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

3

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PROCEEDINGS AT HEARING :

5 :

IN RE: :

6 :

BOARD OF EXAMINERS OF PLUMBERS:

7

8

DATE: OCTOBER 16, 2007

9 TIME: 9:00 A.M.

PLACE: 1511 PONTIAC AVENUE

10 BUILDING 70

CRANSTON, RI

11

12

13 PRESENT:

MICHAEL ST. MARTIN, CHAIRMAN

14 ANTHONY CARDARELLI

LEO CHAMPAGNE

15 JEFFREY HUTTON

MICHAEL NEWMAN

16 E. PATRICK LUTHER, INVESTIGATOR

BEN COPPLE, ESQUIRE

17 VAL LOMBARDI, ESQUIRE

18

19

20

21

22

RHODE ISLAND COURT REPORTING

23 747 NORTH MAIN STREET

PROVIDENCE, RI 02904

24 (401) 437-3366

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1 (COMMENCED AT 9:07 A.M.)

2 THE CHAIRMAN: I'll call this

3 meeting to order, 9:07. Did you get a chance to

4 look at the minutes of the last meeting? Do we

5 have a motion to approve?

6 MR. CARDARELLI: Make a motion we

7 accept the minutes of the meeting for last month.

8 THE CHAIRMAN: Do I have a second?

9 MR. NEWMAN: Second.

10 THE CHAIRMAN: All those in favor?

11 Opposed? The ayes have it. We have two hearings

12 today. I will start with Mr. Paul Parker.

13 MR. LUTHER: Paul, would you stand

14 and be sworn in, please?

15 MR. PARKER: Sure.

16 MR. LUTHER: You can take a seat

17 right at the table.

18 PAUL A. PARKER, E. PATRICK LUTHER

19 (SWORN)

20 THE CHAIRMAN: Mr. Luther, will

21 you read the violation?

22 MR. LUTHER: Yes. The date is

23 9/12/2007. Violation No. 3288. Name of the

24 violator: Paul Parker, 24 St. James Place,

0003

1 Attleboro, Massachusetts 02703. The location of

2 the violation is 170 Providence Pike, North

3 Smithfield, Rhode Island.

4 Violations of Rhode Island General Law

5 5-20-9, acts for which a journeyperson's license

6 is required, that would be six counts. Rhode

7 Island General Law 5-20-24, license displayed in

8 place of business, three counts. And Rhode Island

9 General Law 5-20-26, municipal inspections and

10 installation permits, one count.

11 On July 19, 2007, Paul Parker had Pedro

12 Meja, Mario Dubon, Benjamin J. Cuneo, Mario Meja,

13 Michael Campbell, and Adam T. Robbins installing

14 irrigation at the above job location. None of

15 these individuals are licensed or registered in
16 Rhode Island to perform irrigation work.

17 No permit was taken in the town of North
18 Smithfield for this installation. And there were
19 two vehicles and a trailer on-site that did not
20 display the master irrigator's license numbers, a
21 Ford 350, Massachusetts No. J64 990; a trailer,
22 Massachusetts No. J2402; and a Ford van,
23 Massachusetts License K 13840. These are
24 violations of the above-referenced General Laws.

0004

1 Members of the board, on July 19th, I
2 received a call stating that there were unlicensed
3 individuals installing irrigation at the above
4 location, 170 Providence Pike in North Smithfield.

5 Upon going to the site, I observed all
6 these individual, they had quite an area to cover,
7 there were quite a few guys out there, performing
8 irrigation work. I talked to the supervisor over
9 there and he informed me that none of the guys had
10 any licenses in Rhode Island.

11 THE CHAIRMAN: Supervisor?

12 MR. LUTHER: For Mr. Parker's
13 crew. I believe it was Adam Robbins. And he
14 informed me that they thought they could work in
15 Rhode Island under Mr. Parker's license.

16 I made them aware that everyone that
17 works on the irrigation systems in Rhode Island
18 has to be registered or licensed, and that they
19 needed one licensed individual on-site, all the
20 rest of the guys could be apprentices to perform
21 that work. They immediately ceased from the
22 installation.

