

**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, MAY 20, 2008

In Attendance: William Riley, Acting Chairperson

Anthony Cardarelli

Richard Mandarinini

Michael Raposa

Michael Newman

Larry Giorgi

Vincent Walsh

**Also in attendance: E. Patrick Luther, Investigator, Benjamin Cople,
Esquire**

Those not in attendance: Michael St. Martin, Chairperson

**Acting Chairperson, William Riley, called the meeting to order at 9:07
a.m. There was a Quorum.**

**William Riley asked if the Board had reviewed the minutes from the
April 15, 2008 meeting and if there were any corrections, or**

omissions. Michael Raposa made a motion to accept the minutes, and Vincent Walsh seconded the motion. All Board members were in favor. Ayes have it.

There are two (2) hearings scheduled for today.

Those people testifying today will be sworn in by the Board Stenographer. E. Patrick Luther, RIDLT Plumbing Investigator, Peter Smith of Boston Air and Edward E. Eacueo were sworn in by the Board stenographer.

First hearing on the agenda is:

1. Boston Air/Peter Smith – #3428

E. Patrick Luther, RIDLT Investigator, read the violation: Violation No. 3428, dated April 2, 2008. Location of Violation: Westerly Crossings, Airport Road, Westerly, RI. On March 19, 2008, an investigation was conducted to determine who the contractor was on record for the installation of plumbing at Westerly Crossings, Westerly, RI. It was determined that Boston Air was awarded the contract for plumbing by Acella Construction Corporation. Boston Air is not a licensed Plumbing contractor in Rhode Island. This is one (1) violation of RIGL 5-20-8 "Acts for which a master license is required".

-2-

No permit was issued to Boston Air for the installation by the Town of Westerly. This is one (1) violation of RIGL 5-20-26 "Municipal

inspectors and installation permits".

Mr. Smith came before the Board today and stated that he was unaware of the rules and regulations and that he needed to have a Master's license to soliciting and bid out work in R.I. He stated that he was never before the Board before, and that he would like to have the fine dropped as there should have been a warning first.

On March 27, 2008 a letter of intent of Acella Construction Corporation (ACC) was entered into a contract with Cinco Plumbing & Heating to furnish and install plumbing for Westerly Crossings to complete the work.

Larry Giorgi recused himself from this violation, as he has a bid on the Westerly Crossing project.

Michael Newman made a motion that RIGL 5-20-8 "Acts for which a master license is required" did occur, and that RIGL 5-20-26 "Municipal inspectors and installation permits" did occur.

Michael Newman made a motion to suspend the fine of \$1,000 (2 violations at \$500 each) for one year pending any further violations, as Mr. Smith did not intend on doing all of the work and that the plumbing was finished by Cinco Plumbing and Heating, awarded in contract by Acella Construction Corporation. Michael Raposa seconded the motion. All Board members were in favor. Larry Giorgi recused himself from this violation. Ayes have it. William Riley, Chairperson advised Mr. Smith that a recommendation will be sent to the Director of Labor and Training and he will receive the Director's recommendation in the mail.

2. Edward E. Eacueo- Violations #2392, #2652 and #2653 –

E. Patrick Luther explained to the Board that Mr. Eacueo received a final notice from our Department for the fine or \$5,700 for Violations #2392, #2652 and #2653 that was heard before the Board in 2006. The hearings were heard and the decisions were made by the Board at that time. Mr. Eacueo came in to the RIDLT and spoke to Ron D'Ambruoso as asked if he could address the Board today to ask the Director if she could re-open the violation No.'s #2392, #2652, and #2653 to be re-heard and ask that the fines be dropped, as he is not working and cannot afford to pay the fines. The copies of the violations were in the packets for the Board to review. E. Patrick Luther gave the Board a brief description of the violations and read through some of the old transcripts from the previous meetings.

Mr. Eacueo addressed the Board and stated that he placed an ad in the Bargain Buyer Magazine as a plumbing contractor. Mr. Eacueo stated that he did not know he could not put an ad in the paper advertising for a plumber. Mr. Eacueo claimed he only did the ceramic tile for Shirley Romano

-3-

Mr. Eacueo stated that his son, who is on drugs, went to Shirley Romano's home to perform the plumbing work behind his back. The son received \$1,600 for the job. His son does not have a license to perform this work.

Mr. Eacueo lost his job and lost his license, through the Contractor's Registration Board, and has a criminal record because of his son's

actions.

Violation No. 2653, on December 5, 2005, E & E Tile entered into a contract with Carmine Campagnone to install two bathrooms, for which Mr. Eacueo is not a licensed plumber in the State of Rhode Island. Mr. Eacueo stated that he hired a plumber, but did not look for a license, and found that the plumber was not licensed in Rhode Island. The Contractor's Registration Board revoked Mr. Eacueo's license.

Mr. Eacueo stated that he has been punished enough through the Contractor's Registration Board, and that he no longer can work anymore. Mr. Eacueo stated that he pays the Probation Board \$20 a month and cannot afford to pay these fines.

E. Patrick Luther stated to the Board that they had all of the necessary people here to testify on these violations, and that these violations are now 3-4 years old. We would have to find all of the transcripts and bring all of the people involved, bring them back who testify. As the Board did go by the proper setup regarding the rules and regulations of the Board, this would create further repercussions regarding other people who have come before the Board for a hearing, stated their case, and a final decision was made by the Director regarding the case. It would open a new can of worms of the decisions that were previously made before the Board and it would be questioning the credibility of the Board.

Benjamin Cople, Esquire, stated that in this particular situation, Mr. Eacueo has no money to pay the fines, and therefore, is not going to pay the fines.

The recommendation of the Board was to send a notice to collections of the inability of Mr. Eacueo to pay the fines, and let collections and the lawyers deal with the problem.

Richard Mandarini made a motion that we send the violations to collections and let them take care of it. Michael Newman seconded the motion. All Board members were in favor. Ayes have it. E. Patrick Luther advised Mr. Eacueo that he would receive a letter from the Director of the Department of Labor and Training of the Finding of Fact to either re-open the case or send it to collections.

E. Patrick Luther, RIDLT Chief Investigator stated to Mr. Eacueo that the Board went by the all of procedures and rules setup by the Department regarding the recommendations that were sent to the Director regarding these violations.

-4-

New Business:

Anthony Cardarelli made a motion to accept the Apprenticeship Registration for April 15, 2008 through May 20, 2008. Michael Newman seconded the motion. All Board members were in favor.

There was no further business.

Reviews were held after the Board meeting.

Meeting was adjourned at 10:10 AM.

The next meeting of the Board of Examiners of Plumbers is scheduled for June 17, 2008, 1151 Pontiac Avenue, Building #70,

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

Minutes respectively submitted by Elaine J. Heiss, May 20, 2008.