

**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, April 16, 2013**

**9:00am**

**In attendance:**

**Anthony Cardarelli**

**Ron DiAmbruoso**

**Richard Mandarini**

**Michael Newman**

**Michael Raposa**

**William J. Riley, Chair**

**Lionel Bernardino, Larry Giorgi and Jeffrey Hutton were not in attendance.**

**Also in attendance were E. Patrick Luther, Chief Plumbing Investigator and Mary Ellen McQueeney-Lally, Legal Counsel.**

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

**2.) Minutes of February 19, 2013 Meeting: Anthony Cardarelli made a motion to accept the minutes of the February 19, 2013 meeting; seconded by Michael Newman. There was no opposition.**

**3.) Conflict of Interest: Mary Ellen McQueeney-Lally, Legal Counsel, reminded the Board of that they are subject to the Code of Ethics and their responsibility to disclose conflicts of interest and recuse if necessary.**

**4.) Violation Appeal Hearings:**

**Bienvenido Rodriguez v Central Street Contractors LLC v Viol 4544:**

**Bienvenido Rodriguez, respondent; Elizabeth Bento, witness; Oscar Trzar, witness; and E. Patrick Luther, Chief Plumbing Investigator are sworn in for testimony. Attorney Raymond Tomasso represents the complainant. Mary Ellen McQueeney-Lally informs parties that a Spanish translator is present if necessary. E. Patrick Luther reads the violation.**

**Date: 2/28/2013; Violation 4544; Bienvenido Rodriguez, Central Street Contractors, LLC, 24 Richland Ave, Central Falls, RI 02863**

**Location of Violation: Machupicchu Restaurant 651 Admiral St Providence, RI**

**Violation:**

**RIGL 5-20-8 Practices for which master's license required**

**RIGL 5-20-12 Corporation and firms engaging in business**

**On or about October 22, 2012, Central Street Contractors was contracted by Machupicchu Restaurant to install a Backflow Preventer. Mr. Rodriguez is not a licensed master plumber in RI and his company, Central Street Contractors, does not have a master Plumber in its corporate structure. This is a violation of the above referenced RI General Laws.**

**As per RIGL 5-20-33 a \$1,000.00 fine was assessed with Violation 4544.**

**E. Patrick Luther provides testimony.**

**Attorney Raymond Tomasso representing the complainant addressed the Board.**

**Bienvenido Rodriguez addressed the Board and provides testimony. Mr. Rodriguez is a general contractor.**

**E. Patrick Luther addressed Mr. Rodriguez regarding RIGL 5-20. The Board also addressed Mr. Rodriguez regarding scope of work and licensing. Mr. Luther addressed the Board. The Board again questions Mr. Rodriguez.**

**Richard Mandarini made a motion that Violation 4544 did occur; seconded by Anthony Cardarelli. There was not opposition. Motion carries.**

**E. Patrick Luther informs the Board of the requested fine assessed with Violation 4544 is \$1,000.00 for violation for RIGL 5-20-8 Practices for which master's license required and RILG 5-20-12 Corporations and firms engaging in business. Richard Mandarini made a motion that the fine of \$1,000.00 be upheld; seconded by Michael Raposa. There was no opposition. Motion carries.**

**The recommendation will be forwarded to the Director's office.**

**Philip Mills v Viol 4530:**

**Philip Mills is sworn in for testimony. E. Patrick Luther reads the violation.**

**Date: 2/19/2013; Philip Mills; 195 Bellevue Ave, FL 2, Providence, RI 02907-2767**

**Location of Violation: Craigslist RI Skilled Trades 2-13-2013**

**Violation:**

**RIGL 5-20-12 Corporations and firms engaging in business**

**RIGL 5-20-24 License displayed in place of business - Advertising**

**On February 13, 2013, Cassana HVAC placed an ad on Craigslist advertising for plumbing services after further investigation it was determined that Cassana HVAC has no Master license within its firm or corporation. Mr. Philip Mills, authorized agent of the company, has no Master Plumbers license in RI. No License number was listed in the ad. This is a violation of the above referenced RI General Laws.**

