

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
BOARD OF EXAMINERS OF PLUMBERS  
1511 PONTIAC AVENUE  
Building 70 – 2nd Floor Conference Room  
Cranston, RI 02920**

**TUESDAY, JULY 17, 2007**

**In attendance Michael St. Martin, Chair**

**E. Patrick Luther**

**David Rodrigues**

**Leo Champagne**

**William Riley**

**Michael Newman**

**Anthony Cardarelli**

**Those not in attendance: William Garcia, Jeffery Hutton**

**Mr. St. Martin, Chairperson called the meeting to order at 9:25 a.m.**

**Mr. St. Martin asked if the Board if everyone had a chance to review the minutes from the previous meeting. Anthony Cardarelli made a motion to approve the minutes and William Riley seconded the**

**motion. All members voted in favor.**

**There was two hearing scheduled for today. Lucidi Irrigation, Inc. #3171, and Bernard Carbone, Boysie Fortez #2983 was re-scheduled for August 21, 2007 meeting. Mr. Marcus Colheo of Lucidi Irrigation, Inc., and RIDLT Chief Hoisting Investigator, David Rodrigues were sworn in by the Board Stenographer.**

**Mr. E. Patrick Luther read the violation: On May 3, 2007, RIDLT Chief Hoisting Investigator, David Rodrigues, witnessed Mr. Renato Souza, Mr. Sinvair Teixeira, Mr. Vincente Lima DaSilva, and Mr. Saulo Silva, installing an irrigation system at Belle Mer #2, Goat Island, Newport, RI. All four of these individuals do not have irrigation licenses in Rhode Island. This is four (4) violations of RIGL 5-20-9 "Acts for which a journey person license is required". These employees work for Mr. Marcus Colheo, Lucidi Irrigation, Inc., P. O. Box 272, Leominster, MA 01453. Mr. Marcus Colheo does not hold a Rhode Island Irrigation license. This is one (1) violation of RIGL 5-20-8 "Acts for which a master license is required". No permit was issued by the City of Newport for this installation. This is one (1) violation of RIGL 5-20-26 "Municipal inspectors and installation permits".**

**David Rodrigues, RIDLT Hoisting Investigator stated that on May 3, 2007, he responded to an accident on Goat Island, Newport, RI and spoke to the four employees mentioned above and found that none of the four employees had irrigation licenses. Mr. Rodrigues informed these gentlemen that a Rhode Island Irrigation license was required to perform this work in Rhode Island. David Rodrigues stated the pipe was in the ground already and the men were starting to put the heads on the pipe.**

**Mr. Marcus Colheo of Lucidi Irrigation, Inc., P. O. Box 272, Leominster, MA 01453, stated before the Board that he did not know he needed a license to perform this work in Rhode Island. Mr. Colheo stated that he was unaware of the rules and regulations in Rhode Island. He stated that he lost \$5,000 by pulling the job, and now has to pay \$3,000 in fines. He stated that there was no warning for a first offense and did not know he was breaking the law if he did not realize he was breaking the law in the first place.**

**Mr. Marcus Colheo was a sub-contractor for Atlantic View (a landscape contractor from Massachusetts). Board members advised Mr. Colheo that Atlantic View should have asked Mr. Colheo if he had a proper license to perform this work in Rhode Island. The Board**

**advised Mr. Colheo that it was his responsibility to be aware of the rules and regulations before he performed work in Rhode Island.**

**Mr. Anthony Cardarelli made a motion that a finding of fact occurred and that the four (4) employees were performing work in Rhode Island without an Irrigation License. Mr. Leo Champagne seconded the motion. All Board members were in favor. Mr. Leo Champagne recommended to the Director of Labor and Training that the fine in the amount of \$3,000 be upheld. Mr. Anthony Cardarelli seconded the motion. All Board members were in favor. Michael St. Martin, Chairperson, advised Mr. Colheo that he will be receiving a written letter from the Director of the final recommendation.**

**Mr. E. Patrick Luther provided Mr. Colheo with a copy of the rules and regulations of in Rhode Island.**

**Next on the Agenda was Mr. Bernard Carbone, which was tabled from our last meeting, since Legal Counsel was not present at our last meeting, as to whether or not to have Mr. Carbone's license reinstated for Master Plumber's license.**

**Mr. Bernard Carbone was sworn in by the Board Stenographer.**

**Mr. E. Patrick Luther submitted to the Board a letter from Timothy Belevetz, Trial Attorney of the U.S. Department of Justice, Tax Division, Washington, D.C. advising Mr. E. Patrick Luther that Mr.**

**Bernard Carbone was convicted of two counts of filing a false federal income tax return in violation of Title 26, U.S. Code, and Section 7206(1). These offenses are felonies. This material was submitted to the Board in connection with the license revocation process set forth in RIGL 5-20-27 which states a person cannot hold a license if he is a convicted felon.**

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**Legal Counsel advised the Board that the reason Mr. Carbone is present for today's meeting is to try to have his plumbing license reinstated. Mr. Carbone owned fines, which he has paid for, or has been dismissed due to bankruptcy.**

**No procedure of this kind has ever come before the Board. Mr. Michael Newman stated that Mr. Carbone has paid his debt to society and he should be able to go on with his life. Mr. Leo Champagne advised Mr. Carbone to get in touch with his representative and try to have the Legislature change the RIGL 5-20-27 law. Mr. Newman made a motion that we change the wording of the law to have someone have their license reinstated. The Board agreed that it would be up to Mr. Carbone to get in touch with his representative.**

**Val Lombardi, Esquire for DLT advised the Board that Mr. Carbone's license was never revoked. Mr. Carbone's fines were no longer due and payable, due to bankruptcy. Since the Board was informed that Mr. Carbone was a convicted felon, it would be a recommendation from the Board to the Director that Mr. Carbone's license be reinstated. Mr. Michael Newman made a motion that Mr. Carbone's license be reinstated due to the fact that the fines were wiped out, based on information brought before the Board. Mr. Anthony Cardarelli seconded the motion. All Board members were in favor.**

**Based on the facts that were brought before the Board today, regarding Mr. Carbone being a convicted felon, Mr. Michael Newman made a motion that a recommendation be made to the Director that Mr. Carbone's license be revoked in regard to "Grounds for revocation of license (3)". Mr. William Riley seconded the motion. All Board members were in favor. Mr. Carbone was advised that a final recommendation would be made by the Director and that he would receive a letter of her final recommendation.**

#### **Other Business:**

**E. Patrick Luther, RIDLT Plumbing Investigator, passed out to all Board members the new Apprentice Registration. Leo Champagne made a motion to accept the new registration. Michael Newman seconded the motion. All board members were in favor.**

**There was no further business before the Board. William Riley made a motion to adjourn the meeting. Michael Newman seconded the motion. All board members were in favor. Board meeting was adjourned at 10:20a.m.**

**The next meeting of the Plumbers Board will be August 21, 2007 at 9:00 a.m. in Building 70, Department of Labor and Training, second floor conference room, Cranston, RI 02920.**

**Respectively submitted by Elaine J. Heiss, July 17, 2007**