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

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PROCEEDINGS AT HEARING :

5 :

IN RE: :

6 :

MECHANICAL BOARD :

7 :

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9

10 DATE: DECEMBER 6, 2006

TIME: 9:00 A.M.

11 PLACE: 1511 PONTIAC AVENUE

BUILDING 70

12 CRANSTON, RI

13

14

PRESENT:

15 STANLEY DAVIES, CHAIRMAN

KEN AURECCHIA

16 MICHAEL CARREIRO

BOBBY JOE HARRIS

17 MICHAEL JANUARIO

PETER LOMBARDI

18 QUINLAN REGAN

CHESTER STEWART

19 JOHN WEBSTER

CHARLES W. WRIGHT, INVESTIGATOR

20 EDWARD WHITTAKER, INVESTIGATOR

VAL LOMBARDI, ESQUIRE

21

22

23 RHODE ISLAND COURT REPORTING

747 NORTH MAIN STREET

24 PROVIDENCE, RI 02904

(401) 437-3366

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1 (COMMENCED AT 9:08 A.M.)

2 THE CHAIRMAN: 9:08 a.m., we'll

3 call the Mechanical Board to order. We will

4 dispense with the minutes until after the

5 hearings.

6 And our first hearing today is Seekonk

7 Heating Systems, 2807; is someone here

8 representing Seekonk?

9 MR. MURPHY: I'm here.

10 THE CHAIRMAN: Would you stand and

11 be sworn in.

12 WILLIAM J. MURPHY, E. PATRICK LUTHER, CHARLES
13 WRIGHT, TED WHITTAKER

14 (SWORN)

15 THE CHAIRMAN: Mr. Whittaker,
16 would you read the violation.

17 MR. WHITTAKER: Date: July 5,
18 2006; Violation No. 2807. Name of violator:
19 Seekonk Heating Services, Incorporated,
20 Mr. William J. Murphy, President, 109 Brown
21 Avenue, Johnston, Rhode Island 02919. Location of
22 violation: Pell Manor, Plainfield Street
23 Johnston, Rhode Island.

24 On 2/28/2006, Department of Labor &
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1 Training Investigator E. Patrick Luther did find
2 an employee, a Mr. Kevin Furtado, 310 Walter
3 Street, Fall River, Massachusetts, of Seekonk
4 Heating Services, Incorporated performing
5 mechanical work in Johnston, Rhode Island without
6 a valid Rhode Island Mechanical License.

7 This is a violation of Rhode Island
8 General Law 28-27-28, practice for which a license
9 is required. Seekonk Heating Services,
10 Incorporated does not have a Rhode Island license,
11 Mechanical Contractor License listed in their

12 corporate structure. This is a violation of Rhode
13 Island General Law 28-27-6, corporations and firms
14 engaged in business.

15 Further, no permit was issued by the
16 town of Johnston. This is a violation of Rhode
17 Island General Law, 28-27-20, state and municipal
18 inspections and installation permits. Three
19 violations, \$500 a piece, totaling \$1,500, per
20 Rhode Island General Law 28-27-24.

21 THE CHAIRMAN: Board members, do
22 you have any questions of Mr. Whittaker's report?
23 Mr. Luther, would you?

24 MR. LUTHER: Mr. Chairman, members

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1 of the board, on June 28th of this year I
2 conducted an investigation at Claiborne Pell
3 Manor, 1609 Plainfield Pike in Johnston where a
4 David A. Bibeau (Phonetic), a licensed pipefitter
5 master one was working with an individual, Kevin
6 Furtado.

7 Mr. Furtado was installing some hangers
8 for some piping for some boiler headers. They
9 informed me that they worked for Seekonk Heating.
10 And Mr. Furtado did not have any registration or
11 license in Rhode Island for the installation of
12 heating equipment.

