

**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, August 18, 2015**

**9:00am**

**In attendance: Lionel Bernardino**

**Anthony Cardarelli**

**Larry Giorgi (arrived at 9:11am)**

**Jeffrey Hutton**

**Richard Mandarini**

**Michael Raposa**

**William J. Riley, Chair**

**Michael Newman and DLT Director Jensen, or designee, were 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 9:01am by Chair**

**William J. Riley.**

**2.) Minutes of June 16, 2015 Meeting: There was an error in the agenda. Item 2 should be for the Minutes of June 16, 2015 not July 21, 2015. Michael Newman made a motion to change the date of the minutes to June 16, 2015; seconded by Anthony Cardarelli and passed unanimously by the Board. Larry Giorgi arrived at 9:11am and was not present for voting.**

**Lionel Bernardino made a motion to approve the minutes of June 16, 2015; seconded by Jeffrey Hutton and passed unanimously. Larry Giorgi arrived at 9:11am and was not present for voting.**

**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:**

**Ray Christopher – Raz Heating and Plumbing – Violation 5106: E. Patrick Luther, Chief Plumbing Investigator; Ray Christopher, Raz Heating and Plumbing; and Richard Gouveia are sworn in for testimony. Mr. Luther reads the Violation.**

**DATE: 4/16/2015; VIOLATION: 5106; Raz Heating and Plumbing – Ray Christopher**

**LOCATION OF VIOLATION:**

**Coventry Housing Authority, 14 Manchester Circle, Coventry, RI 02816**

**Parkway Towers, 10 Office Parkway, East Providence, RI 02914**

**VIOLATION: RIGL 5-20-9 Work for which journeypersons license required (2); RIGL 5-20-12 Corporations and firms engaged in business (2)**

**On or about March 27, 2015, a complaint was received by E. Patriuck Luther, Chief Plumbing Investigator, that Raz Heating and Plumbing LLC, operated by Raymond Christopher, Master Pipefitter 1 license number 00007076, was engaging in plumbing work at various locations in Rhode Island. After further investigations at the above locations and the copies of invoices paid at the two locations it was determined that Mr. Christopher was paid by the Coventry Housing Authority from 2-28-2014 thru 3-13-15 for plumbing repairs at various locations owned and operated by the housing authority. As for the**

**Parkway Towers in East Providence, invoices produced by Corolyn Marzilli, General Manager, confirm plumbing work done at various locations operated by Ferland Property Management in 2014. RAZ Heating and Plumbing does not have a Master Plumber's License in its firm or corporation and all work was done by unlicensed individuals. This is a violation of the above referenced Rhode Island General Laws.**

**As per RIGL 5-20-33 a fine of \$3,000.00 accompanied Violation 5106.**

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

**Ray Christopher provides testimony and is questioned by the Board.**

**Richard Gouveia provides testimony.**

**Michael Raposa made a motion that Violation 5106 did occur; seconded by Michael Newman and passed unanimously by the board.**

**Larry Giorgi arrived at 9:11am and did not participate voting.**

**Regarding the penalty for Violation 5106, Michael Newman made a motion to reduce the fine by half to \$1,500.00 and, if Mr. Christopher comes before the board for any reason, the full amount will be reinstated plus whatever any new violation would be. The motion was seconded by Michael Raposa. There is discussion. All were in favor. Larry Giorgi arrived at 9:11am and did not participate voting.**

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

**Main Street Mechanical, LLC – Robert Stella – Violation 5110: Does not appear. Notice sent by certified mail has not been signed for at this time. There is no record of the notice sent by regular mail having been returned.**

**Michael Newman made a motion to table the matter and renotice the respondent by certified and regular mail; seconded by Jeffrey Hutton and passed unanimously by the board. The matter is continued to the next meeting.**

**Steve Carbone – Violation 5154: Steve Carbone is sworn in for testimony. E. Patrick Luther having previously been sworn reads the violation**

**DATE: 05/26/2015; Violation 5154; Steve Carbone**

**LOCATION OF VIOLATION: Remodel Red River Asian Restaurant, 336 Bald Hill Rd, Warwick, RI**

**VIOLATION: RIGL 5-20-9 Acts for which journey person's license required**

**On May 6, 2015, RIDLT Chief Plumbing Investigator E. Patrick Luther conducted an investigation at the above address. Upon entering the premises I witnessed an individual installing plumbing in the bar area.**

