

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF PLUMBERS**

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Tuesday, March 20, 2012

9:00am

In attendance: Lionel Bernardino

Anthony Cardarelli

Larry Giorgi

Jeffrey Hutton

Richard Mandarini

Michael Newman

Michael Raposa

William J. Riley, Chairperson

Also in attendance were Joseph Degnan, Assistant Director, E. Patrick Luther, Chief Plumbing Investigator, and Benjamin Copple, Legal Counsel.

1.) Call to Order: The meeting was called to order at 9:04am by William J. Riley, Chairperson.

2.) Approval of Minutes: Anthony Cardarelli made a motion to accept

the minutes to the meeting of February 21, 2012; seconded by Michael Newman and passed unanimously by the Board.

3.) Conflict of Interest: Benjamin Copple, Legal Counsel, addressed the Board concerning compliance with conflict of interest requirements. There is a brief discussion.

4.) Violation Appeal Hearings:

Albert Stevenin (Violation #4196): Attorney Jeffrey Garrabedian represents Albert Stevenin. Albert Stevenin; Dawn Filliatreault Wood, complainant; Thomas Wood, complainant, and E. Patrick Luther, Chief Plumbing Investigator, are sworn in for testimony. E. Patrick Luther read the violation.

Date: 1/3/12; Violation # 4169

Violator: Albert Stevenin, 84 Crest Road, North Smithfield, RI 02896

Location of Violation: Dawn E. Filliatreault Wood and Thomas E. Wood Residence, 27 Crest Rd, North Smithfield, RI 02896

Violation: RIGL 5-20-8 Practices for which a master's license required and RIGL 5-20-9 Acts for which journeypersons license required. On 6-17-2011, Albert Stevenin entered into a contract to remodel the above residence. As a General Contractor, Mr. Stevenin can enter into a contract of this scope as long as he subcontracts the installation of the plumbing work to a properly license plumbing contractor. Mr. Stevenin chose to install the plumbing drainage and water pipe himself. This is a violation of the above referenced RI

General Laws. Per RIGL 5-20-33 a \$1,000.00 fine was issued.

E. Patrick Luther provides testimony. Attorney Jeffrey Garrabedian responds. Albert Stevenin admits to the violation but feels penalty is high. The Board questions Mr. Luther. Complainants, Dawn Filliatreault Wood and Thomas Wood provide testimony. The Board questions the complainants.

A letter form the Town of North Smithfield to the Complainants is introduced as Exhibit A by E. Patrick Luther.

Questioning and testimony continues.

Michael Newman made a motion to introduce the letter from the Town of North Smithfield into evidence, seconded by Leo Bernardino and passed unanimously by the board. Attorney Garrabedian responds to the letter and there is a brief discussion.

Leo Bernardino made a motion that Violation 4169 did occur; seconded by Michael Newman and passed unanimously by the Board. Anthony Cardarelli made a motion to uphold the fine of \$1,000.00; seconded by Jeffrey Hutton and passed unanimously by the Board. The recommendation will be forwarded to the Director.

Robert Barrett / Patriot Plumbing (Violation #4189): Robert Barrett, Patriot Plumbing and E. Patrick Luther, Chief Plumbing Investigator,

are sworn in for testimony. Mr. Luther read the violation:

Date 2/6/12; Violation # 4189

**Name of Violator: Robert Barrett Patriot Plumbing, PO Box 1275
Coventry, RI. Location of Violation: Remodel of 14 Oceanview Ave.,
Charlestown, RI**

**Violation: RIGL 5-20-25 Registration of plumbing and irrigation
apprentices (2cts). On January 24, 2012 Robert Barrett did have John
O'Brien, 3 Bratt Lane, West Warwick, and Shaun Duguay, 9
Homestead Ave., Johnston, assisting David Barrett (MP001878) in the
installation of plumbing at the above location. Mr. O'Brien was not a
registered plumbing apprentice in RI and Mr. Duguay was registered
under a different company not Patriot Plumbing. This is a violation of
the above referenced RI General Law. Per RIGL 5-20-33 a \$1,000.00
was sent to Mr. Barrett.**

E. Patrick Luther provides testimony.

Leo Bernardino recused himself and did not participate.

**The Board questions Robert Barrett. There is a discussion. Robert
Barrett provides testimony.**

**Michael Newman made a motion that Violation 4189, RIGL 5-20-25, did
occur; seconded by Michael Raposa and passed unanimously by the
Board. Michael Newman made a motion to suspend the fine of**

\$1,000.00 for a period of one (1) year, if no further violation occurs within one year the penalty will be dismissed, if a violation occurs within one (1) year the fine will be reinstated; seconded by Larry Giorgi and passed unanimously by the Board. The recommendation will be forwarded to the Director.