**As per RIGL 5-20-33 a \$1,000.00 penalty was assessed with the Violation 4530.**

**E. Patrick Luther provides testimony. Mr. Mills is a licensed refrigeration, pipefitter and apprentice plumber in RI. Mr. Luther states the ad has since been removed.**

**Philip Mills provides testimony.**

**The Board questions Mr. Luther. Mr. Luther addressed the Board.**

**Anthony Cardarelli made a motion that Violation 4530 did occur; seconded by Michael Newman. There was no opposition. Motion carries.**

**There is a discussion. The Board questions Mr. Mills.**

**Michael Raposa made a motion to suspend the fine of \$1,000.00 for one year provided Mr. Mills does not come before the Board;**

**seconded by Michael Newman. There was no opposition. Motion carries.**

**The recommendation will be forwarded to the Director's office.**

**Robert Buitta v Viol 4550:**

**Robert Buitta is sworn in for testimony. E. Patrick Luther reads the violation.**

**Date: 3/12/13; Violation # 4550; Robert Buitta, 7 Paddock Dr, Lincoln, RI 02865**

**Location of Violation: Linda Proccacini 23 Merchant St North Providence, RI 02911**

**Violation:**

**RIGL 5-20-8 Practices for which a master license required**

**RIGL 5-20-24 License displayed in place of business - Advertising**

**On or about April thru July 2010, Robert Buitta was contracted by the Diocese of Providence to repair flood damage at the above location. Mr. Buitta was a registered contractor in RI but chose to install plumbing for a washing machine and lavette in the basement without a Rhode Island Master Plumber's license. This is a violation of the above referenced RI General Laws.**

**As per RIGL 5-20-33 a \$1,000.00 penalty was assessed for Violation 4550**

**E. Patrick Luther provides testimony.**

**Robert Buitta provides testimony.**

**Anthony Cardarelli made a motion that violations of RIGL 5-20-8, Practices for which master's license required, and RIGL 5-20-24, License displayed in place of business V Advertising did occur; seconded by Michael Newman. There was no opposition. Motion carries. Mr. Buitta inquires about the advertising violation. Mr. E. Patrick Luther informs Mr. Buitta that plumbing work was included on the invoice submitted and a license number is required for plumbing work.**

**Mr. Newman inquires of Mr. Luther if Mr. Buitta has been before the Plumbing Board before. Mr. Luther states that he has not.**

**Pertaining to Violation 4550, Michael Newman made a motion that the fine of \$500.00 for RIGL 5-20-8, Practice for which master's license required, be upheld and the \$500.00 fine for RIGL 5-20-24, License displayed in place of business V Advertising, be suspended for one year provided Mr. Buitta does not come before the Board again. The motion was seconded by Michael Raposa. There was no opposition.**

**The recommendation will be forwarded to the Director's office.**

**End of hearings.**

**5.) Apprentice Approvals / Apprentice Registrations 02/19/2013 thru 04/16/2013:**

**„X Wayne Reed - Russ Desgranges MP01879**

**„X Paul Bizier - Anthony Delmonico MP001522**

**„X Manuel Moretta - Luis Ariza MP002141**

**„X Diego Rojas - Nicholas Bermudez MP002118**

**„X Taurean Zanella - Ron Zanella MP001509**

**„X Mike Foley Jr - Tony Hawkes MP001625**

**„X Nate Nightingale Pouliot - Gino Burgio MP002055**

**„X Ray Neri Jr - Ray Neri MP001516**

**„X Chris Gelfuso - Tom Finnegan MP002148**

**E. Patrick Luther informs the Board that the Apprentice Registrations and ration sheets are in accordance with RIGL 5-20-25. Michael Newman made a motion to accept; seconded by Richard Mandarin. There was no opposition.**

**\*\*Mr. Luther informs the Board there are test reviews following the meeting.**

**6.) Adjournment: Michael Newman made a motion to adjourn; seconded by Richard Mandarinini and passed unanimously by the Board. The meeting adjourned at 9:44am.**