

**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, FEBRUARY 19, 2008

In Attendance: Michael St. Martin, Chairperson

Leo Champagne

Jeffery Hutton

Michael Newman

Anthony Cardarelli

William Riley

Anthony Cardarelli

**Also in attendance: E. Patrick Luther, Investigator, Benjamin Cople,
Investigator, Valentino Lombardi, Esquire, Ron D’Ambruoso, Charles
Wright, Investigator**

Chairperson, William Riley, called the meeting to order at 9:02 a.m.

There was a Quorum.

**Michael St. Martin asked if the Board had reviewed the minutes from
the previous meeting. Michael Newman made a motion to accept the
minutes, and Anthony Cardarelli seconded the motion. All Board**

members were in favor. There are three (3) hearings scheduled for today.

1. William J. Schwegler #3343

Mr. William J. Schwegler, Patrick Luther, and Charles Wright, was sworn in by the Board Stenographer.

Patrick Luther, RIDLT Investigator, read the violation: Violation No. 3343, dated January 4, 2008, William Schwegler, 22 Bruce Drive, North Smithfield, RI 02896.

On December 4, 2007, RIDLT Investigator Charles Wright, witnessed Christopher Blake, 1212 Wynn Street, Sanford, Florida, and Eugene C. Broglie, III, 500 Orange Drive, Longwood, Florida, installing plumbing at Hyatt Regency Hotel, 1 Goat Island, Newport, RI. This is two (2) violations of RIGL 5-20-9 "Acts for which a journey person license is required".

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After further investigation, it was determined that on November 7, 2007, William Schwegler, Master Plumber License No. MP01466, did obtain a permit in the City of Newport, RI for the installation of plumbing at the above job location. Mr. Schwegler was subcontracting labor for the plumbing installation from Express

Plumbing of Orlando, Florida, who was awarded a plumbing contract from Frazee, Inc. Express Plumbing is not a licensed plumbing contractor in Rhode Island. As per RIGL 5-20-27(4), this is grounds for revocation of your Master Plumber's License No. MPO1466. A revocation of your Master Plumber's license will be held at the Rhode Island Department of Labor and Training, Building 70, 2nd Floor Conference Room on February 19, 2008 at 9:00 am. Your attendance is required. Failure to appear will result in revocation of your Master Plumber's License No. MPO1466.

Also, there is a contract change from Frazee, Inc. to Schwegler & Sons Plumbing & Heating. Mr. Schwegler was made aware that he was in violation of RIGL by pulling the permit for an out-of-state contractor that is not licensed here in Rhode Island, and subsequently had the contract for this project transferred from the general contractor to his company and Express Plumbing is no longer the plumber of record for that job at One Goat Island.

Mr. Luther explained to the Chairman of the Board, as well as the Board members, Express Plumbing was cited for operating business in Rhode Island without proper licensing and fined \$500.

As per RIGL, the two individuals that were found on that site are the sole responsibility of the permit holder, that is Mr. Schwegler, and along with the revocation of license, there is a violation of two unlicensed individuals for a \$500 fine per individual so that would be \$1,000 fine for the two unlicensed individuals. These two individuals have since become registered apprentices with the State of Rhode Island. Mr. David Tellier, who was from Express Plumbing took his

journeyman's exam, and passed it, and he's on the job. There is also a Master Plumber on the job.

Jeffrey Hutton made a motion that a Finding of Fact occurred regarding RIGL 5-20-9 "Acts for which a journey person license is required", and RIGL 5-20-27 "Grounds for Revocation of license, that he's guilty of the charges. That is my motion. Just for clarification, the two gentlemen that were cited for Mr. Schwegler for being on the job that Mr. Schwegler has the permit for, legal counsel has stated that they were not actually working for Mr. Schwegler, they were working for Express Plumbing, so that being said, Mr. Schwegler should not have been cited for those two individuals working on that job. Mr. Hutton rescinded his motion.

A new motion was made by Michael Newman that a Finding of Fact did occur regarding RIGL 5-20-9 "Acts for which a journey person license is required" and that the violation be dismissed and Mr. Cardarelli seconded the motion. All Board members were in favor. The ayes have it.

Mr. Hutton made a motion that the second motion of RIGL 5-20-27 "Revocation of License" did occur. Mr. Newman seconded the motion.

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Anthony Cardarelli stated that William Schwegler did correct the problem by contracting these two individuals under his contract

rather than Express Plumbing and that Mr. Schwegler be on probation for one year. In another words, suspension of the fine. The fine be suspended for one year pending any further violations. Mr. Newman seconded the motion. All Board members were in favor, and the ayes have it. Mr. Schwegler get a recommendation from the director and will be notified in writing.

2. Lisco Irrigation #3333 –

David Perry was sworn in by the Board Stenographer.