**I introduced myself as a state inspector and gave him my card. The individual then refused to produce a plumbing license, registration or a picture identification as requested. A call was placed to Assistant Director, Joseph Degnan, requesting a State Trooper to be dispatched to attain the proper identification. Upon arrival, the individual provided the Trooper with the information requested. The individual was identified as Juan M. Lagos of 130 Lincoln Ave, Central Falls, RI 02863, an employee of S.B. Carbone Plumbing and Heating. At the time of inspection Mr. Lagos was not a licensed plumber or registered apprentice. This is a violation of the above referenced Rhode Island General Law.**

**A fine of \$1,500.00 accompanies Violation 5154 per RIGL 5-20-33.**

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

**Richard Mandarini made a motion the Violation 5154 did occur; seconded by Michael Newman and passed unanimously by the Board.**

**Regarding the penalty of \$1,500.00 for Violation 5154, Anthony Cardarelli made a motion to cut the penalty in half to \$750.00.**

**Michael Newman makes a new motion regarding the penalty for Violation 5154 be cut in half to \$750.00 and if Mr. Carbone is before the board within one year the \$750.00 that was waived will be reinstated along with any new violation. The motion is seconded by Larry Giorgi and passed unanimously by the board. The motion was clarified \$750.00 is imposed and \$750.00 is suspended for 1 year.**

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

**Vincent Brozini Jr – Brozini Plumbing and Heating, Inc. – Violation 5174: Vincent Brozini, Jr., Stephen Modlish, Harold Theriaque and Conner Osden, of Brozini Plumbing and Hearing, Inc, are sworn in for testimony. E. Patrick Luther, having previously been sworn, reads the violation.**

**DATE: 6/9/2015; VIOLATION #: 5174, Vincent Brozini Jr, Brozini Plumbing and Heating, Inc.**

**LOCATION OF VIOLATION: Wendy's Restaurant, 1300 Ten Rod Rd, North Kingstown, RI**

**VIOLATION:**

**RIGL 5-20-9 Acts for which journey person's license required**

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

**(b) (2)**

**On May 29, 2015, RIDLT Chief Plumbing Investigator E. Patrick Luther conducted an investigation at the above address. Upon entering the premises I witnessed 4 individuals installing plumbing. I introduced myself as a state investigator and requested identification from the individuals they were identified as Tim Healy, of 8 Glasgow Rd, Blanford, MA, Harold J. Theriaque Jr., 34 Sagamore Rd, West Springfield, MA, Stephen M. Modlish, 192 Tannery Rd., Westfield, MA, and Conner R. Osden, 210 Worthington Rd, Huntington, MA. None of the individuals were licensed plumbers or registered apprentices in Rhode Island. All four individuals are employees of Brozini Plumbing and Heating, Inc. Two vehicles on the site were not properly lettered as required by law, a Chevy utility Body Pickup, MA license # R58-225, and a Ford E 350 van MA license # M52-078. Mr. Brozini is cited for 2 vehicles with no licensed numbers displaying a Master License Number and the employees working unlicensed in RI. This is a violation of the above referenced Rhode Island General Laws.**

**E. Patrick Luther provides testimony and is questioned by the Board. Vincent Brozini, Jr. provides testimony and is questioned by the Board.**

**Regarding Violation 5174, Michael Newman made a motion that the violation did occur; Seconded by Lionel Bernardino. There is discussion. All were in favor. Motion passed.**

**Regarding the penalty for Violation 5174, Michael Raposa made a motion to reduce the fine of \$4,500.00 to \$2,250.00; seconded by Jeffrey Hutton and passed unanimously by the Board.**

**Stephen M. Modlish – Violation 5171: Stephen Modlish and E. Patrick Luther were previously sworn in. Mr. Luther reads the violation.**

**DATE 6/5/2015; VIOLATION #5171 – Stephen M. Modlish**

**LOCATION OF VIOLATION: Wendy's Restaurant, 1300 Ten Rod Rd, North Kingstown, RI**

**VIOLATION: RIGL 5-20-9 Acts for which journey person's license required**

**On May 29, 2015, RIDLT Chief Plumbing Investigator E. Patrick Luther conducted an investigation at the above address. Upon entering the premises, I witnessed 4 individuals installing plumbing. I introduced myself as a state investigator and requested identification from the individuals. They were identified as Tim Healy, of 8 Glasgow Rd, Blanford, MA; Harold J. Theriaque Jr., 34 Sagamore Rd, West Springfield, MA; Stephen M. Modlish, 192 Tannery Rd., Westfield, MA; and Conner R. Osdan, 210 Worthington Rd, Huntington, MA. None of the individuals were licensed plumbers or registered apprentices in Rhode Island. This is a violation of the above referenced Rhode Island General Law.**

