

**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, June 16, 2015

9:00am

In attendance: Lionel Bernardino

Anthony Cardarelli

Richard Mandarini

Michael Newman

William J. Riley, Chair

Larry Giorgi, Jeffrey Hutton, Michael Raposa and DLT Director Jensen was not in attendance.

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

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

2.) Minutes of May 19, 2015 Meeting: Michael Newman made a motion to accept the minutes of May 19, 2015; seconded by Richard Mandarinini and passed unanimously.

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. If there is a conflict board members should recues from both hearing and voting on the matter. Forms are available.

4.) Violation Appeal Hearings: None

5.) Revocation Hearing – Rafael Rijos – Violation 5142: Rafael Rijos, Respondent, and E. Patrick Luther, Chief Plumbing Investigator, are sworn in for testimony. Mr. Luther reads the violation into the record.

Name of Violator: Rafael Rijos

Location of Violation: Texas Roadhouse, 39 Dowling Village Blvd, North Smithfield, RI

Violation: RIGL 5-20-9 Acts for which journeypersons license required; RIGL 5-20-27 (4) Grounds for revocation of license.

On March 27, 2015, Rafael Rijos, Master Plumber's license # MP002191, did take a permit for plumbing work at the above location. Mr. Rijos did not have a contract with the owners listed above, the contract was with an unlicensed individual, Mr. Robert Stella of Main Street Mechanical LLC, 89 Old Lowell Rd, Westford, MA. Mr. Rijos is not a corporate officer for Main Street Mechanical LLC. At the time of inspection, 3-30-2015, three unlicensed individuals were installing underground drainage at the above location, Chad Simmons, of 18 Bearcourt Dr, Attleboro, MA; Jesus Ciccia, of 743 Lonsdale Ave, Central Falls, RI; and Denis Hernandez, of 52 Greeley St, Providence, RI.

This is grounds for revocation of Master Plumber's license number MP002191 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 June 16, 2015 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 \$3,000.00 fine. Your attendance is required. If you fail

to appear, the hearing will continue as scheduled and be held in your absence.

E. Patrick Luther provides testimony. The following is entered as evidence: Exhibit A, Contract with Main Street Mechanical LLC and Kelley Construction (General Contractor); Exhibit B: Plumbing Permit application; and Exhibit C: Main Street Mechanical LLC corporate paperwork. Mr. Luther provides additional testimony and is questioned by the Board. Mr. Luther reads the Revocation Notice into the record.

Rafael Rijos provides testimony and is questioned by the Board.

Lionel Bernardino made a motion that the violation did occur; seconded by Michael Newman and passed unanimously by the Board.

Regarding the fine of \$3,000.00, Lionel Bernardino made a motion to reduce the fine to \$1,500.00 as it is a serious charge; seconded by Anthony Cardarelli and passed unanimously by the Board.

Regarding the revocation of license, Michael Newman made a motion not to revoke Mr. Rijos' license at this time but must stay out of any issues (violations) for one year, if he is brought before the board again, the license will be revoked along with any new violation. The motion is seconded by Lionel Bernardino and passed unanimously

by the Board.

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

6) Apprentice Approvals / Apprentice Registrations:

- Joseph Fiore Joshua Orlandi MP003517**
- John Viveros Jr John Veveiros MP001809**

Anthony Cardarelli made a motion to accept the approval Joseph Fiore and John Viveros Jr; seconded by Michael Newman and passed unanimously.

- Joshua Nicholas Len Gemma MP001809**

Lionel Bernardino recused.

Michael Newman made motion to accept Joshua Nicholas as a new apprentice; seconded by Richard Mandarini. Cardarelli, Mandarini, Newman were in favor. Bernardino recused.

7.) Adjournment: Richard Mandarini made a motion to adjourn; seconded by Anthony Cardarelli. There was no opposition. Meeting adjourned at 9:29am.