David Romeiro/Xquisite Landscaping, Inc (Violation #4125): The hearing was held until after Bernard Carbone appeared before the Board as David Romeiro/Xquisite Landscaping, Inc. was not present. The hearing began upon completion of Bernard Carbone's hearing. E. Patrick Luther is sworn in for testimony. This is an amended violation. There was a typographical error in the original violation on the date. Mr. Romeiro appealed the original violation. The violation was amended for a date in the violation and it was reissued. Mr. Luther read the violation:

Date: 9/15/12; Violation 4125 Amended

Name of Violator: David Romeiro/Xquisite Landscaping, Inc., 1800 Washington, St, Stoughton, MA 02072-3349

Location of Violation: Providence College 1 Cunningham Square, Providence, RI

Violation: RIGL 5-20-8, Practices for which Master's license required; RIGL 5-20-9, Acts for which journeyperson's license required. (2 cts); and RIGL 5-20-12, Corporations and firms engaging in business. On August 30, 2011, DLT Chief Plumbing Investigator, E. Patrick Luther, witnessed Steve Ponte and Scott Correiro installing Irrigation at

Providence College 1 Cunningham Square, Providence, RI. Mr. Ponte and Mr. Correiro are employees of Xquisite Landscaping, Inc. and are not licensed irrigators in RI. After further investigation it was determined that Exquisite Landscaping, Inc. does not have a Master Irrigators license within its firm or corporation and owner, David Romeiro, does not hold a Master Irrigator's license in the State of Rhode Island. This is a violation of the above referenced RI General Laws.

Pat Luther provides testimony. Mr. Romeiro appealed the original violation, did not appear for the hearing and was subsequently send the amended violation. Notice of today's hearing was sent to Mr. Romeiro. Sean Nolan, Implementation Aide, was sworn in for testimony. Mr. Nolan confirmed that notice was sent to Mr. Romeiro by both Certified Mail and Regular Mail and neither were returned to the department. USPS Tracking Confirmation for #7011 1150 0001 9275 6972 confirming delivery of the hearing notice is submitted as Exhibit A. Mr. Luther continues with testimony.

Leo Bernardino made a motion that, based on the information submitted Mr. Romeiro was notified of this hearing and Violation 4125 did occur; seconded by Michael Newman and passed unanimously by the Board. Anthony Cardarelli made a motion that the fine of \$2,000.00 for Violation 4125 be upheld; seconded by Larry Giorgi and passed unanimously by the Board. The recommendation will be forwarded to the Director.

End of hearings.

5.) Connor Kirwin / James Kirwin – petition for Connor Kirwin to sit for the Journeyman Examination: Connor Kirwin is not present. Pat Luther gave background information. Mr Kirwin did not renew his apprentice card and submitted an application for testing. Without the reinstatement of the apprentice card and the expiration date he does not have enough on the job training to sit for the Journeyperson's exam and was therefore denied. He does not get credit for on the job training hours unless he has a current card. The Board questions Mr. Luther and has a discussion. Leo Bernardino made a motion that Mr. Kirwin has to fulfill 8,000 hours of on the job training in accordance with his current apprentice card; seconded by Jeff Hutton and passed unanimously by the Board.

6.) Bernie Carbone – Reinstatement of License: The hearing took place during the violation appeal hearings. Bernard Carbone and E. Patrick Luther, Chief Plumbing Investigator, are sworn in for testimony. Bernard Carbone was not able to renew his license due to non-payment of fines. Violation 1412, hearing date 11/18/03, date of the violation 7/17/03; fine was deemed uncollectable in the amount of \$3,800.00. Violation 2147, violation status "Uncollected" in the amount of \$2,850.00. Total \$6,650.00. E. Patrick Luther gives background information to the Board. It has been approximately nine (9) years since Mr. Carbone has had a Master Plumber's license in

Rhode Island. Mr. Carbone is requesting to have his Master Plumber's license reinstated. Benjamin Copple, Legal Counsel, addressed the Board. The Board has a discussion. Bernard Carbone provides testimony. There is further discussion. Mr. Luther read from the transcript of the July 17, 2007 hearing when Mr. Carbone requested to have his license reinstated. At that time the Board did not make a recommendation rather recommended that the Director review the matter. Discussion continues.

Mr. Carbone was imprisoned on tax violations in 2004 and released in 2005. Mr. Carbone did declare bankruptcy but it is unclear if the outstanding fines were part of those proceedings. Mr. Luther did not see that anything was discharged or that the department was listed as a creditor.

Anthony Cardarelli made a motion that Mr. Carbone be retested as a Master Plumber; seconded by Richard Mandarini. The only opposition was Michael Newman. The motion passed. Michael Newman stated his reason for opposition.

Mr. Carbone addressed the Board that retesting would be a hardship.

The recommendation will be forwarded to the Director.

8.) Adjournment: Larry Giorgi made a motion to adjourn; seconded by Michael Newman and passed unanimously by the Board. The

meeting adjourned at 10:14am.

The next meeting scheduled for Tuesday, April 17, 2012 at 9:00am.