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

**Michael Newman made a motion that Violation 5171 did occur; seconded by Michael Raposa and passed unanimously by the Board.**

**Regarding the penalty of \$1,500.00, Lionel Berardino made a motion that the fine be held in abeyance for one year and if there are no violations by Mr. Modlish for one year it will be suspended. The motion is seconded by Michael Newman and passed unanimously by the Board.**

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

**Tim Healy – Violation 5170: Timothy Healy is not present due to illness. The hearing was conducted telephonically. E. Patrick Luther reads the violation.**

**VIOLATION 5170, Tim Healy**

**LOCATION OF VIOLATION: Wendy's Restaurant, 1300 Ten Rod Rd, North Kingstown, RI**

**VIOLATION: RIGL 5-20-9 Acts for which journeyperson's license required**

**On May 29, 2015, RIDLT Chief Plumbing Investigator E. Patrick Luther conducted an investigation at the above address. Upon entering the premises, I witnessed 4 individuals installing plumbing. I introduced myself as a state investigator and requested identification from the individuals. They were identified as Tim Healy, of 8 Glasgow Rd Blanford MA;, Harold J. Theriaque Jr., 34 Sagamore Rd, West Springfield MA; Stephen M. Modlish, 192 Tannery Rd, Westfield, MA; and Conner R. Osden, 210 Worthington Rd, Huntington MA. None of the individuals were licensed plumbers or registered apprentices in Rhode Island. This is a violation of the above referenced Rhode Island General Law.**

**A penalty of \$1,500.00 accompanied Violation 5170 per RIGL 5-20-33.**

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

**Mr. Healy is questioned by the Board.**

**Michael Newman made a motion that Violation 5170 did occur; seconded by Larry Giorgi and passed unanimously by the Board.**

**Regarding the penalty of \$1,500.00, Michael Newman made a motion that the fine of \$1,500.00 be suspended for one (1) year pending no violations during within that time, if brought before the board again the fine will be reinstated; seconded by Anthony Cardarelli and**

**passed unanimously by the Board.**

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

**Harold J. Theriaque, Jr. – Violation 5172: Harold J. Theriaque Jr and E. Patrick Luther were previously sworn. Mr. Luther reads the violation.**

**DATE: 6/5/2015; VIOLATION 5172 Harold J. Theriaque Jr.**

**LOCATION OF VIOLATION: Wendy's Restaurant 1300 Ten Rod Rd, North Kingstown, RI**

**VIOLATION: RIGL 5-20-9 Acts for which journeyperson's license required**

**On May 29, 2015, RIDLT Chief Plumbing Investigator E. Patrick Luther conducted an investigation at the above address. Upon entering the premises, I witnessed 4 individuals installing plumbing. I introduced myself as a state investigator and requested identification from the individuals. They were identified as Tim Healy, of 8 Glasglow Rd, Blanford MA; Harold J. Theriaque Jr., 34 Sagamore Rd, West Springfield, MA; Stephen M. Modlish, 192 Tannery Rd, Westfield, MA; and Conner R. Osden; 210 Worthington Rd, Huntington, MA. None of the individuals were licensed plumbers or registered apprentices in Rhode Island. This is a violation of the above referenced Rhode**

**Island General Law.**

**As per RIGL 5-20-33 a \$1,500.00 fine accompanied Violation 5172.**

**The Board questions Harold Theriaque.**

**Jeffrey Hutton made a motion that Violation 5172 did occur; seconded by Michael Newman and passed unanimously by the Board.**

**Regarding the \$1,500.00 penalty for Violation 5172, Larry Giorgi made a motion the fine of \$1,500.00 be held in abeyance fine for one year; seconded by Anthony Cardarelli and passed unanimously by the Board.**

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

**Conner R. Osden – Violation 5173: Conner Osden and E. Patrick Luther were previously sworn. Mr. Luther reads the violation.**

**DATE: 6/5/2015; VIOLATION 5173, Conner R. Osden**

**LOCATION OF VIOLATION: Wendy's Restaurant, 1300 Ten Rod Rd, North Kingstown RI**

**VIOLATION: RIGL 5-20-9 Acts for which journey person's license required**

**On May 29, 2015, RIDLT Chief Plumbing Investigator E. Patrick Luther conducted an investigation at the above address. Upon entering the premises, I witnessed 4 individuals installing plumbing. I introduced myself as a state investigator and requested identification from the individuals. They were identified as Tim Healy, of 8 Glasgow Rd, Blanford, MA; Harold J. Theriaque Jr, 34 Sagamore Rd, West Springfield, MA; Stephen M. Modlish, 192 Tannery Rd, Westfield, MA; and Conner R. Osden, 210 Worthington Rd, Huntington MA. None of the individuals were licensed plumbers or registered apprentices in Rhode Island. This is a violation of the above referenced Rhode Island General Law.**

