

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

1511 Pontiac Avenue

Building 70 – 2nd Floor Conference Room

Cranston, RI

401.462.8538

Wednesday, February 1, 2006

9:00 am

In attendance: John Webster

Chester Stewart

Stanley Davies

Michael Januario

Quinlan Regan

Michael Carreiro

Board members Kenneth Aurecchia, Peter Lombardi, Ronald Cronin and Bobby Joe Harris are not in attendance for today's meeting.

There is a quorum – Mr. Davies called the meeting to order at 9:10 am.

There are three hearings scheduled today for which there is board

stenographer.

1. Larisa's Plumbing & Heating – Violation # 2570

Mr. Wright informed the board that this hearing will not take place as the fine imposed has been paid.

2. Fraser Engineering Company – Violation # 2585

The next hearing is with Fraser Engineering. Mr. Clifford Whiting, City of Providence Deputy Chief Mechanical Inspector, Mr. Robert Gates, Mr. Joseph Hamilton, Mr. Lester Fraser of Fraser Engineering Company, Mr. Edward Whittaker and Mr. Charles Wright, RIDLT Investigators are present and sworn in by the board stenographer.

Mr. Whittaker read the violation: It is alleged that on December 13, 2005, Mr. Edward J. Whittaker and Mr. Charles Wright, RIDLT Investigators, along with the City of Providence Mechanical Inspector did find an alleged employee (Herbert Fuller) of Fraser Engineering Company working at Motiva, 520 Allens Avenue, Providence, RI without a valid RI Mechanical license. This is a violation of RIGL 28-27-28 "Practices for which a license is required". Further, Fraser Engineering Company does not have a RI licensed master mechanical individual in their corporate structure. This is a violation of RIGL 28-27-5 "Practices for which a master or contractor license is required" and no permit was issued by the City of Providence. This is

a violation of RIGL 28-27-20 "State and municipal inspections and installation permits".

Based on the testimony provided today, Mr. Carreiro made a motion that a finding of fact has been made by the board that; Fraser Engineering did have an unlicensed employee working at Motiva, 520 Allens Avenue, Providence, RI which is a violation of RIGL 28-27-28 "Practices for which a license is required"; did not receive a permit for this work from the City of Providence which is a violation of RIGL 28-27-20 "State and municipal inspections and installation permits"; therefore recommending upholding the fine of \$1,000.00 to the Director of Labor. Mr. Carreiro further stated that Fraser Engineering does indeed have a RI licensed master mechanical individual in their corporate structure and recommended the fine for violation of RIGL 28-27-5 "Practices for which a master or contractor license is required" be dismissed. Mr. Stewart seconded the motion. All members voted in favor.

3. ACE Refrigeration – Violation # 2563

The final appeal today is with ACE Refrigeration, which does not have anyone present to testify today.

Mr. Whittaker read a letter addressed to this department from Mr. Timothy W. Joslyn of ACE Refrigeration stating their request for an appeal for this violation. Mr. Whittaker then read the response letter

from this department informing Mr. Joslyn of the date, time, and place of the hearing and also informing him that the hearing would take place in the event of their absence.

Mr. Whittaker then read the violation: It is alleged that on November 21, 2005, Mr. Charles Wright, RIDLT Investigator, did find two alleged employees (Keith M. Leblanc Jr., 25 Barbara Ave., Auburn, MA and James A. Porcaro, 5 Charles St., Shrewsbury, MA) of ACE Refrigeration repairing refrigeration equipment at the RI Mall, Warwick, RI without valid RI Mechanical licenses. This is a violation of RIGL 28-27-28 "Practices for which a license is required" (2 Violations).

Based on the testimony provided today, Mr. Carreiro made a motion that a finding of fact has been made by the board that; ACE Refrigeration did have three alleged employees installing refrigeration equipment at RI Mall, Warwick, RI without valid RI refrigeration licenses which is a violation of RIGL 28-27-28 "Practices for which a license is required" therefore recommending to the Director of Labor to uphold the fine in the amount of \$1000.00. Mr. Webster seconded the motion. All members voted in favor.

This concludes the hearings.

Other Business:

Mr. Davies asked if all board members had an opportunity to review the minutes of the January 2006 meeting. Mr. Januario made a motion to accept the minutes as submitted. Mr. Stewart seconded the motion. All members voted in favor with the exception of Mr. Carreiro who abstained from voting.

Mr. Whittaker introduced Ms. Nancy O'Connell of Three Rivers Restaurant, Warren, RI who is present today to provide testimony with regard to the appeal of violation #2570, Larisa's Plumbing & Heating that ultimately was not held today. Ms. O'Connell has asked to report some of the incidents, which took place during her employ of Mr. Larisa and to ask if the State of Rhode Island can do something about his shoddy work and where she could proceed from here.

Mr. Wright informed Ms. O'Connell that this department deals only with licensing issues. This matter is now a civil matter and his suggestion to her was to call the Consumer Division in the Attorney General's office.

Mr. Wright then informed the board of a letter the department has received from Mr. Dan DeDentro of RI Building Code Commission office with regard to radon mitigation. Mr. DeDentro's position is that a permit is not needed to install a mitigation system. Mr. Wright

stated that this department does not agree with this position. Mr. Carreiro then made a motion requesting the department send a letter to the Commission stating the position of the board is that a permit is indeed needed and required to install this type of system. Mr. Webster seconded the motion.

Mr. Whittaker then introduced Mr. Paul McGowan of NE Tank Service who is requesting a waiver from the board to sit for the PMII license examination. Mr. McGowan stated that he did hold a PJII license and let it lapse in 1998. Mr. Wright informed the board that by law, a step process is in place that would allow Mr. McGowan to sit for the exam without approval by the board therefore there is no action needed by the board.

Mr. Wright then introduced Mr. James Holihen who is requesting a waiver to sit for the Journey Fire Protection exam. Mr. Holihen has provided documentation of his experience in the trade over the past 15 years. Mr. Davies asked Mr. Holihen if he had any licenses in any other states. Mr. Holihen stated that he did not. After reviewing the information provided and the testimony of Mr. Holihen, Mr. Webster made a motion to allow Mr. Holihen to sit for the next available FPJ examination. Mr. Regan seconded the motion. All members voted in favor.

Mr. Wright asked the board to review and advise the proposed changes to the Department of Professional Regulation's Rules and

Regulations. He stated that a public hearing would be scheduled after all the proposed changes are complete.

With no further business, Mr. Regan made a motion to adjourn the meeting at 10:25 am. Mr. Webster seconded the motion. All members voted in favor.

The next meeting of the Mechanical Board is scheduled for Wednesday, March 1, 2006 at 9:00 a.m. in Building 70, second floor conference room. Once again, board members are asked to remain after the regular meeting to conduct examination reviews from the January 2006 testing.