23 I talked to Mr. Parker. He has since
24 signed up all his individuals. I believe that I
0005

1 went to the town of North Smithfield for the
2 permit for the job, there was no permit taken.

3 And that's where we stand. The
4 installation, everything has been cleared up as
5 far as I know. Mr. Parker has signed up all his
6 guys. And the permit is in place in the town of
7 North Smithfield. As for when I inspected the
8 vehicles, Mr. Parker did not have any of his
9 license numbers on the vehicles.

10 I made him aware that he needed to
11 include his master irrigator licensing in
12 three-inch lettering on the vehicles and the
13 trailer as long as it is on-site used for the
14 installation. That's where we stand right now.
15 Mr. Parker is here to give his side of the story,
16 I believe.

17 THE CHAIRMAN: Do we have any
18 questions for Mr. Luther first?

19 MR. CARDARELLI: What job site was
20 this, a commercial or residential?

21 MR. LUTHER: It was those condos
22 right on Route 5, I can't remember the name of the
23 condos.

24 THE WITNESS: Laurel Wood.

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1 MR. LUTHER: Laurel Wood, that's
2 it, yes. It's 170 Providence Pike. It's just up
3 from that Slatersville Mill right near the
4 industrial park on Route 5 there.

5 THE CHAIRMAN: Okay. Mr. Parker.

6 THE WITNESS: Like I said, I spoke
7 to Pat, and, you know, where do you begin on this?
8 I'm very embarrassed to be here, to be honest with
9 you. Let me start with the permit.

10 Definitely should have been taken out
11 before we got there. It was my intention to go
12 get the permit. He can say that now, and the
13 board, I understand that. But, it was definitely
14 intended. We've done jobs since then, every one
15 has a permit.

16 The guys all have been in compliance now
17 with their apprentices license. I'm on the site

18 all the time. I was on the site before Mr. Luther
19 showed up. It is just my luck that I did run out
20 and didn't make it back in time, but it doesn't
21 excuse the guys from doing irrigation work.

22 There were two individuals on this
23 project that had any knowledge of irrigation and
24 were able to make connections and do irrigation

0007

1 work. Most of the other individuals were just
2 digging holes or cleaning up for the landscaper.

3 You know, I don't want to try and make
4 excuses, all those guys were cited and there are
5 only two individuals that can do irrigation on
6 that crew. So, it's tough for me to swallow that.
7 We're not a big company, we're still a small
8 business, \$5,000 for all this.

9 I know it's not your place to say, "Oh,
10 well, he's a small company so we'll discount it,"
11 but I'm just basically saying that we took
12 pictures of the trucks, the license numbers are in
13 three-inch lettering for all the vehicles, all the
14 vehicles that were cited that day.

15 I am on-site, I do pull permits, I do
16 make sure that we're now in compliance daily.
17 Hopefully we can move on and say, "Hey look, these
18 guys learned their lesson." We know that we're

19 going to make sure we're not sitting in front of
20 you again. And I'm hoping that something can be
21 done about the \$5,000.

22 The permit, we doubled the permit fee
23 for the town of North Smithfield, we paid a
24 thousand immediate fine. So understood, and since
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1 then, we've always made sure we pull permits for
2 anytime we do work on that project.

3 THE CHAIRMAN: You did pull a
4 permit before you completed the job?

5 THE WITNESS: Yes. I made sure
6 that I'm on-site to make sure that all these jobs
7 get done with my apprentices. I have three
8 individuals that will be taking the journeyman's
9 test over the winter.

10 THE CHAIRMAN: So do you
11 acknowledge that you were not -- there was no
12 licensed people on the job and didn't have a
13 permit and you didn't have a license number on the
14 truck?

15 THE WITNESS: I'm not going to
16 call Pat a liar, there's no way. First of all,
17 that is not who I am. And second of all, it's
18 black and white.