13 THE CHAIRMAN: Board members, do
14 you have any questions of Mr. Luther's report?

15 MR. JANUARIO: You mentioned the
16 other person did have a license?

17 MR. LUTHER: Yes. He had a
18 pipefitter master one. It was current at the time
19 of the investigation.

20 MR. JANUARIO: What were they
21 installing?

22 MR. LUTHER: Couple of boilers.
23 Actually, it was a whole heating system.

24 MR. MURPHY: That's correct.

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1 MR. LUTHER: They were working in
2 the boiler room.

3 THE CHAIRMAN: Any other questions
4 of Mr. Luther? Sir, would you like to address the
5 board?

6 MR. MURPHY: The only thing I
7 would say is Mr. Furtado was not sent there to do
8 any pipefitting work. He was there to cut holes,
9 put up a piece of plywood and saw cut holes for
10 the combustion -- my breaching to pass through.

11 And their side of the story was they
12 were told he could not do that, he could not put
13 the holes in the plywood, because he had no

14 pipefitter's license, since there was a pipe
15 passing through there.

16 As far as the hangers, that's news to
17 me. He wasn't there to clean fittings, he wasn't
18 there to pick up any solder, pick up a torch, put
19 up hangers. He was there for that purpose only.
20 And when he was there at the other times, he was
21 only there as a fire watch because it's a wooden
22 structure and he was there as a fire watch.

23 **THE CHAIRMAN:** Gentlemen of the
24 board, do you have any questions?

0006

1 **MR. JANUARIO:** No permit from the
2 town of Johnston?

3 **MR. MURPHY:** Now, as far as the
4 permit, I supplemented Brennan Oil's workforce.
5 And as far as I know, Dennis Brennan pulled the
6 permit on that project.

7 **MR. JANUARIO:** There was no permit
8 at the time?

9 **MR. WRIGHT:** No. There was no
10 permit issued at that time. And the last
11 violation that you have on there is the -- the
12 third one, corporations and firms engaged in
13 business. When we checked his corporate papers in
14 Massachusetts, the people that are listed on

15 there, and I have them right there, are not
16 properly licensed in Rhode Island.

17 MR. MURPHY: And that is correct
18 and we have since added a director to our board.

19 MR. WRIGHT: But at that time?

20 MR. MURPHY: That's correct.

21 THE CHAIRMAN: Any other board
22 members have --

23 MR. MURPHY: Can I just ask one
24 other question, did Brennan Oil have a permit?

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1 MR. WRIGHT: To the best of my
2 knowledge, when I checked, no. I think, Pat, you
3 had checked also, didn't you?

4 MR. LUTHER: I did not check. You
5 were the one that checked that.

6 MR. WRIGHT: There was nothing
7 there.

8 MR. MURPHY: Okay.

9 THE CHAIRMAN: Gentlemen, any
10 other questions? Do I have a motion on No. 2807
11 on the violation?

12 MR. CARREIRO: Based on the
13 testimony and the facts presented to us, I make
14 the motion that Seekonk Heating Services did
15 violate 28-27-28, they did violate 28-27-6, and

16 they did violate 28-27-20.

17 THE CHAIRMAN: Do I have a second
18 on this motion?

19 MR. AURECCHIA: Second.

20 THE CHAIRMAN: All those in favor?
21 Any opposed? Now, the fine.

22 MR. CARREIRO: I'd like to make a
23 motion.

24 THE CHAIRMAN: Yes.

0008

1 MR. CARREIRO: That we uphold the
2 fine, \$500 per violation, as per Rhode Island
3 General Law 28-27-24.

4 THE CHAIRMAN: On 2807?

5 MR. CARREIRO: Yes.

6 THE CHAIRMAN: Do I have a second
7 on that?

8 MR. WEBSTER: Second.

9 THE CHAIRMAN: All those in favor?
10 You'll be receiving a letter from the Director of
11 Labor and she'll be making a determination.

12 MR. MURPHY: My only question, if
13 I can produce the permit prior to the violation
14 date, am I still in a violation if Brennan Oil did
15 pull a permit prior to the violation date?

16 THE CHAIRMAN: Number one, you

17 should be the one that's pulling the permit and
18 not Brennan Oil.

