

**DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF PLUMBERS
1511 PONTIAC AVENUE
Building 70 – 2nd Floor Conference Room
Cranston, RI 02920**

TUESDAY, JUNE 20, 2008

**In Attendance: William Riley, Acting Chairperson
Anthony Cardarelli
Michael Raposa
Michael Newman
Larry Giorgi
Vincent Walsh**

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

**Those not in attendance: Michael St. Martin, Chairperson, Richard
Mandarini**

**Acting Chairperson, William Riley, called the meeting to order at 9:11
a.m. There was a Quorum.**

**William Riley asked if the Board had reviewed the minutes from the
May 20, 2008 meeting and if there were any corrections, or omissions.**

Anthony Cardarelli made a motion to accept the minutes, and

Michael Newman seconded the motion. All Board members were in favor. Ayes have it.

There are two (2) hearings scheduled for today.

Better Irrigation was not present, Michael Newman said there was an accident in Massachusetts, and that could be the holdup. The Board moved to hear the second hearing on the agenda:

Those people testifying today will be sworn in by the Board Stenographer. E. Patrick Luther, RIDLT Plumbing Investigator, Troy Davis and Gareth Ames, Town of Tiverton Building Official and Mark Constance, homeowner, were sworn in by the Board stenographer.

1. Troy Davis #3424 –

E. Patrick Luther stated that in the Board's packets was a letter from Gareth Ames, Town of Tiverton Building Official of what he saw on site.

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E. Patrick Luther, RIDLT Investigator, read the violation: Violation No. 3424, dated April 2, 2008. Location of Violation: Mark Constance, 111 South Avenue, Tiverton, RI 02878. On March 7, 2008, Gareth Ames, Town of Tiverton Building Official, witnessed Mr. Davis installing plumbing at the above job location. Mr. Davis is not a

licensed Master Plumber in RI. He is a registered building contractor.

This is one (1) violation of RIGL 5-20-8 "Acts for which a master license is required".

No permit was issued by the Town of Tiverton, RI. This is one (1) violation of RIGL 5-20-26 "Municipal inspectors and installation permits".

Mr. Davis addressed the Board members and stated that he was helping the owner (Mark Constance) with renovating, and claimed he did not do any plumbing work. Mr. Davis stated that the owner, Mark Constance took out the permit. Mr. Davis stated that he had only done the demo work.

The Tiverton Building Official stated that there was no permit in force when he went out and inspected the job. The permit was not pulled until after the job was started, and the permit was pulled by Mr. Constance, the owner, and had someone else do the work.

The Tiverton Building Official, Gareth Ames, stated he saw Mr. Davis coming out of the back room where there was piping and plumbing equipment on the site. Mr. Ames asked Mr. Troy if he was doing the plumbing, and Mr. Troy said yes, he was doing the plumbing, and when Mr. Troy was asked by Mr. Ames if he had a plumbing license to perform this work, he stated he did not. Mr. Troy also stated that he was a journeyman who could work under a Master plumber, and there was a Master plumber on site. Mr. Troy claimed he did most of the demolition work and he admitted he was drilling holes (which is part of the plumbing), and that he also took the cast iron out.

Mark Constance stated to the Board that he is trying to build this

house for three years by himself, and planned on doing the plumbing himself, but hired two Master Plumbers. Mr. Troy stated that he did some roughing (plumbing) for Mr. Constance. E. Patrick Luther stated to Mr. Constance that you have to do the plumbing yourself in your own home and not have an unlicensed person helping him. Troy Davis needed a license to perform this work.

Michael Newman made a motion that regarding violation RIGL 5-20-8 "Acts for which a master license is required" did occur and that regarding RIGL 5-20-26 "Municipal inspectors and installation permits" was not pulled, and therefore a violation occurred. Vincent Walsh seconded the motion. All Board members were in favor. Ayes have it.

Michael Newman made a motion that the Board upholds the fine of two (2) violations at \$500 for a total of \$1000 regarding RIGL 5-20-33. Vincent Walsh seconded the motion. All Board members were in favor. Ayes have it. E. Patrick Luther stated to Mr. Davis that this is a recommendation of the Board that will be sent to the RIDLT Director to uphold the recommendation, suspend the recommendation, or to reduce the recommendation. Mr. Riley will receive this recommendation in the mail.

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2. Better Irrigation #3435

E. Patrick Luther stated to the Board that no one was present to represent Better Irrigation. A Certified and regular letter were sent out, but E. Patrick Luther did not receive any messages that they

would not be here, as they requested a hearing to come before the Board.