19 I'm just praying that -- if I have to

20 come up with \$5,000, I just have no idea what I'm
21 going to do. No idea. I'm a small business. I
22 mean, we're not a huge corporation.

23 MR. CARDARELLI: Were you aware
24 that your men had to be licensed in the state of
0009

1 Rhode Island?

2 THE WITNESS: Honestly, I was. I
3 was aware. I did leave the job site, I was there
4 doing all the connections. If you saw me, I
5 looked like a madman.

6 MR. CARDARELLI: When you left the
7 job site, if your men were licensed, whether you
8 were there or not doesn't make a difference.

9 THE WITNESS: I'm sorry, but I was
10 doing all the connections and I was aware they're
11 supposed to be, but, aren't I allowed to have guys
12 working there that aren't doing irrigation or that
13 aren't actually making connections?

14 MR. CARDARELLI: So they're just
15 digging holes?

16 THE WITNESS: Digging holes,
17 raking up, cleaning up.

18 MR. CARDARELLI: So these two men
19 that had the knowledge of irrigation?

20 THE WITNESS: Yes. While I left,

21 they continued. I'm not going to tell you that I
22 told them not to.

23 MR. CARDARELLI: They continued
24 doing the irrigation without you though?

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1 THE WITNESS: Right. There were a
2 couple more holes. I think Pat will attest to
3 this, there wasn't a lot left when I left. There
4 were a couple more holes, they finished putting
5 some heads in, it wasn't like they were doing
6 wires or main piping.

7 I think Pat can attest to that because
8 that's what happened. It was just button up a few
9 loose ends and we were out of there.

10 MR. LUTHER: When I was there,
11 there were two individuals doing the installation.
12 All the other guys were carrying stuff around
13 moving pipe, like cleaning up the mess. Basically
14 you can have guys digging holes with shovels, but,
15 in order to, as soon as they touch any of that
16 equipment, that's when you need the apprenticeship
17 card. There were guys everywhere.

18 THE WITNESS: Not all those guys
19 were mine, I don't think.

20 MR. LUTHER: All these individuals
21 that I talked to said they were under your employ,

22 so.

23 THE CHAIRMAN: Did they indicate
24 that Mr. Parker had just left?

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1 MR. LUTHER: I believe that the
2 supervisor said that you had been there during the
3 day.

4 THE WITNESS: 20 minutes alone.

5 MR. LUTHER: I didn't see him. I
6 mean, every job you go to there's somebody there
7 without a license. The supervisor says the
8 licensed guys always left. I didn't see
9 Mr. Parker on-site. Basically, you know, if he
10 says he was there, his man did say he was there.
11 I would have to take their word for it, but he was
12 not on-site when I was there.

13 THE WITNESS: I'm sure you guys
14 hear it all. I feel like an idiot for even being
15 here. Again, these are pictures of the vehicles.
16 Pat, do you recognize those?

17 MR. LUTHER: Yes, those are the
18 vehicles.

19 THE WITNESS: These are the
20 pictures that the trucks do have the lettering,
21 three-inch lettering and I see it all the time,
22 driving here this morning. You know, not making

23 any excuses that other people aren't doing it,
24 that's not what I'm saying.

0012

1 I'm just saying that we are in
2 compliance, we will be in compliance, just no way
3 you're going to catch us doing something else
4 wrong.

5 THE CHAIRMAN: Do I have a
6 standing motion as to whether the fine occurred,
7 whether the violation occurred?

8 MR. HUTTON: I'll make a motion
9 that the fine -- that the violation did occur
10 under Rhode Island General Law 5-20-9, acts for
11 which a journeyperson's license is required; under
12 Rhode Island General Law 5-20-24, license
13 displayed in place of business; and Rhode Island
14 General Law 5-20-26, municipal inspections and
15 installation permits; that he is guilty of the
16 violation.