**Conner Osden is questioned.**

**Michael Newman a motion that Violation 5173 did occur; seconded by Anthony Cardarelli and passed unanimously by the Board.**

**Regarding the \$1,500.00 penalty, Michael Raposa made a motion to suspend the fine for one year as long as Mr. Osden is not brought before the Board. Larry Giorgi seconds the motion. All were in favor.**

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

**Dale Tessier, Jr. – Malba, Inc. – Violation 5223: Dale Tessier Jr is**

**sworn in for testimony. E. Patrick Luther, having previously been sworn, reads the violation.**

**DATE 6/29/2015; VIOLATION# 5223, Dale Tessier Jr., Malba, Inc.**

**LOCATION OF VIOLATION: Cumberland Farms, 1175 Main St.,  
Richmond, RI**

**VIOLATION: RIGL 5-20-10 Work for which apprentice certificate  
required**

**On June 25, 2015, RIDLT Chief Plumbing Investigator E. Patrick Luther conducted an investigation at the above address. Upon entering the premises I witnessed an individual installing plumbing in the bathroom. Christopher J. Piasecki was installing plumbing without a current apprentice card as required by law. Mr. Piasecki is an employee of Malba, Inc., Master Plumber license number MP002068 held by Mr. Dale Tessier Jr. Mr. Tessier is a corporate officer for Malba, Inc. as required. This is a violation of the above referenced Rhode Island General Law.**

**A \$1,500.00 fine was imposed with Violation 5223 as per RIGL 5-20-33.**

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

**Regarding Violation 5223, Lionel Bernardino made a motion that the**

**violation did occur; seconded by Michael Newman and passed unanimously by the Board.**

**Regarding the \$1,500.00 penalty for Violation 5223, due to the fact that Malba Inc. has been before the Board Lionel Bernardino made a motion to uphold the \$1,500.00 fine; seconded by Jeffrey Hutton and passed unanimously by the Board.**

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

**Mr. Tessier addressed the Board.**

**David Schumacher – D. Schumacher Landscaping, Inc. – Violation 5253: David Schumacher is not present. Miguel S. Castanheira, Construction Division Manager for D. Schumacher Landscaping, Inc. is present. Miguel Castanheira is sworn in for testimony. E. Patrick Luther, having previously been sworn, reads the violation.**

**DATE: 7/9/2015, VIOLATION # 5253, David Schumacher, D. Schumacher Landscaping, Inc.**

**LOCATION OF VIOLATION: 335 Shore Rd, Westerly, RI**

**VIOLATION: RIGL 5-20-9 Acts for which journey person's license required; RIGL 5-20-12 Corporations and firms engages in business**

**On June 23, 2015, Chief Plumbing Investigator, E. Patrick Luther, and Chief Hoisting Engineer Investigator, David Rodrigues, conducted an investigation at the above address. Mr. Miguel Choc Ventura, of 23 Beetle St, New Bedford, MA 02746 and Mr. Norberto C. Sousa, of 47 Bellville Rd, New Bedford, MA 02745, were repairing irrigation lines that were damaged by the excavation being done. Mr. Ventura nor Mr. Sousa hold irrigation licenses in RI and both individuals are employees of D. Schumacher Landscaping, Inc. After further investigation, it was determined that David Schumacher does not hold a RI Master Irrigator's license and D. Schumacher Landscaping, Inc. does not have a Master Irrigator in its corporate structure. This is a violation of the above referenced Rhode Island General Laws.**

**As per RIGL § 5-20-33, a \$3,000.00 penalty was imposed with Violation 5253.**

**E. Patrick Luther and Miguel Castanheira provide testimony and are questioned by the Board.**

**Anthony Cardarelli made a motion that Violation 5253 did occur; seconded by Jeffrey Hutton and passed unanimously by the Board.**

**Regarding the \$3,000.00 penalty for Violation 5253, Michael Newman made a motion to reduce the fine by 50% to \$1,500.00; seconded by Larry Giorgi. There is discussion. A vote is taken. Lionel Bernardino, Anthony Cardarelli, Larry Giorgi, Jeffrey Hutton and**

