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1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF LABOR AND TRAINING
2 DIVISION OF PROFESSIONAL REGULATION

3

4

PROCEEDINGS AT HEARING :

5 :

IN RE: :

6 :

MECHANICAL BOARD :

7 :

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9

10 DATE: OCTOBER 4, 2006

TIME: 9:00 A.M.

11 PLACE: 1511 PONTIAC AVENUE

BUILDING 70

12 CRANSTON, RI

13

14

PRESENT:

15 STANLEY DAVIES, CHAIRMAN

MICHAEL JANUARIO

16 MICHAEL CARREIRO

RON CRONIN

17 QUINLAN REGAN

JOHN WEBSTER

18 CHARLES W. WRIGHT, INVESTIGATOR

EDWARD WHITTAKER, INVESTIGATOR

19

20

21

22

RHODE ISLAND COURT REPORTING

23

25 SEA VIEW AVENUE

EAST PROVIDENCE, RI 02915

24

(401) 437-3366

0002

1 (COMMENCED AT 9:10 A.M.)

2 MR. DAVIES: We're going to call

3 the meeting to order on Wednesday, October 4th at

4 9:10 a.m. We'll proceed with the hearings. The

5 first hearing we have today is Seekonk Heating

6 Systems, Case No. 2807; is someone here

7 representing Seekonk?

8 MR. MURPHY: I'm here.

9 MR. DAVIES: Would you stand up

10 and be sworn in, please.

11 WILLIAM J. MURPHY, TED WHITTAKER, CHARLIE WRIGHT

12 (SWORN)

13 MR. DAVIES: Mr. Whittaker.

14 MR. WHITTAKER: July 5, 2006;

15 Violation No. 2807; name of violator: Seekonk
16 Heating Services, Incorporated; Mr. William J.
17 Murphy, President; 109 Brown Avenue, Johnston,
18 Rhode Island 02919. Location of violation: Pell
19 Manor, Plainfield Street, Johnston, Rhode Island.

20 On June 28, 2006, Rhode Island
21 Department of Labor & Training Investigator E.
22 Patrick Luther did find an employee, Mr. Kevin
23 Furtado of 310 Walter Street, Fall River, Mass. of
24 Seekonk Heating Services, Incorporated, performing
0003

1 mechanical work in Johnston, Rhode Island without
2 a valid Rhode Island license, mechanical license.

3 This is a violation of Rhode Island
4 General Law 28-27-28, practice for which a license
5 is required.

6 Seekonk Heating Services, Incorporated
7 does not have a Rhode Island licensed mechanical
8 contractor listed in their corporate structure.

9 This is a violation of Rhode Island
10 General Law 28-27-6, corporations and firms
11 engaged in business.

12 Further, no permit was issued by the
13 town of Johnston. This is a violation of Rhode

14 Island General Law 28-27-20, state and municipal
15 inspections and installation permits.

16 Total of three violations, \$1,500 per
17 Rhode Island General Law 28-27-24. Signed, Edward
18 J. Whittaker, Investigator.

19 MR. WRIGHT: Mr. Murphy, before we
20 start, Mr. Luther couldn't be here today, if you
21 needed his testimony. So I want to advise you
22 from the board that you can either ask for a
23 continuation to next month or wish to be heard
24 right now without Mr. Luther being here.

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1 MR. MURPHY: I guess he should be
2 here because I do have a question of what
3 Mr. Furtado was doing. I have Mr. Furtado's side
4 of the story.

5 MR. WRIGHT: You have a right to
6 ask. We're sorry that Mr. Luther couldn't be here
7 and if you needed him for testimony --

8 MR. MURPHY: Unless someone can
9 tell me what Mr. Furtado was doing.

10 MR. WRIGHT: I think only Pat --
11 I'm just going to take a quick look in the folder.

12 MR. MURPHY: Sure.

13 MR. WRIGHT: All I have is his
14 handwritten notes. We'll have to have him here.

15 So if you would like to postpone, you have that
16 right.

17 MR. MURPHY: Sure. I can tell you
18 what he told me, Mr. Furtado, and what he was
19 doing, and you can tell me if it is a violation.

20 MR. WRIGHT: At the advice of --
21 no.

22 MR. DAVIES: We'll continue this
23 to the next meeting.

24 MR. MURPHY: You'll notify me by

0005

1 mail?

2 MR. WRIGHT: Yes. Thank you. I'm
3 sorry that Mr. Luther wasn't here for you, sir.

4 MR. DAVIES: Next, Sarra
5 Corporation, Case No. 2841; is someone here?

6 MR. SARRA: Yes.

7 MR. DAVIES: Please stand and be
8 sworn in.

9 FRANK A. SARRA

10 (SWORN)

11 MR. DAVIES: Mr. Whittaker.

12 MR. WHITTAKER: Date: September 6,
13 2006; Violation 2841; name of violator: Mr. Frank
14 A. Sarra, Sarra Corporation, 1 Harry Street,
15 Cranston, Rhode Island 02807. Location of the

16 violation: Bryant University dorms, 11 and 12

17 Smithfield, Rhode Island.

18 On August 7, 2006, Chief Mechanical

19 Inspector Charles Wright found Sarra Corporation

20 installing six warm air furnaces at the above

21 location. A check with the town of Smithfield

22 mechanical inspector indicates that no mechanical

23 permits were issued for this installation.

24 This is one violation of Rhode Island

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1 General Law 28-27-20, state and municipal

2 inspections and installation permits. Signed

3 Charles W. Wright, Investigator.

4 MR. WRIGHT: Board members, on

5 this one, I was at Bryant. They had -- I was

6 there with Pat Luther and they had done some warm

7 air furnaces. We asked the maintenance people if

8 they had a permit and they couldn't indicate that

9 they did, so we called the mechanical department

10 inspector over in Smithfield and he said there was

11 no permit. That's what resulted in the violation,

12 no permit.

13 MR. JANUARIO: How large were the

14 units?

15 MR. WRIGHT: There was like two

16 units in each closet area. I don't know what the

17 size was.

18 MR. JANUARIO: They didn't need a
19 state permit?

20 MR. WRIGHT: No. These were
21 scorched air units.

22 MR. DAVIES: Any other board
23 members have any questions of Mr. Whittaker or
24 Mr. Wright? Okay, sir, would you like to address
0007

1 the board?

2 MR. SARRA: I guess it's my own
3 fault. I was called by Bryant to send up a couple
4 of guys. They said they had bought some small
5 warm air furnaces to replace units in the dorms,
6 kids were coming to school, could you send a
7 couple of guys to help pull the units out, move
8 the gas pipes so the new unit could go in and
9 rehook the gas pipe.

10 And I asked them who was going to do the
11 sheet metal and they said they would hire somebody
12 to do the sheet metal. I did not hire the sheet
13 metal contractor, and they had bought the units.

14 I sent the men up to take the units out,
15 and shortly after that I got a call from the
16 University saying, "Frank, you need to pull a
17 permit on this job."

