

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, July 17, 2012

9:00am

In attendance:

Lionel Bernardino

Anthony Cardarelli

Larry Giorgi

Richard Mandarini

Michael Newman

Michael Raposa

William J. Riley, Chairperson

Jeffrey Hutton was not in attendance.

Also in attendance were E. Patrick Luther, Chief Plumbing Investigator, and Benjamin Cople, Legal Counsel.

1.) Call to Order: The meeting was called to order at 9:05am by William J. Riley.

2.) Approval of Minutes: Richard Mandarini made a motion to accept the minutes to the meeting of June 19, 2012; seconded by Michael Newman and passed unanimously by the Board.

3.) Conflict of Interest: Passed.

4.) Hearings:

Patrick Butler / Butler Property Services (Violation 4177): Butler Property Services is represented by John Lynch, Jr. Patrick Butler, Glenn Dusablon, Chief Electrical Investigator and Patrick Luther, Chief Plumbing Investigator, are sworn in for testimony.

Date of Violation: 1/10/2012; Violation # 4177

Name of Violator: Patrick Butler / Butler Property Services, 63 Hilltop Ave, Providence, RI 02908

Location of Violation: 225 Orms St, Providence RI

Violation: RIGL 5-20-8 Practices for which a Master's License Required; RIGL 5-20-9 Acts for Which journeypersons license required (4cts)

On December 19, 2011 DLT Investigator, Glenn Dusablon, witnessed the following individuals installing plumbing at the above location. Butler Property Services, Patrick Butler, did have Gregory Butler, Brian Butler, Patrick Butler and Gregory Lisi installing plumbing at the above address. Patrick Butler is not a licensed master plumber in RI and the above mentioned individuals are not licensed or registered

for plumbing in RI, except Gregory Butler, who is a plumbers apprentice (AP007472) sponsored under Larry Giorgi Plumbing and Heating. Gregory Butler was not working for Mr. Giorgi at the time of the Inspection. This is a violation of the above referenced RI General Laws.

Per RIGL 5-20-33 a fine of \$4,750.00 was assessed.

Patrick Luther, Chief Plumbing Investigator provides testimony.

Attorney John Lynch, Jr. addressed the Board and requests dismissal based upon the investigators entry into the property without the authority of the homeowner. Benjamin Copple addressed counsel as this is a civil matter not a criminal matter and not a legal basis to dismiss the case. Attorney Lynch did not have any questions for Mr. Luther.

Glenn Dusablon, Chief Electrical Investigator, provides testimony. The Board questions Mr. Dusablon. Attorney Lynch cross-examined Mr. Dusablon.

William Riley notes that board member, Larry Giorgi, arrived late and recused himself from this hearing.

Mr. Dusablon reads RIGL 5-6-2.1 "Inspection and right of entry" into the record. Questioning of Mr. Dusablon continues.

Patrick Luther submits the Secretary of State corporate paperwork as Exhibit A and B.

The Board questioned Patrick Butler and Mr. Dusablon.

Attorney Lynch questions Patrick Butler. The Board questions Mr. Butler.

Richard Mandarini made a motion that Violation 4177 did occur; seconded by Michael Raposa and passed unanimously by the Board.

Michael Newman made a motion to suspend the penalty of \$4,750.00 for one year pending no violation. If any violation should occur within one year the fine will be reactivated. Lionel Bernardino seconded the motion and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

Robert Coogan / R.E. Coogan Heating, Inc. (Violation 4235): Jamie Sequeira Nehiley, complainant; Robert Coogan, Jr., respondent and E. Patrick Luther, Chief Plumbing Investigator, are sworn in for testimony. Mr. Coogan is represented by counsel, William Balkun. Mr. Luther read the violation.

Date of Violation: 05/09/2012; Violation # 4235

Name of Violator: Robert Coogan / R.E. Coogan Heating, Inc., 125 Drum Rock Ave, Warwick, RI

Location of Violation: Jamie L. Nehiley-Sequeira Residence, 135 Armstrong Ave, Warwick RI

Violation: RIGL 5-20-8 Practices for which master's license required; RIGL 5-20-9 Acts for which journeyperson's license required

On or about May 3, 2011 R.E. Coogan Heating, Inc. entered into a contract to install plumbing at the above location. Mr. Coogan is not a licensed plumber in RI and at the time of entering into the plumbing contract did not have a master plumber within its corporate structure.

Mr. Coogan then took it upon himself to install the plumbing at the above location. This is a violation of the above referenced RI General Laws.

E. Patrick Luther provides testimony. Mr. Luther enters Exhibit A: paperwork indicating Robert Bain as the plumber of record for R.E. Coogan Heating Inc. Mr. Luther enters emails from the complainant as Exhibit B. The notice of complaint is added into the record as Exhibit C. Counsel cross-examines Mr. Luther.

Jamie Sequeira Nehiley provides testimony.

The Board questions Mr. Coogan and provides testimony.

Ms. Sequeira Nehiley provides additional testimony and is

cross-examined by Attorney Balkun.