19 MR. MURPHY: Even though I just
20 supplemented his labor by giving him a pipefitter?

21 THE CHAIRMAN: You still have
22 to --

23 MR. MURPHY: So I pull a permit?
24 Even if he pulled one, I pull one on top of his?

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1 THE CHAIRMAN: You should be
2 pulling it if you're going to do the work.

3 MR. MURPHY: Does Brennan Oil need
4 a permit too since he had workforce on the job?
5 I'm just trying to figure this out so I don't do
6 it again.

7 THE CHAIRMAN: If he's doing
8 boiler work, he'd have to have the permit.

9 MR. MURPHY: If we were both
10 involved in it, do we both pull permits; that's my
11 question.

12 THE CHAIRMAN: Who's going to be
13 the responsible person?

14 MR. MURPHY: Brennan Oil, the
15 contractor of record.

16 MR. WRIGHT: The answer is yes.

17 MR. MURPHY: That's what I wanted

18 to know.

19 THE CHAIRMAN: The next case is
20 Woodcock Refrigeration, 2864; is someone here from
21 that company?

22 MR. WOODCOCK: Yes.

23 THE CHAIRMAN: Would you stand and
24 be sworn in, please.

0010

1 MATTHEW WOODCOCK

2 (SWORN)

3 THE CHAIRMAN: Mr. Whittaker.

4 MR. WHITTAKER: Date: September
5 27, 2006; Violation No. 28674. Name of violator:
6 Woodcock Refrigeration Company, PO Box 1133, South
7 Windsor, Connecticut 06074. Location of
8 violation: Country Kitchens, Centre of New
9 England Boulevard, Coventry, Rhode Island.

10 On August 28, 2006, Rhode Island
11 Department of Labor & Training Investigator
12 Charles W. Wright found one Andrew J. Gordon of 15
13 Forest Street, Unit E, Manchester, Connecticut
14 working on AC equipment. Mr. Gordon is not
15 properly licensed in Rhode Island to do this work.
16 This is a violation of Rhode Island General Law
17 28-27-28, practice for which a license is
18 required.

19 Furthermore, after checking the
20 Connecticut corporate filing for Woodcock
21 Refrigeration, it was found that this company is
22 not licensed to do the work in Rhode Island. This
23 is a violation of Rhode Island General Law
24 28-27-5, practice for which a master or
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1 contractor's license is required. Signed, Charles
2 W. Wright, Investigator.

3 THE CHAIRMAN: Mr. Wright.

4 MR. WRIGHT: Board members, I did
5 find that Mr. Gordon was there. He was working up
6 on the roof on the unit. He came downstairs, he
7 didn't have a license. And I checked with the
8 corporate filings as we do and checked in
9 Connecticut and nobody was licensed there. That's
10 what resulted in the violation.

11 THE CHAIRMAN: Board members, do
12 you have any questions of Mr. Wright?

13 MR. LOMBARDI: Charlie, does he
14 have a license in Connecticut?

15 MR. WRIGHT: Yes. Their company
16 is predominantly in Connecticut and after talking
17 with the person that was on the job, evidently
18 they picked up a service contract or something.

19 MR. WOODCOCK: We only have one

20 account in Rhode Island. We do a group of Cracker
21 Barrels. We've been in business for 51 years. I
22 have a copy of our license with me, my father's
23 license.

24 He was on the board of Connecticut for
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1 25 years. And we weren't trying to pull a fast
2 one. It's just one account that we serviced. I
3 apologize, but that's what happened.

4 THE CHAIRMAN: That's your
5 statement on that?

6 MR. WOODCOCK: I have a copy of
7 our Connecticut license if you want to see it.

8 MR. WRIGHT: I've seen all those.
9 Thank you.

10 THE CHAIRMAN: Peter.

11 MR. LOMBARDI: Do you intend to
12 get a Rhode Island license for this account?

13 MR. WOODCOCK: If you guys would
14 consider giving us the opportunity to do so, yes.

15 MR. LOMBARDI: Talk to the
16 gentleman and I'm sure you can get that resolved.

17 THE CHAIRMAN: Any other board
18 members have any questions? Do I have a violation
19 on No. 2864?

20 MR. CARREIRO: In regards to

21 Violation No. 2864, based on the testimony we've
22 heard, I make a motion that we find Woodcock
23 Refrigeration in violation of 28-27-28 and further
24 in violation of 28-27-5.