18 And I said it's my belief or
19 understanding that you shouldn't need a permit to
20 pull these if they're a direct replacement. I
21 asked them that in the beginning, is it a direct
22 replacement? And they said, "Yes. They're the
23 same units. The units there are rotted. We're
24 just going to put them in, hook the gas back up,
0008

1 and hook the duct back up. There are no other
2 changes that have to be made."

3 So when they asked me that the second
4 call, I said, "No, I don't believe we need a
5 permit to do that, direct replacement. It's my
6 understanding that anything that needs to be
7 directly replaced shouldn't require one."

8 And that's where I left it. And then I
9 did get a call that Mr. Wright had been up there
10 that they were looking for permits. I said, "Have
11 him call me." I didn't believe that we needed
12 one. I did advise them that they didn't need one.

13 They had asked me that question, and I
14 do most of my work in Providence and pretty well
15 understood what Providence requires and what they
16 don't require. So I was wrong on my assumption of
17 what needed to be.

18 MR. DAVIES: Board members have

19 any questions of Mr. Sarra? Board members, do you
20 have any violations found on Case No. 2841?

21 MR. CARREIRO: Mr. Chairman, based
22 on the testimony presented to us today, I make a
23 motion that Sarra Corporation, 1 Harry Street,
24 Cranston, did violate 28-27-20, and that the fine
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1 be upheld.

2 MR. DAVIES: Just the violation,
3 you found a violation?

4 MR. CARREIRO: The violation
5 28-27-24.

6 MR. DAVIES: Okay. Thank you.

7 MR. CARREIRO: Did violate
8 28-27-24.

9 MR. DAVIES: Do I have a second on
10 that?

11 MR. JANUARIO: Second.

12 MR. DAVIES: All those in favor?
13 Now, do we have a motion on the fine?

14 MR. CARREIRO: I make a motion
15 that we impose the fine as prescribed by law,
16 \$500.

17 MR. DAVIES: Do I have a second?

18 MR. WEBSTER: Second.

19 MR. DAVIES: All those in favor?

20 So you'll receive a letter from the Director of
21 Labor as to our findings and she'll make the
22 decision on whether to uphold the fine.

23 MR. SARRA: And at that point I'll
24 pay it? I don't have to do it now?

0010

1 MR. DAVIES: Right. Thank you,
2 sir. Our next case is First Choice Heating &
3 Cooling, Incorporated. Case No. 2831. Is someone
4 present? Could you be sworn in, please.

5 PETER JACOB NERI

6 (SWORN)

7 MR. DAVIES: Mr. Whittaker.

8 MR. WHITTAKER: Date: August 6,
9 2006; Violation No. 2831. Name of the violator:
10 Mr. Peter Neri, First Choice Heating & Cooling,
11 Incorporated; 12 Shirley Avenue, Dayville,
12 Connecticut 06241. Location of violation: Goes
13 residence at 60 Terrace Avenue, Riverside, Rhode
14 Island.

15 On or about December 16, 2005, First
16 Choice Heating & Cooling did quote and install a
17 hydro air with air conditioning system in East
18 Providence, Rhode Island without a valid Rhode
19 Island mechanical license.

20 This is a violation of Rhode Island

21 **General Law 28-27-28, practice for which a license**
22 **is required. And Rhode Island General Law**
23 **28-27-5, practice for which a master or contractor**
24 **license is required.**

0011

1 **Further, no permit was issued by the**
2 **city of East Providence. This is a violation of**
3 **Rhode Island General Law 28-27-20, state and**
4 **municipal inspections and permits. Signed,**
5 **Charles W. Wright, Investigator.**

6 **MR. WRIGHT: Board members, I was**
7 **called by Mr. Goes to the residence and he showed**
8 **me the quotes, and I have all the documentation in**
9 **the folder; that this gentleman here did install**
10 **the system in an addition that they were doing.**

11 **When I checked with the city of East**
12 **Providence, there was no installation or**
13 **mechanical permit for the job either. That**
14 **resulted in the violation that you see in front of**
15 **you.**

16 **MR. DAVIES: Do board members have**
17 **any questions of Mr. Whittaker or Mr. Wright,**
18 **please?**

19 **MR. JANUARIO: Why did he call**
20 **you, was there a problem?**

21 **MR. WRIGHT: Yes. He called me**

22 because he was having trouble getting the
23 contractor back to finish some work. And that's
24 how it generally ends up, they call us.

0012

1 MR. CRONIN: Just a unit
2 replacement?

3 MR. WRIGHT: No. New
4 installation.

5 MR. DAVIES: Any other questions
6 of Mr. Wright? Sir, would you like to address the
7 board?

8 MR. NERI: I have a contract with
9 the customer that we were to provide service to
10 him and install the equipment. In the contract it
11 states that the homeowner is responsible for the
12 cost of the permit that we do pull.

13 The permit is on file at the town hall
14 in East Providence in the homeowner's original
15 construction packet. He did not meet me at the
16 proper time, nor did he meet me at another time to
17 pay for the permit.

18 The reason why he called Mr. Wright is
19 he would not get me to return because he was very
20 rude and very, very intimidating. He left very
21 slanderous and swear words on my machine. He's
22 called me and swore at me in my face because of

23 the time frame because we could not start the --
24 the installation was complete at the time.

0013

1 I do have a Rhode Island master
2 refrigeration license, which I did pull that
3 permit with, and it was current at the time of the
4 violation. Other than that, I didn't realize that
5 the permit had to be on-site at the time of the
6 installation.

7 MR. JANUARIO: Was there a boiler
8 installed also?

9 MR. WRIGHT: What he did is he did
10 a hydro air to it to which requires a pipefitter
11 license. He tied into a heating zone which
12 requires a pipefitter license.

13 MR. DAVIES: Any other board
14 members have any questions of Mr. Neri?

15 MR. JANUARIO: One more, does he
16 have a valid Rhode Island license?

17 MR. WRIGHT: He has a
18 refrigeration license.

19 MR. JANUARIO: But was there a
20 permit?

21 MR. WRIGHT: No, there was not.
22 When I called over to East Providence to talk to
23 the inspection department, there was no permit on

24 the job. Homeowners, as board members well know,
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1 homeowners can't take out a permit and have other
2 people do work.

3 MR. DAVIES: Any other questions
4 by members of the board? Sir, did you finally get
5 a permit?

6 MR. NERI: No. The permit is
7 still in the folder for the original -- when they
8 pulled the permit for the addition, it's in that
9 folder in East Providence at the town hall.

10 I went down, I filled it out, I signed
11 it, I put the total of the job costs on it. The
12 homeowner was supposed to meet me. He did not
13 show. I called him, notified him that he needed
14 to come down, pay for the permit, he did not show
15 again. So the folder still has the original
16 permit signed by me in it, but it never was paid
17 for.

18 MR. DAVIES: It hasn't been
19 accepted yet; is that correct?

20 MR. NERI: Correct.

21 MR. CRONIN: Job is completed
22 though, right?

23 MR. WRIGHT: Yes, sir.

24 MR. DAVIES: Members of the board,

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1 do you have a motion on number 2831, violation
2 only?