Mr. Cardarelli recused himself from this violation and is on record.

Patrick Luther read the violation: On November 20, 2007, Lisco Irrigation had Mark N. Perry (M1000111) and James Barton (AI000228) installing an irrigation system at Swavorski, 1 Kenny Drive, Cranston, RI with an expired license and registration. Lisco Irrigation also had Andres Garcia and Jorge Giraldo on site installing irrigation with no RI Irrigator licenses nor registrations. This is a violation of RIGL 5-20-8 “Acts for which a master license is required” and RIGL 5-20-09 “Work for which a journeyperson’s license is required.

No permit was taken for the installation in the City of Cranston. This is a violation of RIGL 5-20-26 “Municipal inspectors and installation permits”. Mr. Perry was cited \$500 each for five offenses for a total of \$2,500 as per Rhode Island General Law 5-20-33. Mr. Mark Perry , who did have a master irrigator’s license, it was expired at the time, and Mr. Barton was a registered apprentice, also with an expired irrigation card. The card has since been renewed, as has the apprentice irrigator license. These individuals were working on the irrigation system. I contacted Mr. Perry, made him aware of the

violation. Mr. Perry did get a permit the next day in the City of Cranston and the job was completed by the licensed guys.

Mr. Perry has had no previous violations, nor has he appeared before the Board before.

Jeffrey Hutton made a motion that a Finding of Fact did occur regarding RIGL 5-20-8 “Practices for which a master’s license is required”; and RIGL 5-20-26 “ Municipal Inspectors and Installation permits”and one count of 5-20-9, “Work for which a journeyperson’s license is required”, because the apprentice irrigator was originally registered and the registration had expired.” Michael Newman seconded the motion. All Board members were in favor. Anthony Cardarelli recused himself from this hearing.

Michael Newman made a motion to suspend all five violations, but two violations of RIGL 5-20-9 " (\$500 each violation for a total of \$1,000) Acts for which a journey person license is required" and suspend the others for a period of one year pending any other violations. Mr. Riley seconded the motion. All Board members were in favor. Ayes have it.

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Michael St. Martin, Chair, advised David Perry (Lisco Irrigation) that a recommendation will be sent to the Director and that he will receive a letter in the mail.

3. Merit Mechanical/Anthony Marandola #3269 (Wildberry Apts.) – Anthony P. Marandola was sworn in by the Board Stenographer. Leo Champagne recused himself from this hearing.

Patrick Luther read violation No. 3269, which had the wrong date the job was performed. Pat Luther read a letter to the Board regarding Merit Mechanical stating Mr. Whittaker was on vacation on the date that was incorrectly typed on violation No. 3269.

Patrick Luther read the correct violation. On July 29, 2007, Merit Mechanical did have James Whittaker installing plumbing at Wildberry Apartments, 95 Archambault Street, West Warwick, RI. Mr. Whittaker is registered as a pipefitter/refrigeration apprentice (App. #18481). This is a violation of RIGL 5-20-10 “Work for which an apprentice certificate is required”.

Michael Newman made a motion that a Finding of Fact did occur regarding 5-20-10 “Work for which apprentice certificate is required.” William Riley seconded the motion. All members were in favor. Ayes have it.

William Riley made a motion that the fee of \$950 be tabled until our March Board meeting. Mr. Marandola will send Patrick Luther information pertaining to incremental raise letter or initial hiring papers of Mr. James Whittaker to determine what card he had in his possession at the time the work was performed, and if he is a plumbing apprentice now. Patrick Luther will present this information to the Board at our next meeting and the Board will determine a recommendation of the fine.

Mr. James Whittaker was working on the job site as a

pipefitter/refrigeration apprentice card. The work he was performing, drilling holes of installation of a plumbing system, should have been done by a plumbing apprentice.

Mr. James Whittaker has since been hired by Merit Mechanical as an apprentice plumber and has started his apprentice program from the beginning.

Patrick Luther presented the Plumbing Code Regulations to Mr. Marandola, as well as other Board members for the distinction of a pipefitter/plumber.

Mr. Marandola was informed that a decision regarding the fine would take place next month and that we have his testimony on record, he does not have to come back if he doesn't want to.

That concluded the hearings for today.

New Business:

Apprentice Registration for January 15, 2008 through February 19, 2008 was passed out to Board members. William Riley made a motion to approve the Apprentice Registration. Anthony Cardarelli seconded the motion. All Board members were in favor.

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Examination reviews were held after the general Board meeting.

There was no further business.

Michael Newman made a motion to adjourn. Anthony Cardarelli seconded the motion. All Board members were in favor.

The next meeting of the Board of Examiners of Plumbers is scheduled for March 18, 2008, 1151 Pontiac Avenue, Building #70,

**Department of Labor and Training, second floor conference room,
Cranston, RI 02920.**