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1 THE CHAIRMAN: Do I have a second
2 on that?

3 MR. WEBSTER: Second.

4 THE CHAIRMAN: All those in favor?
5 Do I have a motion on the fine?

6 MR. CARREIRO: Regarding Violation
7 2864, I make a motion we uphold the fine, \$500 per
8 violation, per Rhode Island General Law 28-27-24.

9 THE CHAIRMAN: Do I have a second?

10 MR. HARRIS: Second.

11 THE CHAIRMAN: All those in favor?
12 You will hear from the Director of Labor as to the
13 board's findings and she'll make a final decision.

14 MR. WOODCOCK: Do I pay the fine
15 today?

16 MR. WRIGHT: No. Wait until you
17 hear from the Director of Labor because you can
18 still appeal at that level. You can still appeal
19 it to the courts.

20 MR. WOODCOCK: Thank you for your
21 time.

22 THE CHAIRMAN: Case No. 2847, Gem
23 Plumbing & Heating, Incorporated; is someone here
24 representing Gem?

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1 MR. GEMMA: Right here.

2 THE CHAIRMAN: Would you stand and
3 be sworn in, please.

4 LEONARD P. GEMMA

5 (SWORN)

6 THE CHAIRMAN: Mr. Whittaker,
7 would you read the report?

8 MR. WHITTAKER: Date:
9 September 8, 2006; Violation No. 2847. Name of
10 violator: Gem Plumbing & Heating, Incorporated,
11 1 Wellington Avenue, Lincoln, Rhode Island 02865.
12 Location of violation: 203 Bugby Road, Scituate,
13 Rhode Island.

14 On July 27, 2006, Rhode Island
15 Department of Labor & Training Investigator E.
16 Patrick Luther found two people, Eric Peloquin of
17 88 Harris Avenue, Johnston, Rhode Island and Eric
18 Judd of 20 West Street, West Warwick, Rhode
19 Island, employed by Gem Plumbing & Heating,
20 installing air conditioning at the above location.

21 These two people are not licensed in
22 Rhode Island to do this type of work. This is two

23 violations of Rhode Island General Law 28-27-28,
24 practice for which a license is required, two
0015

1 violations of \$950 each, total \$1900 per Rhode
2 Island General Law 28-27-24. Signed, Charles W.
3 Wright, Investigator.

4 THE CHAIRMAN: Board members, do
5 you have any questions of Mr. Whittaker's report?
6 Okay, Mr. Luther, want to testify on this?

7 MR. LUTHER: Mr. Chair, members of
8 the board, on the 27th of July this year -- just
9 there's a typo on the name of the road, it's 203
10 Bunky Road, B-U-N-K-Y, in Scituate. I was
11 informed by the building department in the town of
12 Scituate that there was some work going on at the
13 above location.

14 Upon stopping and conducting an
15 investigation, the two individuals, Eric Peloquin
16 and Eric Judd were working on the HVAC system.
17 They were unlicensed at the time. They did inform
18 me that there was a licensed guy on site. I don't
19 recall his name, but he had left. But they were
20 working on the HVAC system at, I believe it was
21 the Jarvarsio (Phonetic) residence.

22 THE CHAIRMAN: Do the board
23 members have any questions of Mr. Luther? Sir,

24 would you like to address the board?

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1 MR. GEMMA: My question to
2 Mr. Luther is whether he went inside at the time
3 of the visit and saw the people working or if the
4 conversation was made outside the home?

5 MR. LUTHER: I was approached by
6 the owner of the building and proceeded in the
7 basement and saw the individuals working on the
8 HVAC.