3 MR. JANUARIO: I'd like to make a
4 motion that Peter Neri, First Choice Heating &
5 Cooling, Violation No. 2831, did violate RIGL
6 28-27-28, RIGL 28-27-5, and RIGL 28-27-20.

7 MR. DAVIES: Do I have a second?

8 MR. CARREIRO: Second.

9 MR. DAVIES: All those in favor?

10 Now, do I have a motion on the fine on RIGL
11 28-27-24?

12 MR. JANUARIO: I'll make a motion
13 that RIGL 28-27-24 be upheld.

14 MR. DAVIES: Do I have a second?

15 MR. CARREIRO: Second.

16 MR. DAVIES: All those in favor?

17 MR. WRIGHT: Can I correct that on
18 the record? That's Rhode Island General Law 28-27-24.

19 MR. DAVIES: And the fine was
20 \$1,500. You will receive a copy of this. All
21 those in favor said aye, and you will hear from
22 the Director of Labor as to her position.

23 MR. NERI: Thank you.

24 MR. DAVIES: Our next case is

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1 2786, Pevco.

2 FRED VALERINO

3 (SWORN)

4 MR. DAVIES: Mr. Whittaker.

5 MR. WHITTAKER: Date: June 6,

6 2006; violation 2786. Name of violator: Mr. Donald

7 Van Shura, Pevco Systems International,

8 Incorporated, 10001 Franklin Square Drive,

9 Baltimore, Maryland 21236. Location of violation:

10 Miriam Hospital, 164 Summit Street, Providence,

11 Rhode Island 02906.

12 On June 5, 2006, Rhode Island Department
13 of Labor & Training Investigator Edward Whittaker
14 did witness two employees, a Mr. Morek C. White
15 and a Mr. David Charbonneau of Pevco Systems
16 International, Incorporated, installing mechanical
17 equipment in Providence, Rhode Island without a
18 valid Rhode Island mechanical license.

19 This is a violation of Rhode Island
20 General Law 28-27-28, practice for which a license
21 is required, two violations.

22 Also, Pevco International Systems,
23 Incorporated is not licensed as a mechanical
24 contractor in Rhode Island. This is a violation

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1 of Rhode Island General Law 28-27-5-A, practice

2 for which a master license or contractor license
3 is required.

4 Further, no permit was issued by the
5 city of Providence. This is a violation of Rhode
6 Island General Law 28-27-20, state and municipal
7 inspections and installation permits. Signed,
8 Edward J. Whittaker, Investigator.

9 MR. WRIGHT: Sorry about the
10 copies. I just happened to notice that the copy
11 got a little skewed on that one.

12 MR. WHITTAKER: That day I did
13 witness two individuals doing a vacuum line at the
14 hospital and upon asking them for licenses, both
15 were not licensed.

16 Then, checking the records, we found
17 that Pevco Systems International did not have a
18 master license. And we also notified the city
19 inspector, Mr. Whiting, pertaining to this
20 project, and he informed me that no permit was
21 taken out on that project.

22 MR. DAVIES: Do any of the board
23 members have any questions of Mr. Whittaker? Sir,
24 would you like to address the board?

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1 MR. VALERINO: Sure. First of
2 all, I want to say that we did not -- Pevco didn't

3 do anything willfully to try to violate any of the
4 state laws. And since the cease and desist order
5 by Mr. Whittaker, we immediately pulled our guys
6 off the job. We went and got them their master
7 and journeyman license in Rhode Island. They had
8 master and journeymen licenses in Massachusetts.

9 We're based out of Baltimore. We use
10 localized fitters from Massachusetts to do the
11 work. We went and pulled a permit, even though in
12 our documentation we have a contract with Rhode
13 Island Hospital and their construction department
14 put in our quotation that we not include state
15 permit or city permits because usually when we
16 work out-of-state, hospitals pull the permits.

17 We went out and pulled the permits. And
18 then I guess since we got the master license in
19 August, the company got licensed as well, and we
20 were able to start work in September. I guess the
21 only thing I can say is that we do a lot of work.

22 We do work in 38 states. We put in
23 computerized pneumatic tube systems, strictly in
24 hospitals. We transport blood, whole blood, blood

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1 pathogens, tissues, specimens, that type of thing.

2 When we put a piping system in, it's a
3 specialized system. We feel it is anyway. When

4 we take a contract with a hospital, we have to
5 guarantee that when the specimens go through the
6 system, cold blood and blood gases, that they go
7 through the system in such a way that there is no
8 breakdown of the whole blood or there's any
9 hemolysis that occurs with the blood gases or
10 there's any tissue damage, and that takes some
11 real piping expertise.

12 And we're a united association
13 contractor with plumbers and pipefitters, and
14 actually we're the only company in the United
15 States that has a national agreement which is a
16 specialty agreement for installation of pneumatic
17 tube systems.

18 And part of that agreement reads, "The
19 employer and the association acknowledge that much
20 of the employer's work is performed in working
21 hospitals, critical care facilities, and similar
22 public and private institutions in which critical
23 patient care takes precedence over considerations
24 and required on-site labor to adhere to special

0020

1 criteria."

2 I guess I'm -- we -- yes, we violated
3 the law, but I guess ignorance is no exception,
4 but I'm kind of pleading that we are kind of a

5 specialty contractor and we're not putting up
6 ductwork, I think we're putting in some highly
7 specialized equipment. And we've been in business
8 for 28 years and we don't -- what we do, we do
9 right. We have to have certain liability
10 insurance to make sure our systems work properly.

11 In fact, we were given four mechanical
12 contractors in Rhode Island that were -- had
13 master licenses to -- that were suggested we sub
14 our work out to them. We didn't feel comfortable
15 doing that.

16 We went back to the hospital and said,
17 "We'll sell you the equipment, but since we aren't
18 installing it, we can't warrant that the system
19 will handle the blood products and so forth
20 properly, so if you want to contract separately
21 with the labor with a company that has the master
22 license, then you can go ahead and do that, but
23 you need to get your warranty from them on the
24 mechanical installation of that."

0021

1 They wouldn't do that. We contacted a
2 couple of the mechanical contractors that were --
3 did have a master license to get some subcontract
4 pricing, and they wouldn't give us a performance
5 bond on the labor to install it, nor would they

6 come up with the liability insurance that we need
7 to come up with for the hospital that our system
8 is going to work properly.

9 We're guaranteeing 99.98 percent up-time
10 on the system, plus the transport of the
11 specimens. Sorry I was longwinded with you.

12 MR. DAVIES: Have you acquired
13 licenses at this point now?

14 MR. VALERINO: Yes, sir, we did in
15 August and we're on-site as of after Labor Day
16 weekend. We have the permit as well, even though
17 we went and pulled it and we sent it to the
18 hospital for reimbursement.