17 THE CHAIRMAN: Do I have a second?

18 MR. CARDARELLI: Second.

19 MR. CHAMPAGNE: I'll second.

20 THE CHAIRMAN: All those in favor?
21 All those opposed? Ayes have it. A standing
22 motion as to the fine.

23 MR. NEWMAN: I would like to,

24 because this is his first offense, reduce it by

0013

1 half. And if he has any infractions within the
2 year, that this gets reinstated for the full
3 amount.

4 THE CHAIRMAN: So to suspend
5 fifty percent of the fine?

6 MR. NEWMAN: Yes.

7 THE CHAIRMAN: Any discussion?
8 Second? Hearing no second, do I have another
9 motion.

10 MR. CHAMPAGNE: I will make a
11 motion that Violation 3288, that we uphold the
12 fine just the way it's written.

13 THE CHAIRMAN: Go ahead. Do I
14 have a second to that? All right, guys, help me
15 out of the sandbox here.

16 MR. HUTTON: I think we need to
17 talk a little more about the fine. Like the guy
18 said, he just opened the business. Like he said,
19 it's a small business.

20 MR. CHAIRMAN: I don't think he
21 said he just opened --

22 MR. HUTTON: No. Like he said,
23 it's a small business and not a big corporation.

24 Let me correct myself. I'll give it a whirl. Can

0014

1 we, as far as the fine, can we reduce it by what
2 we want, can we put a dollar figure on it?

3 THE CHAIRMAN: Yes. And just so
4 you know, Mr. Parker, this is just a
5 recommendation to the director.

6 THE WITNESS: I see.

7 MR. HUTTON: I'll make a
8 recommendation that the fine be \$3,500. And, you
9 know, I understand that he just, you know, that
10 he's a small business and this and that, but you
11 know, all those individuals that were out there,
12 they're carrying buckets of fittings and that type
13 of thing, and they were all working doing
14 irrigation, you know.

15 And he's guilty of the all of the
16 offenses, so I'll say \$3,500. I'll make that
17 motion, that would be the fine for the total of
18 three violations; Rhode Island General Law 5-20-9,
19 Rhode Island General Law 5-20-24, and Rhode Island
20 General Law 5-20-26.

21 THE CHAIRMAN: Do I have a second
22 to that?

23 MR. CHAMPAGNE: I'll second it.

24 THE CHAIRMAN: All those in favor?

0015

1 All those opposed?

2 MR. NEWMAN: Nay.

3 THE CHAIRMAN: The ayes have it.

4 Mr. Newman opposed. This is a recommendation to
5 the director. You will be notified by mail as to
6 the decision.

7 MR. LUTHER: Just for the record,
8 Mr. Chairman, the fine is going to be reduced from
9 \$5,000 to \$3,500 and there will be \$1,500
10 suspended on that?

11 MR. LOMBARDI: Correct. That's
12 the motion.

13 THE WITNESS: This is the first
14 time I've ever done something like this as far as
15 going in front of a board and stuff. I mean, do
16 guys come in here and just completely lie and
17 completely say Mr. Luther is completely lying and
18 no this didn't happen?

19 MR. CHAIRMAN: Sometimes.

20 MR. LUTHER: Pretty much.

21 THE WITNESS: I just -- I
22 understand you guys have a job to do and I
23 appreciate the discount.

24 MR. LUTHER: This is just a

0016

1 recommendation to the director. You'll be

2 notified by mail.

3 MR. LOMBARDI: He has the right to
4 appeal, correct?

5 MR. LUTHER: This is his appeal.
6 I believe he can appeal directly to the director
7 of the Department of Labor, Adelita Orefice.

8 THE CHAIRMAN: You're all set.

9 THE WITNESS: Thank you. Have a
10 great day.

11 THE CHAIRMAN: In your packet
12 there is scheduled as the first hearing was Mr.
13 Whittaker, who was before us last month. There is
14 a letter from Director Orefice for a, basically
15 sending it back to us. And in case you can't find
16 it, I'll read it to you.