9 MR. GEMMA: So it was in the
10 basement that you saw?

11 MR. LUTHER: Yes, it was.

12 MR. GEMMA: No other questions.

13 MR. LUTHER: Actually, one
14 gentleman was upstairs in the living room area and
15 one gentleman was in the basement.

16 MR. GEMMA: It's my understanding
17 that they were approached outside and the
18 conversation all happened outside the house.

19 THE CHAIRMAN: Gentlemen, do you
20 have any questions of Mr. Gemma?

21 MR. JANUARIO: What type of work
22 was being performed there, you were installing air
23 conditioning?

24 MR. GEMMA: That's what I was

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1 told. I'm not sure.

2 THE CHAIRMAN: Anybody else have
3 any questions?

4 MR. STEWART: You sent him to that
5 job to work on that job?

6 MR. GEMMA: My office did. I
7 don't send people out, but there should have been
8 a licensed person at the time too where he was.

9 MR. STEWART: They didn't have any
10 license at all to work with a licensed person.

11 MR. GEMMA: I'm not here to
12 question. I believe that they are now licensed
13 and stuff and they have been, but one of them let
14 their license expire. I'm not sure.

15 THE CHAIRMAN: Any other
16 questions?

17 MR. AURECCHIA: Do you have any
18 other previous violations in the state of Rhode
19 Island for unlicensed people?

20 MR. GEMMA: The company may.
21 Whether I do or not and stuff could be contested.

22 MR. AURECCHIA: Do we know if this
23 is the first or second?

24 THE CHAIRMAN: Due to the fine, I

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1 would say it's more than one.

2 MR. AURECCHIA: Do we know how
3 many; two, three, four, five, one? I mean,
4 obviously there's one.

5 MR. GEMMA: Is it possible for me
6 to ask a question to the board?

7 THE CHAIRMAN: Go ahead.

8 MR. GEMMA: My question is who is
9 allowed to go up to one of the job sites and ask
10 for a license? Is plumbing allowed to ask for
11 mechanical, does mechanical ask for plumbing,
12 allowed to ask for plumbing, or is a board member
13 allowed to ask?

14 MR. AURECCHIA: Can I address that
15 question?

16 THE CHAIRMAN: Actually, I would
17 rather Mr. Whittaker address it.

18 MR. WHITTAKER: The investigators
19 are allowed on site to check licenses for all the
20 trade that come under the division of Professional
21 Regulations.

22 MR. GEMMA: How about board
23 members?

24 MR. WHITTAKER: By law, the board

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1 members can also check licenses.

2 **MR. GEMMA:** All trades, right? So
3 mechanical can ask for plumbing, or plumbing can
4 ask for mechanical?

5 **MR. WRIGHT:** The board can only
6 check for their trade.

7 **MR. AURECCHIA:** The problem with
8 that is you have to check all trades simply
9 because I don't know if a pipefitter is doing
10 plumbing work or a plumber is doing pipefitting
11 work; how would I know that? How would I know
12 that unless I asked, or somebody asked? You would
13 have to ask the question. How am I supposed to
14 know that?

15 **MR. WRIGHT:** I don't know. Can I
16 jump in on that?

17 **MR. LOMBARDI:** Yes.

18 **MR. WRIGHT:** If you want, any of
19 the board members went on the job, I would assume
20 that if you do, you can ask them what trade
21 they're working at. I would assume that would not
22 be a problem. You can only check licenses,
23 licenses of persons that are in the mechanical
24 trade.

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1 **MR. GEMMA:** So the mechanical
2 board can only test mechanical?

3 MR. WRIGHT: Right. Our
4 investigators here all have letters in our files
5 so we can check all trades.

6 MR. GEMMA: Okay. My
7 understanding of the law though was that plumbing
8 can check mechanical, but mechanical can check
9 plumbing; is that not correct?

10 MR. WRIGHT: No. Not that I know
11 of. You're saying that's in the law?

12 MR. GEMMA: Well, that's one of
13 the questions, but the other question is that, you
14 know, I've had a board member show up at my job
15 asking my people for licensing. My question is
16 whether the board has the appropriate authority
17 and stuff to do so.