19 MR. DAVIES: Gentlemen of the
20 board, do you have any questions? Do I have a
21 motion on Violation No. 2786?

22 MR. CARREIRO: With regard to
23 Violation No. 2786, Pevco Systems International,
24 based on the testimony and the evidence presented,

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1 they did violate 28-27-5-A, 28-27-20, 28-27-28.

2 MR. DAVIES: Do I have a second?

3 MR. WEBSTER: Second.

4 MR. DAVIES: Okay. All those in
5 favor?

6 MR. CARREIRO: I would like to

7 make a motion that we uphold the fines at \$500 per
8 violation.

9 MR. DAVIES: On 28-27-24?

10 MR. CARREIRO: Per 28-27-24.

11 MR. DAVIES: Do I have a second on
12 that?

13 MR. JANUARIO: I second that.

14 MR. DAVIES: All those in favor?

15 MR. VALERINO: Were there three
16 violations?

17 MR. WRIGHT: Four.

18 MR. DAVIES: 28-27-20. I had a
19 second; all those that are in favor will say aye.
20 You will hear from the Director of Labor whether
21 she will uphold the amount of the fines and you'll
22 receive a letter on that.

23 MR. VALERINO: Thank you.

24 MR. DAVIES: Thank you. Case No.

0023

1 2824. Mr. Michael DeCesare, DeCesare Building
2 Company, Incorporated; is someone here? Please be
3 sworn in.

4 MICHAEL DeCESARE

5 (SWORN)

6 MR. WHITTAKER: July 13, 2006;

7 Violation No. 2824. Name of violator: Mr. Michael

8 DeCesare, DeCesare Building Company, Incorporated,
9 75 Ophelia Street, Providence, Rhode Island 02909.

10 Location of violation: 12 Capron Street, West
11 Warwick, Rhode Island.

12 Violation: A complaint was received by
13 Mr. Michael Tasso, the mechanical inspector for
14 the town of West Warwick that on or about
15 November 1, 2005, Mr. Michael DeCesare of DeCesare
16 Building Company did install a boiler, 210 AC
17 system and ductwork in West Warwick, Rhode Island
18 without a valid Rhode Island mechanical license.

19 This is a violation of Rhode Island
20 General Law 28-27-5, practice for which a master
21 or contractor license is required.

22 Further, no permit was issued by the
23 town of West Warwick. This is a violation of
24 Rhode Island General Law, 28-27-20, state and
0024

1 municipal inspections and installation permits.

2 Signed, Charles W. Wright, Investigator.

3 MR. WRIGHT: I received that
4 complaint from Mr. Tasso, the tip on it. He's the
5 mechanical inspector in West Warwick. I called
6 the people there and did all the legwork on it.

7 The indication from them was related
8 documentation that they installed a boiler and a

9 210 AC system in that property at 12 Capron Street
10 in West Warwick.

11 And the reason Mr. Tasso called me
12 because he heard about it and he didn't have any
13 permit and that's how it related the installation
14 permit fine also.

15 MR. DAVIES: Board members have
16 any questions of Mr. Whittaker or Mr. Wright?
17 Sir, would you like to address the board?

18 MR. DeCESARE: Yes. We're a
19 custom builder. We've been in business since 1948
20 and in doing that, we've always exceeded the
21 industry standard by all means.

22 In this particular case, which is I just
23 can't understand how everything went the way it
24 did, but let me explain what happened. We were

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1 called to contract to do some construction work,
2 and in lieu of the construction magnitude of the
3 thing and what was going on and because of the
4 custom building in other areas of the major
5 magnitude, we couldn't do that particular job.

6 She wanted decks and what have you. We
7 just didn't have enough time to allocate for that
8 purpose. So she asked if we would help her out
9 and do a boiler replacement. And I said it didn't

10 seem like much and because she had a very outdated
11 service, we would do it. So that's what we did.

12 We did that, and then she wanted air
13 conditioning. So I subcontracted that to a
14 plumbing company that I've done business with for
15 years. Unfortunately, this person has had some
16 major problems with cancer and he didn't do
17 everything the way he was supposed to, but he took
18 out all the permits.

19 And I know as of -- I made a phone call
20 because I wasn't even aware of what this
21 particular item was. When I found out, he has a
22 plumbing license, I guess, but he didn't have the
23 air conditioning license or whatever it was, but
24 he has taken it out and worked under someone

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1 else's license and he's going to get it square
2 off.

3 But in any case, that's where it is
4 right now. From what I understand, all permits
5 have been pulled and it's ready to go.

6 MR. DAVIES: Any questions?

7 MR. JANUARIO: When was the permit
8 pulled?

9 MR. DeCESARE: It was pulled in
10 the last couple of weeks.

11 MR. JANUARIO: You have no record
12 of that?

13 MR. WRIGHT: No, I don't.

14 MR. DeCESARE: I'm positive
15 they've been pulled.

16 MR. WRIGHT: I have no knowledge
17 of the person or the permit. Nobody has contacted
18 me about that, but I will be sure to follow up on
19 that.

20 MR. DeCESARE: To be honest with
21 you, I didn't even know what was this complaint
22 was for. I just walked into this, because I've
23 been out on an injury, and I received this here,
24 it doesn't say Capron Street or anything.

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1 MR. JANUARIO: Did you give her a
2 quote for the job?

3 MR. DeCESARE: I most certainly
4 did, yes. She asked me if I would do the boiler
5 replacement. That's correct.

6 MR. JANUARIO: Okay. You should
7 have a license number on any quote given with a
8 valid --

9 MR. DeCESARE: License number of
10 my license?

11 MR. JANUARIO: For the mechanical

12 work that needs to be done. Either it's a master
13 plumber --

14 MR. DeCESARE: I wasn't supposed
15 to be doing just plumbing work. It was supposed
16 to be a whole different type job. And like I
17 said, when scheduling came, it just didn't work.

18 And so then she begged me to do that and
19 I says, "Well, if you can't get anybody, I'll help
20 you out," because the season was changing and her
21 service, the house is like 60, 70 years old and
22 the service was archaic. So we updated and
23 upgraded.

24 And I made sure when -- I'm trying to

0028

1 think of how I found out or thought this could be
2 this -- because it was mechanical. I didn't have
3 a clue what I would be doing with mechanical.
4 There's no 12 Capron Street on my notice. There's
5 nothing, so I just -- when it says "mechanical,"
6 that was the only thing I could think of.

7 So I made phone calls to make sure, and
8 lo and behold, when he did the work, he did the
9 work, and now he's going to do licensing and
10 whatever, the permitting. Everything was taken
11 care of.

12 MR. JANUARIO: When the work was

13 done, there was no permit taken.

14 **MR. DeCESARE:** I don't know what
15 permit was taken. I think what was done, myself,
16 I'm assuming is that the permit was taken for the
17 boiler and it wasn't taken for this. That's what
18 I'm assuming. I really can't even say that a
19 hundred percent.

20 **But I know I called him -- he had a**
21 **major situation with cancer and I had to wait an**
22 **interim before I could communicate with him and he**
23 **said to me, he says, "Everything is ready." I**
24 **said, "Okay." I could give you his name and**

0029

1 that's -- but I've done business with that family
2 for years and never had a problem.