Attorney Balkun enters payment four (4) payment receipts (#3099, #3097, dated 10/28/11 and #3092) as Exhibit D.

Michael Newman made a motion that violation 4235 did occur, RIGL 5-20-8 Practices for which master's license required and RIGL 5-20-9 Acts for which journeyperson's license required; seconded by Lionel Bernardino and passed unanimously by the Board.

Anthony Cardarelli made a motion that the penalty of \$1,000.00 per RIGL 5-20-33 be upheld; seconded by Richard Mandarinini and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

Robert Bain, Jr. (Violation # 4252) Revocation Hearing: The hearing was originally scheduled for June 19, 2012 and continued to today. Robert S. Bain, Jr. and Patrick Luther are sworn in for testimony. Attorney William Balkun represents Mr. Bain. Mr. Luther reads the violation.

Date of Violation: 05/09/2012; Violation: 4252

Name of Violator: Robert Bain, Jr., 96 Hope St, Seekonk, MA

Location of Violation: Jamie L. Nehiley-Sequeira Residence 135 Armstrong Ave, Warwick, RI

Violation: RIGL 5-20-12 Corporations and Firms engaging in business; RIGL 5-20-27 Grounds for revocation of license (4)

On November 3, 2011 Robert Bain, Jr. did take a permit in the City of Warwick RI for the plumbing installation at the above address. Mr. Bain did not have the contract for the installation and took the permit for R. E. Coogan Heating Inc. On November 3, 2011 Mr. Bain was not associated with R. E. Coogan Heating Inc as a corporate officer. This is a violation of the above referenced RI General Laws.

§ 5-20-27 Grounds for revocation of license. – The director of labor and training shall revoke the license of any master plumber or master irrigator or journeyman plumber or journeyman irrigator after a hearing when the weight of the evidence establishes any one or more of the following specific violations:

(4) Because of any master plumber, master irrigator or journeyman plumber or journeyman irrigator willfully and fraudulently loaning his or her license to any other person for the purpose of permitting that person to engage in any plumbing or irrigation work in violation of the provisions of this chapter;

A hearing will be held on Tuesday, June 19, 2012 at the RI Department of Labor, Building 70, Second Floor Conference Room at 9:00 am. Your attendance is required. Failure to appear will result in revocation of Master Plumber License Number MP002455.

Per RIGL 5-20-33 a \$1,000.00 fine was assessed.

Mr. Luther enters the revocation letters and the violation notice as Exhibit A. Mr. Luther provides testimony.

Robert Bain, Jr. provides testimony.

Mr. Luther enters a copy of corporate paperwork dated June 13th as Exhibit B.

Michael Raposa made a motion that Violation 4252 did occur; RIGL 5-20-12 Corporations and Firms engaging in business and RIGL 5-20-27 Grounds for revocation of license; seconded by Anthony Cardarelli and passed unanimously by the Board.

Michael Newman made a motion that the fine of \$1,000.00 be upheld; seconded by Anthony Cardarelli and passed unanimously by the Board.

Michael Newman made a motion to suspend the revocation of Mr. Bain's license for one year pending no violations for one year; if Mr. Bain comes before the board in that time the revocation will be reinstated along with other violations that may be appropriate at the time; seconded by Lionel Bernardino and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

End of hearings.

5.) Apprentice Approvals:

Nicholas Bryant – Brett Cimino MP 001963

Keith Custadio – Robert Cabral MP001376

Larry Giorgi made a motion to approve the apprentice registrations; seconded by Michael Newman and passed unanimously by the Board.

6.) Simon T. Rowland Jones petition to sit for the Journeyman Plumber exam:

Simon T. Rowland Jones is from England and is petitioning the Board to sit for the Journeyman Plumber exam. Larry Giorgi recused himself.

The Board reviews the application submitted. Mr. Rowland Jones provides testimony and answers questions.

Anthony Cardarelli made a motion to allow Simon T. Rowland Jones to take the journeyman test; seconded by Lionel Bernardino. Larry Giorgi recused. All other members were in favor. The motion passed.

Amendment to Agenda:

Michael Newman made a motion to amend the agenda to add Domonic Zaharie; seconded by Larry Giorgi and passed unanimously by the Board.

6-A.) Domonic Zaharie to petition the Board to take the Master Plumber exam as an out of state master license holder: Pat Luther addressed the Board. Domonic Zaharie is petitioning to take the Master Plumber test based on the out of state requirements in the Rules and Regulations. Domonic Zaharie addressed the Board. Mr. Zaharie is a Master Plumber in Connecticut and a Journeyman in Rhode Island.

Michael Newman made a motion to allow Domonic Zaharie to take the Master exam; seconded by Lionel Bernardino and passed unanimously by the Board.

7.) Adjournment: Lionel Bernardino made a motion to adjourn; seconded by Richard Mandarini and passed unanimously by the Board. The meeting adjourned at 10:20am.

The next meeting scheduled for Tuesday, August 21, 2012 at 9:00am.