

**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, September 15, 2015

9:00am

In attendance: Larry Giorgi

Jeffrey Hutton

Richard Mandarini

Michael Raposa

William J. Riley, Chair

Lionel Bernardino, Anthony Cardarelli, 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 Valentino Lombardi, DLT Legal Counsel.

1.) Call to Order: The meeting was called to order at 9:14am by Chair William J. Riley.

2.) Minutes of August 18, 2015 Meeting: Richard Mandarini made a motion to approve the minutes of August 18, 2015; seconded by Michael Raposa and passed unanimously.

3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Valentino Lombardi, 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. Legal counsel is available if needed. Forms are available.

4.) Violation Appeal Hearings:

Gregory Barker – Violation 5279: Gregory Barker and E. Patrick Luther, Chief Plumbing Investigator are sworn in for testimony. Mr. Luther reads the violation.

LOCATION OF VIOLATION: Donald Gustafson residence, 195 Pocahontas Dr., Warwick, RI

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

On July 23, 2015, Chief Plumbing Investigator E. Patrick Luther

conducted an investigation at the above address. Mr. Gregory Barker, of 61 Urban Ave., Warwick, RI, was installing an irrigation system. Mr. Barker has no Master Irrigation license in RI. A permit was taken for the installation by the home owner, Mr. Donald Gustafson, in The City of Warwick. This is a violation of the above referenced Rhode Island General Law.

E. Patrick Luther and Gregory Barker provide testimony and are questioned by the Board.

Michael Raposa made a motion that Violation 5279 did occur; seconded by Larry Giorgi and passed unanimously by the Board.

Regarding the penalty of \$1,500.00, Larry Giorgi made a motion to suspend the fine for one year; seconded by Jeffrey Hutton and passed unanimously by the Board.

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

Sergio DaSilva Jr. – Violation 5285: Sergio DaSilva is sworn in for testimony. E. Patrick Luther, previously sworn, reads the violation.

LOCATION OF VIOLATION: Jill Woodcome Residence, 1 Reservoir Ave, Rumford, RI

VIOLATION: RIGL 5-20-8 Practices for which master's license

required

On June 23, 2015, Chief Plumbing Investigator, E. Patrick Luther, received a written complaint from Jill Woodcome, of 1 Reservoir Rd., Rumford, RI. In her complaint she stated that she hired Mr. Sergio DaSilva Jr to do some irrigation work at the above location. Mr. DaSilva Jr. does not hold a Master Irrigator's License as required by law in order to bid, solicit, or advertise for irrigation work in RI. Mr. DaSilva Jr. is a licensed Journeyperson Irrigator in RI (JI000125). A licensed Journeyperson cannot operate a business in RI. Mr. DaSilva Jr. was paid \$1,400.00 dollars for the installation of additional heads to an existing irrigation system. Upon receiving this complaint a phone call was placed to Jill Woodcome. She stated that Mr. DaSilva did indeed to the work at her home and did not respond to her calls when problems arose from the situation. This is a violation of the above referenced Rhode Island General Laws.

E. Patrick Luther and Sergio DaSilva Jr provide testimony and are questioned by the Board.

Michael Raposa made a motion that Violation 5285 did occur; seconded by Jeffrey Hutton and passed unanimously by the Board.

Regarding the penalty of \$1,500.00, Michael Raposa made a motion to uphold the fine of \$1,500.00; seconded by Richard Mandarini. There is discussion. After discussion the motion passed unanimously by

the Board.

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

Main Street Mechanical, LLC – Robert Stella – Violation 5110: Robert Stella does not appear. Notice of today's hearing was sent to Main Street Mechanical LLC, Robert Stella by certified and regular mail. Notice sent by certified mail was returned. There is no record of the regular mail being returned.

LOCATION OF VIOLATION: Texas Roadhouse, Eddie Dowling Hwy and Dowling Village Blvd, North Smithfield, RI

VIOLATION:

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

RIGL 5-20-12 Corporations and Firms engaged in Business

On February 23, 2015, Main Street Mechanical LLC, Robert Stella, entered into a contract with Texas Roadhouse Holdings, 6040 Dutchmans Ln., Louisville, KY, to install plumbing at the above address. Main Street Mechanical LLC does not have a Master Plumber's License in its firm or corporation and Robert Stella is not a Master Plumber in Rhode Island. Main Street Mechanical, LLC had Rafael Rijo, MP002191, of 297 Grove St, Providence, RI take a permit for the work at the above location. Mr. Rijo is not a corporate officer of Main Street Mechanical LLC and cannot take a permit for that LLC.

Three men were working on site at the time of the inspection on 3-30-2015, Chad Simmons, 18 Bearcourt Dr, Attleboro, MA; Jesus Ciccia, of 743 Lonsdale Ave, Central Falls, RI; and Denis Hernandez, 52 Greeley St, Providence, RI. All were installing underground PVC drainage. This is a violation of the above referenced Rhode Island General Laws.

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

Jeffrey Hutton made a motion that Violation 5110 did occur; seconded by Larry Giorgi and passed unanimously by the Board.

Regarding the penalty of \$3,000.00, Michael Raposa made a motion to uphold the fine of \$3,000.00; seconded by Larry Giorgi and passed unanimously by the Board.

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

End of hearings.

5.) Apprentice Approvals / Apprentice Registrations: E. Patrick Luther confirms that apprentice ratios are in order.

• John Larsen Michael Spencer MP003553

- **Christopher Landerville Dan Donovan MP001446**
- **Nathan Nunez Roto Rooter MP003473**
- **Eric Woolf Roto Rooter MP003473**
- **Andrew Morin Roto Rooter MP003473**
- **Clay Caswell Mike Cambio MP002147**
- **Yiri Soto Tim Fontaine MP002085**
- **Peter Plennunger Russ Desgranges MP001879**
- **Richard Melara Philip Mangione MP001523**

Michael Raposa made a motion that if the ratios are correct to accept the apprentice approvals / apprentice registrations; seconded by Larry Giorgi and passed unanimously by the Board.

**** There is general discussion of the possibility of establishing a relationship with Massachusetts Plumbing Board with regards to violations.**

6.) Adjournment: Michael Raposa made a motion to adjourn; seconded by Jeffrey Hutton. The motion passed unanimously. Meeting adjourned at 9:55am.