18 MR. WRIGHT: The question as far
19 as the board goes, the board checks mechanical
20 licenses. The question as far as the
21 investigators go, we all have letters in our file
22 so we check all licenses that we deal with.

23 MR. GEMMA: You have to
24 understand, I have two questions. One is if a

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1 board member is allowed to do it.

2 MR. WRIGHT: A board member is
3 allowed to check mechanical licenses.

4 **MR. GEMMA:** Mechanical board
5 member is allowed to check mechanical, and
6 plumbing board member is allowed to check
7 plumbing, correct?

8 **MR. WRIGHT:** Yes.

9 **THE CHAIRMAN:** Any other board
10 members have any questions of Mr. Gemma?

11 **MR. AURECCHIA:** I disagree with
12 that and I'll tell you why, because how do you
13 know who is doing what unless you ask?

14 **MR. WRIGHT:** You can ask.

15 **MR. AURECCHIA:** That's what I'm
16 saying, you can ask.

17 **THE CHAIRMAN:** It's not an issue
18 at this time.

19 **MR. AURECCHIA:** It is to me, okay.

20 **MR. VAL LOMBARDI:** Bring it up at
21 the regular meeting.

22 **MR. WRIGHT:** We'll bring that up
23 at the meeting.

24 **MR. AURECCHIA:** And before we do

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1 anything, you can check and see how many
2 violations he's had this year. This looks like
3 the third to me. You need to check that before
4 you go any further with this.

5 MR. WRIGHT: It could be.

6 MR. AURECCHIA: Not it could be.

7 MR. WRIGHT: Judging by the amount
8 of the fine, yes, it is.

9 MR. AURECCHIA: Well, how many
10 violations do you get before the license gets
11 suspended?

12 MR. WRIGHT: That's something the
13 board will address on the regular meeting.

14 MR. AURECCHIA: Okay.

15 MR. LOMBARDI: Are these people
16 licensed now?

17 MR. GEMMA: I believe so, but, you
18 know, the question comes up, this is Gem Plumbing,
19 so, you know, the company probably has 200
20 licensed people in the staff. So who's licensed,
21 the question I guess is whose license are you
22 trying to revoke? It is my license or is it the
23 company license? You know, it brings up a whole
24 different picture.

0023

1 MR. WHITTAKER: There is no
2 company license. The license is represented by a
3 master within a firm or corporation. There is no
4 corporation or company license.

5 MR. WRIGHT: In your particular

6 case, you provided us with a list.

7 MR. GEMMA: Correct. The issue
8 here is refrigeration. It's a refrigeration
9 violation, it's not a pipefitting violation.

10 MR. WRIGHT: Okay.

11 MR. GEMMA: So that would be the
12 first that I would know of.

13 MR. WRIGHT: Do you have more than
14 one --if I remember right from the list, there's
15 more than one refrigeration?

16 MR. GEMMA: Absolutely.

17 MR. WRIGHT: I know.

18 MR. GEMMA: There's more than one
19 pipefitter also.

20 MR. WRIGHT: But that's why the
21 violation is addressed to Gem. You're not the
22 only one that has more than one person.

23 MR. GEMMA: How can you revoke the
24 company -- there's no company --

0024

1 MR. WRIGHT: I know what you're
2 saying, you're telling me we don't have a company
3 license. We'll carry that at the regular meeting
4 and you're welcome to stay for that if you want,
5 but that's not under this right now.

6 MR. GEMMA: Okay. That's all I

7 had.

8 THE CHAIRMAN: Do I have a motion
9 for a violation on 2847?

10 MR. WEBSTER: Regarding the
11 Violation 2847, based on the testimony, I'll make
12 a motion that a finding of fact has been made by
13 the board that Gem Plumbing & Heating did violate
14 the Rhode Island General Law, two violations,
15 28-27-28.

