 MR. ABRAHAMSON: I would like to
9 say one other thing, if I can. When my foreman
10 went by the job earlier in the day, Mr. Federici
11 wasn't there. When I went by later on in the day,
12 he wasn't there. When I inspected it, he wasn't
13 there.

14 MR. FEDERICI: I was there.

15 MR. ABRAHAMSON: I don't know how
16 long it took to pick up, but he wasn't there three
17 times when we went by.

18 MR. NEWMAN: The same day?

19 MR. ABRAHAMSON: The same day.

20 MR. HUTTON: Did you see anybody
21 in the trench performing work?

22 MR. ABRAHAMSON: No, I did not.

23 The final time I went there was to inspect it.

24 And I only had maybe a four-foot spot where I saw
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1 changed PVC.

2 THE CHAIRMAN: When you said that
3 you told Mrs. Tucker -- he told her that
4 Mr. Federici performed no work; you didn't see him
5 doing anything?

6 MR. ABRAHAMSON: I didn't know.

7 THE CHAIRMAN: You can't say for
8 sure whether he did the work or not?

9 MR. ABRAHAMSON: No, I can't say
10 for sure he did it or not. But three times I went
11 by that day and three times he wasn't there.

12 MR. LUTHER: Just for the
13 information of the board, the section that was
14 cited for the grounds for revocation of license,

15 subsection four reads, "Because of any master
16 plumber, master irrigator, journeyperson plumber,
17 or journeyperson irrigator willfully and
18 fraudulently loaning his or her license to any
19 other person for the purpose of permitting that
20 person to engage in any plumbing or irrigation
21 work in violation of the provisions of that
22 chapter."

23 And that's what Mr. Federici was cited
24 for, for using his license for another company to
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1 do that work on Althea Street. Basically, that's
2 about where we stand on the violation.

3 MR. NEWMAN: I need a little more
4 explanation. If Mr. Abrahamson didn't see him in
5 the hole and Mr. Federici's saying that he did the
6 work, do we have a chance to get somebody else in
7 here? Is this the time when all of this
8 information should have been put forward to
9 determine whether or not Mr. Federici did the work
10 or didn't do the work?

11 MR. LUTHER: I believe it's at the
12 discretion of the board to continue the hearing
13 pending more information.

14 MR. ABRAHAMSON: Mr. Luther, if I
15 could just say one more thing. Personally, on a

16 personal level, I don't want to see anybody lose
17 their license, all right. He said his son is an
18 apprentice, too. My son is an apprentice. I
19 don't want to cost anybody their living.

20 That's not what -- that wasn't the
21 intention. I mean, maybe that's the penalty for
22 what it is. I don't know, but personally, I don't
23 want to see him lose his license. Maybe a small
24 fine or something like that, I'm not the --

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1 THE CHAIRMAN: Point taken. It's
2 just a question of whether he did it or he didn't
3 do that.

4 MR. ABRAHAMSON: Well, that's up
5 to you. I don't want to cost anybody their
6 livelihood.

7 MR. NEWMAN: I mean, how do we
8 determine whether he did it or didn't do it?
9 Mr. Federici says he didn't do it. Mr. Abrahamson
10 didn't see him in the hole either, so what do we
11 gauge it on? In my opinion with that
12 information --

13 THE CHAIRMAN: Right now --

14 MR. NEWMAN: -- we don't have any
15 evidence.

16 THE CHAIRMAN: The hearing is

17 appealing, it's an appeal hearing, and if
18 Mr. Federici would like a continuance to present
19 more evidence that would prove that somehow that
20 he actually did the work, we could take that into
21 consideration and maybe grant him a continuance,
22 but seeing no other evidence, then we can just go
23 forward and make a determination. Unfortunately,
24 do you have something else you can present for
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1 evidence?

