

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 18, 2014

9:00am

In attendance:

Lionel Bernardino

Anthony Cardarelli

Jeffrey Hutton

Richard Mandarini

Michael Newman

Larry Giorgi (9:02am)

William J. Riley, Chair

Michael Raposa was not in attendance.

Also in attendance were E. Patrick Luther, Chief Plumbing Investigator; Mary Ellen McQueeney-Lally, DLT Legal Counsel; and John Shaw, Administrator.

1.) Call to Order: The meeting was called to order at 9:02am by

William J. Riley, Chair.

2.) Minutes of December 17, 2013 Meeting: Richard Mandarinini made a motion to accept the minutes of the December 17, 2013 meeting; seconded by Michael Newman; and passed unanimously by the Board.

3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Mary Ellen McQueeney-Lally, DLT Legal Counsel, reminds the Board that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest, financial or otherwise, and should recuse from hearing and voting on the matter. Legal Counsel is available for questions.

4.) Violation Appeal Hearings: None

5.) Revocation Hearing:

Robert Lubera – Violation # 4788: Robert Lubera is present. E. Patrick Luther, DLT Investigator; Robert Lubera, respondent; Tamara Corriea, Lubera Plumbing; and Richard A. Bernard, R&V Bernard LLC, are sworn in for testimony. E. Patrick Luther reads the violation into

the record.

DATE OF VIOLATION: 2/13/2014; VIOLATION # 4788

NAME OF VIOLATOR: Robert Lubera, 168 Knotty Oak Rd, Coventry, RI 02816

LOCATION OF VIOLATION: Richard Bernard, R. & V Bernard LLC, 20 Earle St., West Warwick, RI

VIOLATION: 5-20-27 (4) Grounds for revocation of license.

On September 5, 2013, Robert Lubera did take a permit for plumbing work at the above location. Mr Lubera did not have a contract with the owners listed above, the contract was with a unlicensed individual, Thomas Calci, who was operating a unlicensed company, P & T Plumbing. This is grounds for revocation of Master Plumbers license number MP002064 as described in RIGL 5-20-27 section (4) "Because of any master plumber, master irrigator or journeyperson plumber or journeyperson 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 revocation of license hearing will be held March 18, 2014 at 9:00 am at The Rhode Island Department of Labor and Training, 1511 Pontiac Ave. Cranston RI, Building 70 second floor conference room. In addition, the above cited violation is subject to a \$500 fine. Your attendance is required. If you fail to appear, the hearing will continue as scheduled and be held in your

absence.

\$500.00 fine was issued per RIGL 5-20-33.

E. Patrick Luther provides testimony and is questioned by the Board.

The Board questions Richard Bernard.

The Board questions Robert Lubera.

Richard Mandarini made a motion that Violation 4788 did occur; seconded by Lionel Bernardino and passed unanimously by the Board.

Anthony Cardarelli made a motion to revoke Mr. Lubera's license for one month with at five (5) year probation period. The motion was seconded by Michael Newman and passed unanimously by the Board. Anthony Cardarelli clarified the motion to revoke Mr. Lubera's license for one month and put Mr. Lubera on a five (5) year probation; if he violates and regulation within the five (5) years his license will be revoked. Larry Giorgi made a motion to accept the motion and passed unanimously by the Board.

Michael Newman made a motion to uphold the fine of \$500.00 per RIGL 5-20-33; seconded by Larry Giorgi and passed unanimously by the Board.

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

6.) Apprentice Approvals / Apprentice Registrations:

- **Enea Desimone Roto Rooter MP003473**
- **John Stapleton Todd Holden MP002303**
- **Bryan Miranda James Adessi MP002169**
- **William D'Agostino Rico Colaluca MP000052**
- **Ethan Cruz Todd Holden MP002303**
- **Maurice Jiones Don Lapierre MP001502**
- **Justin Robidoux Len Gemma MP001809**
- **Russell Elmes Bruce Dumais MP001903**

Larry Giorgi made a motion to accept the new apprentice approvals; seconded by Michael Newman. Lionel Bernardino did not vote and recused himself. Remaining members voted in favor. Motion passed.

7.) Adjournment: Anthony Cardarelli made a motion to adjourn; seconded by Lionel Bernardino. All were in favor. The meeting adjourned at approximately 9:33am.