17 It's a letter back to her, actually to
18 Mr. Whittaker, "After the testimony and other
19 evidence submitted with the board's
20 recommendation, I am remanding this matter back to
21 the board for further consideration regarding the
22 definition of the term 'installation of plumbing'
23 as defined by the law and the code. Sincerely
24 yours, Adelita Orefice, Director."

0017

1 MR. LUTHER: Mr. Chairman, I've
2 included the transcript of the last meeting here

3 if you wanted to take a quick brief review of what
4 happened.

5 MR. NEWMAN: I have a question. I
6 don't know if it's appropriate at this point, have
7 we looked in the code and found out what it says
8 as defined by the law in the code? Have we
9 researched that?

10 MR. LUTHER: Just one, I just
11 wanted to make the board aware that I did,
12 Mr. Whittaker was notified to be here, I did talk
13 to Mr. Whittaker, I made him aware that he could
14 come here if he wanted for the hearing. He
15 decided not to come and he is leaving it up to the
16 board to make the decision without him being
17 present.

18 MR. NEWMAN: Does that mean he has
19 to accept the decision the board makes because
20 he's not here to question it?

21 MR. LUTHER: That is what he has
22 conveyed to me. Yes.

23 MR. LOMBARDI: He did testify.

24 MR. LUTHER: His testimony is in

0018

1 here in the transcript from the previous meeting
2 and pretty much his testimony will speak for
3 itself in the transcript.

4 Your question was, Mike?

5 MR. NEWMAN: Have we researched
6 and what does the actual code or law say about
7 this matter?

8 MR. LUTHER: There is a section of
9 the code that deals with cutting, notching and
10 boring. So any cutting, notching or boring done
11 for the purpose of the installation of plumbing is
12 part of the plumbing installation. And like I
13 said, that's an interpretation.

14 But, it's up to each individual member
15 to determine what they feel is the installation of
16 plumbing.

17 THE CHAIRMAN: I don't think
18 anybody here wants to weaken what we define as
19 plumbing and take away anything that, you know,
20 historically has been plumbing, whether it says it
21 in the code or not. That's my feeling.

22 MR. HUTTON: I got a question on
23 some of this transcript. As far as did he change
24 his apprentice from fitting to plumbing?

0019

1 MR. LUTHER: Yes, he did.

2 MR. HUTTON: So.

3 MR. LUTHER: There was another
4 individual that came before the board also that

5 did the same thing.

6 MR. NEWMAN: After the fact?

7 After this was -- he was found guilty?

8 MR. LUTHER: Yes. The other

9 gentleman realized that he had a pipefitters card

10 and he was doing plumbing and going to the

11 plumbing school also, he came before this board

12 two years ago, and the guy's name escapes me.

13 MR. HUTTON: I got a question. If

14 we define that he was doing plumbing, will he be

15 able to get any credit for time that he was doing

16 previously if he was doing plumbing for the

17 contractor? This is to Pat.

18 MR. LUTHER: Pardon me?

19 MR. HUTTON: If, you know, we

20 define this as plumbing, okay, and he has been

21 doing plumbing previously to this, now in his

22 schooling, okay, he takes math and he probably

23 takes usage of tools and that type of thing.

24 And does the criteria, until they get

0020

1 into I think their third year where the plumber

2 goes and starts taking plumbing courses and the

3 fitter takes fitting courses, my question is, do

4 we give him some time for his plumbing? Because

5 he has been doing, if this is defined as plumbing,

6 he has been doing plumbing.

7 THE CHAIRMAN: I think that's up
8 to the Apprentice Council, not us.

9 MR. LUTHER: I think that maybe
10 legal counsel can correct me if I'm wrong, that
11 the board probably could recommend some time for
12 this individual and then bring it to the State
13 Apprenticeship Council?

14 MR. LOMBARDI: But that's not the
15 issue before the board. The issue before the
16 board today is the director's remand of the
17 hearing and the board has to make a determination
18 as to whether a violation occurred or whether
19 there should be a fine and based on the evidence
20 presented previously.