3 **MR. WRIGHT:** Mr. DeCesare, did --
4 your company did the work?

5 **MR. DeCESARE:** No. I didn't do
6 the work. I subcontracted.

7 **MR. WRIGHT:** The lady explained to
8 me that you people did the work. That's how the
9 information came to me when I talked to her.

10 **MR. DeCESARE:** That's not true.

11 **MR. WRIGHT:** I have nothing else.

12 That's why we're here.

13 **MR. DeCESARE:** She called and said

14 we did the work.

15 MR. WRIGHT: Who did the work?

16 MR. DeCESARE: Peter Palumbo.

17 He's a plumber.

18 MR. WRIGHT: Not licensed.

19 MR. DeCESARE: He's not licensed?

20 MR. DAVIES: Peter Palumbo is not
21 licensed. Would you like to continue and bring in
22 the customer?

23 MR. DeCESARE: Yes.

24 MR. DAVIES: So we can get the

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1 case -- not against you, but get it straightened
2 out.

3 MR. DeCESARE: If that's what you
4 think is -- believe me, we do everything
5 aboveboard. If that's what you want, I can't see
6 why I would have to --

7 MR. WRIGHT: Nothing was indicated
8 to me, sir, that it was nobody but you that did
9 the work.

10 MR. DeCESARE: That I did it
11 personally?

12 MR. WRIGHT: That your company did
13 the work.

14 MR. DeCESARE: No. I didn't do

15 that work.

16 MR. WRIGHT: Everything said that
17 you did it. That's what Mr. Tasso told me also,
18 the mechanical inspector.

19 MR. DAVIES: Okay.

20 MR. DeCESARE: No. That is not
21 true.

22 MR. WRIGHT: So the advice of
23 counsel to you is that if you want to continue
24 this and we have all parties here, because

0031

1 otherwise there is nothing we can do other than
2 proceed forward on the fact that you did.

3 MR. DAVIES: Would you like to
4 address him?

5 MR. LOMBARDI: I'm just advising
6 the board that this board has sufficient evidence
7 to make a decision. Evidently a complaint was
8 filed with this department from an individual
9 indicating that certain company did the work.

10 Mr. DeCesare has come in and said that
11 his company did not do the work. If the board
12 wants to make a determination on that, but don't
13 forget the complaining witness is not here, so the
14 weight given her testimony cannot be as stringent
15 as the weight given someone who actually appears

16 in person.

17 **MR. WRIGHT:** To continue to the
18 board, I do have some documentation that she gave
19 me. One is from DeCesare Building Company to the
20 woman, 12 Capron Street, remove existing boiler,
21 replace with new boiler per code, all debris
22 removed from premises. Total labor and material
23 4620. This is from his company right there.

24 And here's the next one, first floor

0032

1 only, install new 210 AC. This is what I go on,
2 and I receive these and it lists the company name
3 on it and that's why I issued the violation.

4 **MR. DeCESARE:** And what I said was
5 we subcontracted that to Peter Palumbo, who's done
6 our work for years and we've never had a problem.

7 **MR. WRIGHT:** That is your
8 proposal, right?

9 **MR. DeCESARE:** Yes, it is. I said
10 that already, what I done was I hired a licensed
11 person to do -- we don't have licenses in
12 electrical work.

13 **MR. DAVIES:** Did she pay your
14 company, sir?

15 **MR. DeCESARE:** Yes, she did. But
16 I'm not hiding anything from you. I said right up

17 front that she asked us if we would do a boiler
18 replacement and so I agreed to do it and that's
19 what I did. I hired this Peter Palumbo. He's
20 done our work for years and we've never had
21 difficulties of any sort.

22 MR. DAVIES: If you want, would
23 you like to continue the case and have Mr. Palumbo
24 here, Mr. Tasso, and the customer? We would be
0033

1 glad to do so.

2 MR. DeCESARE: Whatever you think
3 is best is fine with me.

4 MR. DAVIES: You have to make the
5 decision, sir.

6 MR. DeCESARE: I have to make the
7 decision. Yes, fine with me. I don't have a
8 problem with it at all. I don't think I should be
9 paying a fine for someone else's failure to do --

10 MR. DAVIES: Our board would like
11 to get to the bottom of it.

12 MR. DeCESARE: That's fine with
13 me. I have no problem with that.

14 MR. WRIGHT: Board members, you
15 understand that my violations are practice for
16 which a master contractor license, under our
17 general law, Rhode Island General Law 28-27, any

18 bid proposal have to have a license number on
19 them. That's the violation.

20 The second violation is no permit.

21 That's a violation, because there was no permit
22 issued to Mr. DeCesare for the job.

23 MR. CRONIN: He can't pull a
24 permit, DeCesare. Do we know if anybody else

0034

1 pulled a permit?

2 MR. WRIGHT: No, I don't.

3 MR. DeCESARE: I'm sure the
4 permits were pulled.

5 MR. WRIGHT: But I don't know
6 that.

7 MR. CRONIN: You asked for a
8 continuance of the case.

9 MR. WRIGHT: That's fine.

10 MR. DeCESARE: Is that what we're
11 going to do, a continuance, to see if the
12 permits --

13 MR. CRONIN: He's saying the
14 permits were pulled.

15 MR. DeCESARE: I'm positive they
16 were pulled.

17 MR. WRIGHT: When were the permits
18 pulled?

19 MR. DeCESARE: I can't say that.

20 MR. WRIGHT: Next month, board

21 members?

22 MR. CRONIN: I'll make a motion

23 for a continuance.

24 MR. JANUARIO: Second.

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1 MR. DAVIES: All those in favor?

2 MR. WRIGHT: We'll notify all

3 those involved and you'll get notification from us

4 also.

5 MR. DeCESARE: Thank you.

6 MR. DAVIES: Next is Case No. 2840,

7 Gem Plumbing & Heating.

8 LARRY GEMMA

9 (SWORN)

10 MR. LA TERRA BELLINA: Giovanni La

11 Terra Bellina.

12 MR. DAVIES: Mr. Whittaker.

13 MR. WHITTAKER: August 23, 2006;

14 Violation 2840. Name of violator: Gem Plumbing &

15 Heating, 1 Wellington Avenue, Lincoln, Rhode

16 Island 02865. Location of violation: 77 Governor

17 Bradford Drive, Barrington, Rhode Island.

18 On June 24, 2006, Rhode Island

19 Department of Labor Investigator Charles Wright

20 found two persons, two employees of Gem Plumbing &
21 Heating, Incorporated, Matt Noponen and Vincent
22 Howard, installing the air conditioning ducting
23 and equipment at the above-mentioned location.

24 They're not licensed in Rhode Island to
0036

1 do this work. This is two violations of Rhode
2 Island General Law 28-27-28, practice for which a
3 license is required.