2 MR. FEDERICI: Not today.

3 THE CHAIRMAN: If we give you a
4 continuance?

5 MR. FEDERICI: Yes. I have the
6 guy who put the camera down there and he came back
7 and he saw me in the trench.

8 THE CHAIRMAN: Do you have a
9 contract or cancelled check that proves you were
10 hired and paid for the job?

11 MR. FEDERICI: Yes.

12 MR. CARDARELLI: Can we have
13 Nickel Enterprises?

14 THE CHAIRMAN: If you'd like a
15 continuance, I think we could probably do that.
16 If somebody wants to make a motion to that, but I
17 think as of right now, there's no evidence that we

18 can give you -- there's no evidence that you
19 didn't violate this law.

20 MR. FEDERICI: But if you don't
21 have no evidence then?

22 THE CHAIRMAN: We have no evidence
23 to prove that you didn't violate the law. You're
24 saying that you did it. If you can provide some

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1 evidence, and it's up to the board as to whether
2 or not to grant you a continuance.

3 MR. FEDERICI: Okay.

4 MR. NEWMAN: I would like to give
5 him the opportunity to bring in information for a
6 continuance.

7 MR. HUTTON: I'd like to see you
8 bring a representative in from this Nickel
9 Enterprises, not a letter, somebody that actually
10 can come in and say, you know, we hired him, he
11 did the work, we're putting our name on the line
12 that he did the work, not a piece of paper from
13 somebody.

14 THE CHAIRMAN: Is that a motion?

15 MR. NEWMAN: Yes, it is a motion.

16 Also, I read in the file here that Nickel's
17 insurance company is taking blame for 60 percent
18 of the work and so they're paying 60 percent of

19 the damage, so they are taking responsibility.

20 THE CHAIRMAN: If they're the
21 general contractor. So I have a motion on the
22 table, can you restate your motion?

23 MR. NEWMAN: I would like to have
24 a continuance of this case until whatever date the
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1 board sees fit for him to bring in a
2 representative from Nickel, any and all
3 information you can possibly, if you have
4 pictures, if you have anything you can defend
5 yourself with, that's what you need to bring.

6 MR. FEDERICI: Yes.

7 THE CHAIRMAN: Do I have a second?

8 MR. HUTTON: I'll second it.

9 THE CHAIRMAN: All those in favor?
10 All those opposed? The ayes have it. Actually, I
11 believe this would be a recommendation as well; is
12 that correct?

13 MR. LUTHER: No. Just a
14 continuation of the hearing.

15 THE CHAIRMAN: You'll be notified
16 as to when your hearing is. It's up to you to
17 present your case.

18 MR. FEDERICI: Thanks.

19 THE CHAIRMAN: Thank you. Does

20 that conclude the hearings?

21 MR. LUTHER: Yes, it does,

22 Mr. Chairman.

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1 CERTIFICATE

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5 I, Claudia J. Read, Notary Public, do hereby
6 certify that I reported in shorthand the foregoing
7 proceedings, and that the foregoing transcript
8 contains a true, accurate, and complete record of
9 the proceedings at the above-entitled hearing.

10

11 IN WITNESS WHEREOF, I have hereunto set my
12 hand this 6th day of December, 2006.

13

14

15

16

17 CLAUDIA J. READ, NOTARY PUBLIC/CERTIFIED COURT
REPORTER

18 MY COMMISSION EXPIRES NOVEMBER 2, 2008.

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1 **MR. LUTHER:** Basically we have
2 some reviews, gentlemen, afterwards. Anthony, you
3 can finish with the other guys. We have plumbing
4 apprentices to be approved. They are all -- and
5 the ratios have been checked and we're good to go
6 on those.

7 **THE CHAIRMAN:** Do I have a motion
8 to accept the apprentice registrations?

9 **MR. NEWMAN:** Yes.

10 **MR. CARDARELLI:** Second.

11 **THE CHAIRMAN:** All those in favor?
12 The ayes have it.

13 **MR. LUTHER:** We have no other
14 business.

15 **THE CHAIRMAN:** Okay. A motion to
16 adjourn?

17 **MR. CHAMPAGNE:** I make that
18 motion.

19 **MR. HUTTON:** I'll second it.

20 **THE CHAIRMAN:** All those in favor?

21 We are adjourned.

22 (ADJOURNED AT 10:15 A.M.)

23 * * * * *

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