21 MR. LUTHER: Just for the record,
22 Mr. Chairman, I'm going to read the original
23 violation for Mr. Whittaker. Date of the
24 violation 8/17/2007. Violation 3271. Name of the
0021

1 violator is James Whittaker, 11 Hartford Avenue,
2 Providence, Rhode Island, 02909. The location of
3 the violation is Wildberry Apartments, 95
4 Archambault Street, West Warwick, Rhode Island.

5 Violation is 5-20-10, work for which an
6 apprentice certificate is required. On July 29th,

7 2007, Merit Mechanical had James Whittaker
8 installing plumbing at the above location.
9 Mr. Whittaker is registered as a pipefitter
10 refrigeration apprentice, apprentice number 18481.

11 This is one violation of the
12 above-referenced Rhode Island General Laws. The
13 violation, as per Rhode Island General Law
14 5-20-33, has a \$500 fine attached. And as legal
15 counsel said, we are here to determine whether a
16 violation has occurred of the plumbing licensing
17 law and to determine whether the fine will be
18 upheld by the board for Mr. Whittaker.

19 MR. LOMBARDI: And board members,
20 that's based upon the director's remand indicating
21 to consider the definition of installation of
22 plumbing. So you have to determine that
23 Mr. Whittaker did, was in fact, installing
24 plumbing to make him -- to violate him based upon
0022

1 the law.

2 THE CHAIRMAN: So I guess I have a
3 question before the board. Is cutting a hole for
4 the plumbing part of the plumbing? And if you
5 determine that it is, then I will entertain a
6 motion as to whether or not a fine occurred -- a
7 violation occurred, sorry.

8 MR. NEWMAN: I make a motion that
9 the violation did occur, Rhode Island General Law
10 5-20-33, and that the fine be upheld.

11 MR. HUTTON: Guilty or not guilty?

12 MR. NEWMAN: Violation did occur.

13 THE CHAIRMAN: Do we have a second
14 to that?

15 MR. LOMBARDI: I would expand upon
16 that motion just to be clear, Mr. Chairman, that
17 the violation did occur based upon the fact that
18 the individual was performing the installation of
19 plumbing.

20 MR. NEWMAN: That's correct, he
21 was drilling holes for the installation of
22 plumbing, specifically for the installation of
23 plumbing.

24 MR. CHAIRMAN: Do I have second to
0023

1 that motion?

2 MR. CARDARELLI: I have to ask a
3 question. What happens if a plumber has a one
4 inch concrete wall, could he call a core drilling
5 company to drill through that now?

6 THE CHAIRMAN: I mean, you're
7 asking me my opinion here.

8 MR. CARDARELLI: That would be

9 installation of plumbing.

10 THE CHAIRMAN: My opinion is if it
11 is structural, then yes.

12 MR. CARDARELLI: He could call?

13 THE CHAIRMAN: I think that's
14 structural, I think that changes things.

15 MR. LUTHER: On the other hand, if
16 the guy is drilling an inch and a quarter hole for
17 a water line, would he call a core drilling
18 company or some other company to drill that hole?
19 Probably not.

20 MR. CARDARELLI: Probably not for
21 wood, but for cement?

22 THE CHAIRMAN: I understand this
23 is a kind of a tough call here because there's
24 times when you show up on the job and the holes

0024

1 are already cut.

2 MR. CHAMPAGNE: Can we get a copy
3 of the code book so that we can cite the article?

4 THE CHAIRMAN: Yes.

5 MR. NEWMAN: I'm reading from the
6 International Plumbing Code 2003. "Structural
7 Safety Appendix F, 101.4 cutting, notching and
8 boring holes in structural -- no, that wouldn't be
9 it. I'm not sure boring holes. F 101.3, a hole

10 not greater than a diameter than 40 percent of the
11 stud's width is permitted to be bored in any wood
12 stud. Bored holes not greater than 60 percent of
13 the width of the stud in nonbearing partitions or
14 in any wall where each wall stud is doubled.