4 Further, after checking with the
5 Barrington Building Department, it was found that
6 there was no mechanical permit issued for this
7 job. This is one violation of Rhode Island
8 General Law 28-27-20, state and municipal
9 inspections and installation permits.

10 MR. WRIGHT: Board members, on
11 that July 24th, I stopped at the -- I saw a couple
12 of Gem trucks. I stopped, just to check and see
13 what's going on. Bot of the individuals indicated
14 to me that they weren't licensed in anything at
15 all, that they were installing a system inside
16 that house.

17 I then left there and went over to the
18 Barrington Building Department to check on the
19 permit and there was none issued and that resulted
20 in the violation which you see in front of you.

21 MR. DAVIES: Do any board members
22 have any questions of Mr. Wright?

23 MR. CRONIN: Pipefitting,
24 refrigeration, sheet metal; they were doing three
0037

1 different items? These two individuals had no
2 licenses at all?

3 MR. WRIGHT: Nothing.

4 MR. JANUARIO: Was there anyone on
5 the job with a license?

6 MR. WRIGHT: Nobody.

7 MR. DAVIES: Okay, sir.

8 MR. LA TERRA BELLINA: I just have
9 a few questions of Mr. Wright, if I may, Mr. Chairman.
10 My name is Giovanni La Terra Bellina. I'm with
11 Orson & Brusini.

12 MR. CARREIRO: Are you an
13 attorney?

14 MR. LA TERRA BELLINA: I am.

15 MR. CARREIRO: Licensed to
16 practice in the state of Rhode Island?

17 MR. LA TERRA BELLINA: Correct.
18 My question is with respect to the install, what
19 part of the install process did you see the two
20 employees performing?

21 MR. WRIGHT: Actually, they were

22 both standing outside their trucks, loading
23 material and cleaning up. They were almost done
24 with the job. So actually seeing them actually
0038

1 physically up in the attic or where ever they were
2 working, no, I didn't. I saw them outside. They
3 both told me freely what they were doing and
4 freely told me that they were not licensed.

5 MR. LA TERRA BELLINA: So, you
6 said they were completing the job?

7 MR. WRIGHT: That's what they
8 indicated to me.

9 MR. LA TERRA BELLINA: But you did
10 not witness any installation process?

11 MR. WRIGHT: I did not witness
12 them actually working, no.

13 MR. LA TERRA BELLINA: Did you see
14 any part of the apparatus or any of the actual
15 materials in the building?

16 MR. WRIGHT: No, I wouldn't do
17 that.

18 MR. LA TERRA BELLINA: So, in
19 fact, you saw no part of the installation process
20 at all?

21 MR. WRIGHT: No. Because they
22 said that they were all done. There was no need

23 to go any further, as far as I deemed.

24 MR. LA TERRA BELLINA: So as far

0039

1 as hearsay from two employees, without any written
2 proof or any actual visual inspection, you have no
3 proof that there was any installation or to what
4 extent any installation took place by these two
5 employees?

6 MR. WRIGHT: Having been at this a
7 long time, I know they're telling me that they
8 actually did the work. I take them at their word.
9 I didn't have to go any further.

10 MR. LA TERRA BELLINA: So you
11 don't know if the work that they're performing, if
12 there was any work, whether or not the work that
13 they were performing, removing plasterboard or
14 wood or whatever, had nothing to do with the
15 installation of air conditioning?

16 MR. WRIGHT: I'll tell you what,
17 how about I make a phone call right now over to
18 the Barrington inspector and ask him to verify?

19 MR. LA TERRA BELLINA: I just ask
20 you to answer the question.

21 MR. WRIGHT: No.

22 MR. LA TERRA BELLINA: I have no
23 further questions to Mr. Wright.

24 MR. DAVIES: Any board members

0040

1 have any questions?

2 MR. JANUARIO: What type of van

3 did they have?

4 MR. WRIGHT: They were installing
5 ducting and regular equipment that you have.

6 MR. JANUARIO: You did see what
7 they had in the van?

8 MR. WRIGHT: Yes. They were both
9 telling me what they were doing there and
10 everything.

11 MR. DAVIES: Mr. Carreiro.

12 MR. CARREIRO: If you could just
13 follow up?

14 MR. WRIGHT: The person that owned
15 that property, I don't know if they were there or
16 not, but we generally don't go on unless we're
17 invited to, so there was no need for me to, I
18 conversed with the people, with the two people
19 that were there.

20 MR. LA TERRA BELLINA: If I may, a
21 follow up question. With the respect to the
22 equipment that you saw that they had there, was
23 that absolutely indicative that they were
24 performing pipefitting services?

0041

1 **MR. WRIGHT:** Yes. With the
2 equipment that they had in the truck, sure.

3 **MR. LA TERRA BELLINA:** Just
4 because it's in the truck, does that mean they
5 used that equipment?

6 **MR. WRIGHT:** No. Actually, their
7 bucket of tools were out on the ground and their
8 tools were indicative of doing some type of work
9 such as I'm indicating.

10 **MR. LA TERRA BELLINA:** What tools
11 were outside in the bucket?

12 **MR. WRIGHT:** There were probably
13 sheet metal cutters, screwdrivers, hammers, et
14 cetera.

15 **MR. LA TERRA BELLINA:** So sheet
16 metal cutters is absolutely indicative, and you're
17 positive, that they actually performed services in
18 violation of 28-27-28?

19 **MR. WRIGHT:** Absolutely.

20 **MR. LA TERRA BELLINA:** No further
21 questions.

22 **MR. DAVIES:** Does your client have
23 any questions? Just explaining the situation, the
24 facts of it.

0042

1 **MR. GEMMA:** At the time I was not
2 present, I was ill. And so I'm just coming in to
3 sit in for a manager. I don't know much about the
4 facts other than I spoke to the field technician
5 that day. I'm just filling in for a manager who's
6 out of town and so I really can't say I know any
7 of the details.

8 **MR. JANUARIO:** Mr. Gemma, did your
9 company install an air conditioning system at that
10 address at that time, are you aware of if that was
11 done?

12 **MR. GEMMA:** I would imagine, yes.

13 **MR. JANUARIO:** Do you know if
14 those two employees were the ones that actually
15 installed it?

16 **MR. GEMMA:** The story I got from
17 them they were doing a lot of bull work.

18 **MR. JANUARIO:** Carried the
19 equipment in?

20 **MR. GEMMA:** Handyman stuff, the
21 cut and a lot of the finish, cutting plaster
22 stuff. That's what they told me. Again, I had a
23 little bit of time to talk with them because I was
24 put in this position yesterday afternoon.

0043

1 **MR. CARREIRO:** Are these gentlemen

2 employees of your company?

3 MR. GEMMA: Yes. One of them is.

4 One of them is no longer with the company.

5 MR. CARREIRO: And their position?

6 MR. GEMMA: To my knowledge, I

7 knew nothing about that. Their position, to my

8 knowledge, is handyman division. They do like the

9 carpentry stuff and finish stuff.

10 MR. CARREIRO: Not apprentices of

11 the trade?

