

**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, March 1, 2006

9:00 am

In attendance: John Webster

Peter Lombardi

Bobby Joe Harris

Ronald Cronin

Quinlan Regan

Michael Carreiro

Board members Kenneth Aurecchia, Michael Januario, Stanley Davies and Chester Stewart are not in attendance for today's meeting.

There is a quorum – Mr. Regan called the meeting to order at 9:05 am.

There are five hearings scheduled today for which there is board

stenographer.

1. Wakefield Fireplace & Grills – Violation # 2584

The first appeal today is with Wakefield Fireplace & Grills. Mr. Ted Whittaker and Mr. Charles Wright, RIDLT Investigators and representing Wakefield Fireplace is Joshua Beauparlant and Kristen Aubin are present and sworn in by the board stenographer.

Mr. Whittaker read the violation: It is alleged that on December 20, 2005, Mr. Charles Wright received a complaint from Mr. Ratcliff of 23 Ship Street, Jamestown, RI that on or about June 20, 2005, Wakefield Fireplace and Grills did install a fireplace at the previous referenced address without a valid RI mechanical license. This is a violation of RIGL 28-27-28 "Practices for which a license is required". Further, no permit was issued by the Town of Jamestown. 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; Wakefield Fireplace & Grills did install a fireplace at 23 Ship Street, Jamestown, RI without a valid RI mechanical license. This is a violation of RIGL 28-27-28 "Practices for which a license is required". Further, Wakefield Fireplace and Grills did not receive a permit for this work from the Town of Jamestown 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. Webster seconded the motion. All members voted in favor.

2. ACE Temperature Control – Violation # 2563

The next hearing is with ACE Temperature Control. This appeal was heard last month without the presence of any individual from ACE. Mr. Wright explained to the board that there was a problem with the appeal notice. Mr. Carreiro made a motion to rehear the appeal. Mr. Webster seconded the motion. All members voted in favor.

Mr. Timothy Joslin is representing ACE Temperature Control and is sworn in by the board stenographer.

Mr. Whittaker 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. Lombardi made a motion

that a finding of fact has been made by the board that; ACE Temperature Control did have 2 unlicensed employees working at RI Mall, Warwick, RI which is a violation of RIGL 28-27-28 "Practices for which a license is required" however, based on the fact that no previous violations have occurred with this department and the fact that these 2 employees have since received licenses from this department, Mr. Lombardi made a motion to suspend the violation for a 12-month period. Mr. Cronin seconded the motion. All members voted in favor.

3. Anchor Insulation Co. Inc. – Violation #2586

The next appeal today is with Anchor Insulation Co. Inc. Mr. Wright informed the board that he has received a call from a representative of Anchor Insulation that they would be withdrawing their appeal.

4. RI Sheetmetal LLC – Violation # 2604

5. RI Sheetmetal LLC – Violation # 2438

The final two appeals today are with regard to RI Sheetmetal LLC. Mr. Thomas Gravel is representing RI Sheetmetal and is sworn in by the board stenographer.

Mr. Whittaker read violation # 2604: It is alleged that on December 13, 2005, RIDLT Investigator Charles Wright found two (2) alleged RI

licensed apprentice employees of RI Sheetmetal LLC working at the Silver Pines Condos, North Smithfield, RI without the proper supervision. This is a violation of RIGL 28-27-28 "Practices for which a license is required". Mr. Thomas J. Gravel of RI Sheetmetal LLC also performed work at the Silver Pines Condos without a valid RI Pipefitter license. This is a violation of RIGL 28-27-5 "Practices for which a master or contractor license is required".

Based on the testimony provided today, Mr. Carreiro made a motion that a finding of fact has been made by the board that; RI Sheetmetal LLC did have two employees working at the Silver Pines Condos, North Smithfield, RI without valid RI sheet metal licenses which is a violation of RIGL 28-27-28 "Practices for which a license is required" and that Mr. Gravel performed work at this same location without a valid RI pipefitting license, therefore recommending to the Director of Labor to uphold the fine in the amount of \$2,850.00. Mr. Cronin seconded the motion. All members voted in favor.

Mr. Whittaker then read violation # 2438: On September 19, 2005, a decision by the RI Dept Of Labor & Training Director, Adelita Orefice was issued regarding Violation # 2438 (attached). Her decision to suspend this violation has been withdrawn due a violation of RIGL 28-27, which has occurred within the 12-month period.

Therefore, violation # 2438 (attached) in the amount of five hundred (\$500.00) for violation of RIGL 28-27-20 "State and municipal

inspections and installation permits" is hereby reinstated. Said fine shall be paid within fifteen (15) days of the above date.

Mr. Carreiro made a motion to reinstate violation # 2438 due to findings of fact by the board in the previous violation (#2604) and to recommend to the Director of Labor & Training to uphold the fine in the amount of \$500.00. Mr. Webster seconded the motion.

All members voted in favor.

This concludes the hearings.

Other Business:

Mr. Regan asked if all board members had an opportunity to review the minutes of the February 2006 meeting. Mr. Lombardi made a motion to accept the minutes as submitted. Mr. Webster seconded the motion. All members voted in favor.

Mr. Thomas Gravel asked if he could address the board with regard to some procedural issues. Mr. Gravel asked specifically what licenses would be needed to pull permits for the type of work he does. Mr. Wright responded that any heating work to be done would require a RI Pipefitter license and as such, any refrigeration work would require a RI refrigeration license. Further, there is also a need for a permit to be issued when any mechanical work is done, therefore a Master mechanical license in the designated trade would also be required.

Mr. Gravel then responded that the municipalities seem to have some confusion as to what permits are needed for what work. He also stated that there seems to be a problem with the curriculum at the ABC School with regard to the sheet metal trade. He feels they are not providing the proper instruction enabling his apprentices to pass the RI Sheet Metal exam.

Mr. Wright responded that he has had the current exam reviewed by experts in the Sheet metal trade and has been assured that the questions accurately reflect the information needed to be a responsible sheet metal tradesperson. He further stated that the current pipefitter and refrigeration apprenticeship programs have continued to show progress. All curriculum changes need time to affect the requested adjustments.

Mr. Wright further stated that many of the problems current individuals are having with the sheet metal exam is their lack of schooling and on the job training.

With no further business, Mr. Lombardi made a motion to adjourn the meeting at 10:15 am. Mr. Harris seconded the motion. All members voted in favor.

The next meeting of the Mechanical Board is scheduled for Wednesday, April 5, 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 February 2006 testing.