15 I really don't think this is pertaining
16 to what he's talking about because it' concrete.

17 THE CHAIRMAN: I think what it's
18 indicating is that they're talking about cutting
19 holes in plumbing code because obviously they're
20 expecting a plumber to do it. They wouldn't be in
21 the plumbing code if it wasn't, you know, part of
22 the plumbing.

23 MR. NEWMAN: They're quite
24 specific. They give you quite a few different

0025

1 instances of notching, of stud cutting, of boring
2 holes, cutting and notching holes. Also steel, so
3 it is specific to many different items. So they
4 are very specific on what they're saying what can
5 and cannot be cut by a plumber.

6 MR. HUTTON: So you got a motion
7 on the floor, right?

8 MR. NEWMAN: We do have a motion.

9 THE CHAIRMAN: Is there a second?

10 MR. HUTTON: I'll second it.

11 THE CHAIRMAN? I have a motion
12 that a violation did occur. All those in favor?
13 All those opposed?

14 MR. CHAMPAGNE: Opposed.

15 THE CHAIRMAN: Mr. Cardarelli?

16 MR. CARDARELLI: I guess I have to
17 say aye.

18 THE CHAIRMAN: The ayes have it.
19 Let the record show that Mr. Champagne opposed.
20 We'll have a motion as to whether or not to fine.

21 MR. HUTTON: Yes. The only way we
22 can dismiss a fine is under the one year
23 suspension of the fine, or can we just dismiss the
24 fine under the context of?

0026

1 THE CHAIRMAN: Yes.

2 MR. HUTTON: I'd like to make a
3 motion that we dismiss the fine.

4 MR. NEWMAN: Second the motion.

5 THE CHAIRMAN: All those in favor,
6 Aye. All those opposed? Ayes have it.

7 MR. NEWMAN: I have an item I
8 would like to question. Is the company, Merit
9 Mechanical, are they also in question here?

10 MR. LUTHER: They have been cited.
11 We have not had any correspondence from them. I

12 don't know if they're outside their appeal date
13 now. I can check that for you. If they are, they
14 will be sent a final notice for the fine. And
15 then if they refuse to pay it, it will go out to
16 collections.

17 THE CHAIRMAN: I think originally
18 they asked for an extension; is that correct?

19 MR. LUTHER: Well, what happened
20 is there was a typographical error on the date of
21 the violation, it was one month off, so they
22 responded for the time sheet stating that
23 Mr. Whittaker was on vacation on the date of the
24 violation. We reissued them a new violation

0027

1 stating that there was an error in the date. And
2 I haven't heard anything from them. We haven't
3 received any correspondence from the company. So
4 I'll have to check the dates on that and send the
5 appropriate paperwork.

6 MR. LOMBARDI: Mr. Chairman, since
7 this was sent back to the board by the director, I
8 would ask that the board just put something on the
9 record as to why the fine was dismissed, whether
10 or not they felt there was confusion concerning
11 the application of the code to this act, that the
12 violator did or whether they considered that he

13 was unaware because he was sent there with a
14 pipefitter apprentice card, but to help two
15 plumbers.

16 So I think something should come back
17 from the board to the director as to the reason
18 for the fine being dismissed.

19 MR. NEWMAN: I don't know if this
20 is appropriate, but I believe that this gentleman,
21 Mr. Whittaker, was doing what he was told. They
22 told him to drill a hole, so he went and drilled
23 the holes. It's his fine and I shouldn't speak
24 for him but, he wasn't putting pipes together, he
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1 was just drilling a hole. And this is what his
2 foreman, or whoever says what he's to do, he was
3 doing what he was told to do. Now, in his mind,
4 did he violate any of the General Laws?

5 MR. LOMBARDI: I think that is
6 okay.

7 THE CHAIRMAN: I believe that
8 concludes the hearings.

9 MR. LUTHER: It does.

10 (CLOSED AT 9:40 A.M.)

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1 **C E R T I F I C A T E**

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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 22nd day of October, 2007.**

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

19 **MY COMMISSION EXPIRES NOVEMBER 2, 2008.**

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