12 MR. GEMMA: I don't think so. I

13 spoke to one, not the other. I don't know.

14 Again, I'm very vague. I'm being very honest, I

15 wasn't here at the time. I was out ill.

16 MR. DAVIES: Could you tell at

17 this time whether there has been a permit pulled

18 for the job?

19 MR. GEMMA: Stan, I would imagine

20 yes. I would imagine the permit was pulled that

21 day. I would have to imagine that they would pull

22 it.

23 Usually, what would happen is, again,

24 I'm speaking very vaguely. I'm sorry for that

0044

1 because I wasn't there. I was notified last night

2 that the manager wouldn't be here and I would have

3 to go and fill in. Why it isn't, I have no excuse
4 why the permit wasn't pulled and I can't answer to
5 that.

6 MR. DAVIES: You don't know
7 whether there has been a permit pulled on the job
8 at this point?

9 MR. LA TERRA BELLINA: Just with
10 respect to the permit violation, if we may, if the
11 board wants to see a copy of the permit that was
12 pulled for the project, if that would help, if you
13 would like to see it, I respectfully request a
14 continuance with respect to that violation.

15 MR. DAVIES: Why don't we continue
16 it?

17 MR. CARREIRO: Question, has this
18 company ever appeared before this board before for
19 any violations?

20 MR. LA TERRA BELLINA: Objection.
21 It's irrelevant.

22 MR. CARREIRO: I'll make a
23 comment. We, many times, take action where we say
24 we will continue the charges for a year with no

0045

1 fine pending a further violation. Has this
2 company ever appeared before this board? An
3 objection would lead me to believe you have

4 something to hide.

5 MR. LA TERRA BELLINA: No. It's
6 just you have to stick to the facts. I think if
7 you ask your counsel, he'll agree with me on that.

8 MR. LOMBARDI: The question of
9 whether this company has prior violations would go
10 to the determination of what the fine would be if
11 they, in fact -- if, in fact, the board found they
12 violated it at this time.

13 Naturally, because there is a -- the law
14 does provide for more stringent fines if there is
15 a second or third violation. So that would come
16 into play at the time that you make a determination
17 as to what the fine would be if you find there had
18 been a violation.

19 MR. CARREIRO: But at the same
20 time, it would be a public record and I could have
21 knowledge of that and that would influence my
22 decision, whether provided by the accused or the
23 people before us.

24 MR. LOMBARDI: It shouldn't

0046

1 influence your decision in determining whether or
2 not a violation occurred at this time.

3 MR. CARREIRO: But if I had that
4 knowledge, it could.

5 MR. LA TERRA BELLINA: I object to
6 that. You'd have to just use it and address it
7 towards the fine. Even though I know you can go
8 out there right now and pull it.

9 MR. CARREIRO: Put money on it.

10 MR. LA TERRA BELLINA: That's a
11 technical aspect that I would argue.

12 MR. JANUARIO: Charlie, I have one
13 more question, about the permit, do you know if
14 there was one pulled?

15 MR. WRIGHT: Mr. Speaker called me
16 the next morning, he's the building official, and
17 said that late afternoon, after I had left there,
18 somebody from Gem was there to take out a permit,
19 after I had left.

20 MR. WEBSTER: Charlie, how much of
21 the job was completed?

22 MR. WRIGHT: I would assume it's
23 done, lack of a better word.

24 MR. LA TERRA BELLINA: But you had

0047

1 no actual proof of that, right?

2 MR. WRIGHT: Of what, sir?

3 MR. LA TERRA BELLINA: That the
4 job was completed before the permit was pulled.

5 MR. WRIGHT: That's why I used the

6 word "assume."

7 MR. LA TERRA BELLINA: Nothing
8 further.

9 MR. DAVIES: Board members have
10 any questions of the attorney, his client, Charlie
11 Wright or Ted Whittaker? Okay. Based on the
12 information you have on Case No. 2840, would you
13 determine whether there's a violation?

14 MR. WEBSTER: Based on Violation
15 2840, I make a motion we have a finding of fact
16 that Gem Plumbing & Heating did violate 28-27-28,
17 28-27-20.

18 MR. CARREIRO: Second.

19 MR. DAVIES: All those in favor?
20 Now, in regards to the fine, 28-27-24; do I have a
21 motion.

22 MR. JANUARIO: I make a motion to
23 uphold the fine --

24 MR. CARREIRO: Second.

0048

1 MR. JANUARIO: -- 28-27-24.

2 MR. CRONIN: Second.

3 MR. DAVIES: All those in favor?

4 You will hear from the Director of Labor whether
5 she will uphold the fine and uphold our findings.

6 Thank you very much.

7 We're going to close the hearings and
8 open our regular business meeting. Has everybody
9 had a chance to review the minutes that we didn't
10 receive?

11 MR. WRIGHT: You didn't get
12 minutes because we didn't have a meeting last
13 month.

14 MR. DAVIES: Have you had a chance
15 to review the ones previous to that?

16 MR. CARREIRO: August.

17 MR. CRONIN: I make a motion to
18 accept.

19 MR. JANUARIO: Second.

20 MR. DAVIES: All those in favor?

21 (CLOSED AT 10:05 A.M.)

22 * * * * *

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0049

1 C E R T I F I C A T E

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5 I, Claudia J. Read, Notary Public, do hereby
6 certify that I reported in shorthand the foregoing
7 proceedings, and that the foregoing transcript

8 contains a true, accurate, and complete record of
9 the proceedings at the above-entitled hearing.

10

11 IN WITNESS WHEREOF, I have hereunto set my
12 hand this 21st day of October, 2006.

13

14

15

16

17 CLAUDIA J. READ, NOTARY PUBLIC/CERTIFIED COURT
REPORTER

18 MY COMMISSION EXPIRES NOVEMBER 2, 2008.

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0050

1 MR. WRIGHT: Val wants to know,
2 we've been talking about doing some changes in the
3 law and the rules and regs, he wanted to know if
4 we had brought those to the board yet. I said no,
5 we hadn't.

6 MR. WHITTAKER: No, we have not.

7 The law as legislatively --

8 **MR. LOMBARDI:** I'm not concerned
9 about the law, I'm concerned with the rules and
10 regs because the rules and regs were sent up to
11 our office to review and finalize so we can set
12 them up in a public meeting, but I wanted to make
13 sure that the investigators or the inspectors had
14 an opportunity to bring these before the board so
15 the board can more or less give their approval to
16 them prior to the public hearing.

17 **MR. WHITTAKER:** Is there a date
18 set for a public hearing?

19 **MR. LOMBARDI:** No. We're going to
20 set it. We're going to do it quickly. We want to
21 do it fast. We want to do it before the end of
22 the year. There's only two months left. I
23 assumed that when you send them up for review,
24 you've already discussed it with your people. Not
0051

1 only you, your board, but the other boards too who
2 sent up, some ratios and things of that nature.

3 **MR. WHITTAKER:** Yes, that's
4 correct. But we have not discussed anything with
5 the board.