**Michael Raposa were in favor. Richard Mandarinini opposed. Motion passed.**

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

**Miguel Choc Ventura – Violation 5251: Does not appear. E. Patrick Luther confirms that Miguel Choc Ventura received notice of today's hearing. The hearing continues in Mr. Venutra's absence.**

**DATE: 7/9/2015, VIOLATION # 5251, Miguel Choc Ventura**

**LOCATION OF VIOLATION: 335 Shore Rd, Westerly, RI**

**VIOLATION: RIGL 5-20-9 Acts for which journeyperson's license required**

**On June 23, 2015, Chief Plumbing Investigator, E. Patrick Luther, and Chief Hoisting Engineer Investigator, David Rodrigues, conducted an investigation at the above address. Mr. Miguel Choc Ventura, of 23 Beetle St, New Bedford, MA 02746, was repairing irrigation lines that were damaged by the excavation being done. Mr. Ventura does not hold an irrigation license in RI and is an employee of D. Schumacher Landscaping, Inc. After further investigation, it was determined that David Schumacher does not hold a RI Master Irrigator's license and D. Schumacher Inc. does not have a Master Irrigator in its corporate structure. This is a violation of the above referenced Rhode Island**

## **General Law.**

**As per RIGL § 5-20-33 a \$1,500.00 penalty accompanied Violation 5251.**

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

**Lionel Bernardino made a motion that the violation did occur; seconded by Anthony Cardarelli and passed unanimously by the Board.**

**Regarding the penalty for Violation 5251, Anthony Cardarelli made a motion to uphold the penalty of \$1,500.00 per RIGL § 5-20-33 in violation of RIGL § 5-20-9; seconded by Lionel Bernardino and passed unanimously by the Board.**

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

**Norberto C. Sousa – Violation 5252: Norberto Sousa is sworn in for testimony. E. Patrick Luther, having previously been sworn, reads the violation.**

**DATE: 7/9/2015; VIOLATION: 5252, Norberto C. Sousa**

**LOCATION OF VIOLATION: 335 Shore Rd , Westerly, RI**

**VIOLATION: RIGL 5-20-9 Acts for which journeyperson's license required**

**On June 23, 2015, Chief Plumbing Investigator, E. Patrick Luther, and Chief Hoisting Engineer Investigator, David Rodrigues, conducted an investigation at the above address. Mr. Norberto C. Sousa, of 47 Bellville Rd, New Bedford, MA 02745, was repairing irrigation lines that were damaged by the excavation being done. Mr. Norberto does not hold an irrigation license in RI and is an employee of D. Schumacher Landscaping, Inc. After further investigation, it was determined that David Schumacher does not hold a RI Master Irrigator's license and D. Schumacher Landscaping, Inc. does not have a Master Irrigator in its corporate structure. This is a violation of the above referenced Rhode Island General Law.**

**As per RIGL § 5-20-33 a fine of \$1,500.00 was assessed with Violation 5252.**

**E. Patrick Luther and Norberto Sousa provide testimony.**

**Jeffrey Hutton made a motion that Violation 5252 did occur; seconded by Lionel Bernardino and passed unanimously by the Board.**

**Regarding the penalty of \$1,500.00, Larry Giorgi made a motion to suspend the fine; seconded by Jeffrey Hutton and Michael Raposa**

**and passed unanimously by the Board.**

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

**End of hearings.**

**5.) Apprentice Approvals / Apprentice Registrations: Board member, Lionel Bernardino recused from the matter.**

- John Czerien Tom Malone MP001814**
- Maurice Jones Carmine DiSanto MP0019802**
- Robert Coffey Don DiGregorio MP001297**
- Jeffrey Manning William Manning MP002360**
- Raymond Zawadski Gary Zawadski MP001695**
- James Ulanski Joe Maggiacomo MP001820**
- Joel Albanesa Philip Mangione MP001523**
- Matthew Loon Lenny Gemma MP001809**
- Nathaniel Nightingale-Pouliot Lenny Gemma MP001809**
- Edwin Hopkins Peter Palumbo MP001050**

**Larry Giorgi made a motion to accept the apprentice approvals / apprentice registrations; seconded by Michael Raposa. Lionel Bernardino recused. Remaining members were in favor. Motion carried.**

**6.) Adjournment: Larry Giorgi made a motion to adjourn; seconded by Jeffrey Hutton. There was no opposition. Meeting adjourned at 10:41am.**