E. Patrick Luther checked the status of the tracking record for the Certified mail and found that the letter was delivered on June 5, 2008.

William Riley, acting Chairperson asked if the Board wanted to hear the testimony without anyone here representing Better Irrigation.

Anthony Cardarelli made a motion to have the Board continue with the testimony regarding Better Irrigation. Michael Newman seconded the motion. All Board members were in favor.

David M. Rodrigues, RIDLT Investigator, was sworn in before the Board stenographer.

Mr. Jalil Pazi of Better Irrigation had just walked in the room and was sworn in by the Board stenographer.

E. Patrick Luther read the violation dated April 17, 2008, violation No. 3435, Better Irrigation, Jalil Pazi, 80 Mechanic Street, Marlborough, MA 01752. Location of the violation: Shell Gas Station, 4120 Mendon Road, Cumberland, RI 02864. Violation(s): RIGL 5-20-8 "Acts for which a master license is required", RIGL 5-20-09 "Work for which a journeyperson's license is required" (2); RIGL 5-20-12 "Corporations and firms engaged in business" and RIGL 5-20-26 "Municipal inspectors and installation permits". On March 25, 2008, RIDLT Investigator, David Rodrigues, witnessed Jalil Pazi, 80 Mechanic Street, Marlborough, MA 01752, Nelson C. Sousa, 302 Boston Post Road, Apartment 2B, Marlborough, MA and Diogo Nascimento, 73 Prospect Street, Marlborough, MA installing an irrigation system at the above location. Mr. Pazi does not hold a master irrigator's license

in RI, nor does Better Irrigation, Inc., has a licensed individual within its firm or corporation. None of the individuals installing the irrigation system were licensed in RI, and no permit for the installation was taken out in the Town of Cumberland. These are violations of the above-referenced Rhode Island General Laws. Five (5) violations at \$500 each for a total of \$2,500.

David Rodrigues addressed the Board and stated when he arrived on the job site, he witnessed Mr. Pazi installing an irrigation system at the Shell Gas Station, 4120 Mendon Road, Cumberland, RI without a license. David Rodrigues also stated that Mr. Sousa and Mr. Nascimento were also installing an irrigation system without a license or apprentice cards.

Mr. Pazi stated that Lamont Brothers hired him out to do the work. Lamont is based out of Massachusetts (Contractor who does the work for gas stations).

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Larry Giorgi stated that Gem Plumbing & Heating took out the permit to do the plumbing work. Larry Giorgi recused himself from this violation as he is the Plumbing/Mechanical Contractor for the Town of Cumberland and has conducted and visited all inspections on this jobsite for Plumbing, Mechanical, Fire suppression and Irrigation.

Mr. Pazi came before the Board and stated that he did not realize you needed a license or a permit in Rhode Island, as he knew he did not need a license or a permit to perform this work in 1985. Mr. Pazi also

worked in Rhode Island without a license or permit in the year 2000, and therefore he did not think he needed a license.

E. Patrick Luther stated to Mr. Pazi that it is up to the individual performing the work to know the rules and regulations in Rhode Island. E. Patrick Luther gave Mr. Pazi the information he needed to obtain a RI license.

Anthony Cardarelli made a motion that violations did occur regarding RIGL 5-20-8 "Acts for which a master license is required"; RIGL 5-20-09 "Work for which a journey person's license is required" (2); RIGL 5-20-12 "Corporations and firms engaged in business"; and RIGL 5-20-26 "Municipal inspectors and installation permits".

Michael Newman made a motion to uphold the RIGL 5-20-33 fine of \$2,500 (5 violations at \$500 each). Anthony Cardarelli seconded the motion. Larry Giorgi recused himself. All other Board members were in favor. Ayes have it.

E. Patrick Luther stated to Mr. Pazi that he will be receiving a recommendation from the RIDLT Director in the mail. The Director has the final decision as to upholding the fine, suspending the fine, or reducing the fine. Mr. Pazi will receive the recommendation in the mail of the Director's final decision.

Hearings were closed.

New Business:

Anthony Cardarelli made a motion to accept the Apprentice Registration for May 20, 2008 through June 17, 2008. Michael Newman seconded the motion. All Board members were in favor. Ayes have it.

There was no further business.

Reviews were held after the Board meeting.

Meeting was adjourned at 9:50 AM.

The next meeting of the Board of Examiners of Plumbers is scheduled for July 15, 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, June 17, 2008.