6 **MR. CARREIRO:** It was before the
7 board. The subject matter was brought before the
8 board.

9 MR. WHITTAKER: Some matters were,
10 but we haven't formally approved or disapproved.
11 We've had just general discussions about some
12 things we were looking at.

13 MR. CARREIRO: Just for the
14 record, the board dealt with them.

15 MR. WRIGHT: So actually we get
16 them in writing to the board members.

17 MR. WHITTAKER: Actual changes.
18 We can do that. Will the board have to meet at a
19 special notified meeting to do that?

20 MR. LOMBARDI: No.

21 MR. WHITTAKER: Do that over the
22 phone and poll individually for certain?

23 MR. LOMBARDI: That doesn't
24 require a meeting.

0052

1 MR. WHITTAKER: Fine.

2 MR. LOMBARDI: Because the public
3 hearing will deal with the outside, as far as
4 their comments. This is something internal that
5 would not require a public hearing.

6 MR. WRIGHT: Fine. We'll put them
7 in writing and mail them all to you and just call
8 us back and let us know. Ted says he's going to
9 type that all up when we go back to the desk.

10 MR. CRONIN: What happens if we
11 want to make changes?

12 MR. LOMBARDI: If it's something
13 everyone agrees upon, then there's no problem. If
14 there are questions and the board members are
15 considering changes to what was suggested, then
16 you properly should put it on the agenda for your
17 next meeting.

18 MR. WRIGHT: If you guys have some
19 suggestions, and we've asked you this before, just
20 give them to Ted and myself so we can formulate it
21 all together and put the package together right.

22 MR. LOMBARDI: There weren't a lot
23 of changes, but there were some changes.

24 MR. CRONIN: How soon can we see
0053

1 the changes? I know this was before the board,
2 but I never saw it before the writing. Maybe it
3 deals with what I want to deal with.

4 MR. WHITTAKER: I don't know what
5 you want to deal with.

6 MR. CARREIRO: I just make a
7 motion that the department will circulate the laws
8 with the changes, rules and regs, and if any board
9 member wishes to propose changes, they do so in
10 writing. And if there are no objections via

11 writing from the board members by unanimous
12 consent, we'll adopt what we receive to present to
13 the public hearing. That's in the form of a
14 motion.

15 MR. WEBSTER: Second.

16 MR. DAVIES: All those in favor?

17 MR. JANUARIO: When's the
18 deadline?

19 MR. CARREIRO: ASAP.

20 MR. JANUARIO: At the next
21 meeting, and that --

22 MR. CRONIN: Before the next
23 meeting --

24 MR. LOMBARDI: We would hope by
0054

1 the next meeting, if not before that.

2 MR. CARREIRO: Can we schedule the
3 hearing after the December meeting? That will
4 give us --

5 MR. WRIGHT: No.

6 MR. CARREIRO: We will receive the
7 changes at the next meeting. We will schedule the
8 public hearing after the December meeting. That
9 way, we'll have another time to convene.

10 MR. WRIGHT: We can't tell them
11 when to schedule the hearing.

12 MR. DAVIES: It has to be
13 scheduled so many days.

14 MR. WRIGHT: We want to act on
15 this at the November meeting.

16 MR. CARREIRO: Right. And I'm
17 saying give us another time to meet after the next
18 meeting, before the public hearing is scheduled.

19 MR. WRIGHT: Purpose?

20 MR. CARREIRO: Purpose, in case
21 something comes up at the next meeting.

22 MR. JANUARIO: In case somebody
23 objects to one of the changes.

24 MR. WRIGHT: That's why we're

0055

1 trying to tell you, give us all this before, so
2 when you come to the meeting, you're ready with it
3 all.

4 MR. CARREIRO: The motion was if
5 there are no changes made, this board adopts by
6 unanimous consent if no changes are made. If he
7 proposes something, this board has to act on that.
8 His motion --

9 MR. LOMBARDI: And that would be
10 done in the November meeting.

11 MR. CARREIRO: Exactly. And I'm
12 suggesting wait until after the December meeting

13 to hold the hearing --

14 MR. LOMBARDI: You can do that by
15 the November meeting. Any input that this board
16 has, you can do it at the latest by the November
17 meeting. After that, we expect a final draft to
18 put together and then we will take care of the
19 public hearing at that time.

20 MR. CARREIRO: That only gives us
21 one chance to discuss changes.

22 MR. LOMBARDI: If you want it
23 done.

24 MR. WRIGHT: If anybody gives us

0056

1 changes, we're going to notify all the members
2 right away.

3 MR. CARREIRO: I can make a
4 change --

5 MR. WRIGHT: Fine. Give it to us.

6 MR. CARREIRO: No. I'm asking the
7 board to concur with me. If the board doesn't
8 concur, I'm going to withdraw my change. I can
9 recommend something --

10 MR. WRIGHT: You can do that right
11 now.

12 MR. CARREIRO: I can recommend
13 something, but I want to present it to the board

14 and we go in unanimous on the change.

15 MR. WRIGHT: You can do a change
16 right now.

17 MR. LOMBARDI: What I'm saying is
18 that you can do that at the next board meeting.

19 MR. JANUARIO: Be important that
20 everybody is here next meeting.

21 MR. CARREIRO: Are you following?

22 MR. WRIGHT: The part I have
23 trouble with that is telling the department when
24 to have their public hearing.

0057

1 MR. CARREIRO: Well, if they
2 schedule a public hearing next week, we're
3 screwed.

4 MR. WRIGHT: They're not going to
5 do that. They want to do it before the end of the
6 year.

7 MR. CARREIRO: And I'm asking
8 after December because if he proposes something
9 that we don't agree with, where do we go? What's
10 the compromise? We'll have to have another
11 meeting.

12 MR. LOMBARDI: No. You're not
13 going to leave the November meeting without
14 compromising. We'll lock you here until you

15 compromise.

16 MR. WHITTAKER: Special meeting,
17 even if we have to have two.

18 MR. WRIGHT: We can schedule a
19 special meeting.

20 MR. CARREIRO: All I'm saying I
21 wouldn't want to propose something that this board
22 didn't agree on and force it to a public hearing
23 where we're arguing amongst ourselves.

24 MR. LOMBARDI: I agree.

0058

1 MR. JANUARIO: Just for that
2 meeting, and if we don't agree, we can schedule --

3 MR. WHITTAKER: Have a special
4 meeting, everybody comes in with their proposals,
5 bring them out, hash them out, negotiate them, and
6 by the time we get to the November meeting,
7 they're all done.

8 MR. WRIGHT: That is the opposite
9 of what he said. We said before the November
10 meeting. They're saying after the November
11 meeting have a special meeting.

12 MR. QUINLAN: Let's meet the next
13 week.

14 MR. WRIGHT: To do that, I have to
15 make sure we have a room. I have to book it.

16 MR. DAVIES: Anything else?

17 MR. CARREIRO: Motion to adjourn.

18 MR. JANUARIO: Second.

19 (ADJOURNED AT 10:15 A.M.)

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