16 THE CHAIRMAN: Do I have a second?

17 MR. CARREIRO: Second.

18 THE CHAIRMAN: All those in favor?
19 Opposed? Okay. Now, in regards to the fine on 2847.

20 MR. WEBSTER: I make a motion we
21 uphold the fine in the amount of \$1900 per Rhode
22 Island General Law 28-27-4.

23 THE CHAIRMAN: All those in favor?

24 So voted.

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1 MR. AURECCHIA: Second, I second
2 the motion. Now you can take a vote on it again.

3 THE CHAIRMAN: All those in favor,
4 aye. Larry, you'll receive a letter from the
5 Department of Labor Director and she'll make the
6 final determination on whether to uphold the
7 fines.

8 MR. GEMMA: Okay. Thanks.

9 THE CHAIRMAN: The next violation
10 is Air Control Sheet Metal, Incorporated, 2944; is
11 someone here representing that company?

12 MR. CRAVEIRO: Yes, sir.

13 THE CHAIRMAN: Want to stand and
14 be sworn in.

15 FRANK L. CRAVEIRO, CLIFFORD WHITING
16 (SWORN)

17 MR. WRIGHT: Gentlemen, before we
18 start, the violation number is missing from the
19 top part. It's 2944. When I made the copies,
20 that wasn't on there.

21 MR. WHITTAKER: Date: 10/11/2006;
22 Violation 2944. Name of violator: Frank L.
23 Craveiro, Jr. of Air Control Sheet Metal,
24 Incorporated, 655 Roosevelt Avenue, Pawtucket,
0026

1 Rhode Island 02861. Location of violation: 52
2 Valley Street, Providence, Rhode Island.

3 On September 25, 2006, Chief Mechanical
4 Inspector Cliff Whiting did observe three men on
5 ladders in the above referenced address hanging
6 ductwork. He asked for their licenses to install
7 sheet metal in Rhode Island. He also asked who
8 they worked for and they said, "Air Control Sheet

9 Metal Company."

10 One person was licensed. The other two
11 had no license. They were Jesue Mena of 4 King
12 Street, second floor, Central Falls, Rhode Island,
13 and Thosmar Velez, 88 Sylvian Street, Central
14 Falls.

15 This is violation of Rhode Island
16 General Law 28-27-5.1, practice for which a
17 journeyperson or apprentice license is required.

18 Further, there was no mechanical permit
19 for this work. This is a violation of Rhode
20 Island General Law 28-27-20, state and municipal
21 inspections and installation permits. Three
22 violations, \$500 per violation.

23 THE CHAIRMAN: Gentlemen, do you
24 have any questions of Mr. Whittaker's report?

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1 Cliff, would you please address the board?

2 MR. WHITING: On September 25th, I
3 was doing an inspection on the job and I observed
4 three men on ladders with ductwork on their
5 shoulders. All three were trying to install
6 hangers.

7 When they finished, I asked for their
8 licenses. Two had one -- I mean one did, two
9 didn't. I called my office, there was no permit

10 on the job. And I believe the guy with the
11 license says he didn't think you had to have a
12 license to be a helper.

13 MR. CRAVEIRO: That was me.

14 MR. WHITING: I do a lot of jobs.

15 MR. CRAVEIRO: There was actually
16 two guys with licenses.

17 THE CHAIRMAN: Wait, sir. I'll
18 let you address the board. Okay. Now, gentlemen
19 of the board, do you have any questions of Cliff
20 Whiting?

21 MR. JANUARIO: Three or four
22 people?

23 MR. WHITING: I observed three
24 people. They all basically had one piece of duct
0028

1 and they were trying to get it in the hangers.

2 They had three separate ladders.

3 MR. JANUARIO: And these two
4 gentlemen didn't have licenses?

5 MR. WHITING: Correct.

6 THE CHAIRMAN: Now, sir, you can
7 address the board.

8 MR. CRAVEIRO: There was actually
9 four people. There were two journeymen on the
10 job. And I had -- apparently, I didn't know it,

11 but I had two helpers, and they have to be
12 apprenticed. I wasn't aware of that.

13 MR. JANUARIO: These were the two
14 individuals --

15 MR. CRAVEIRO: Yes, I did that day
16 come down here and I apprenticed one of my guys,
17 but I can only apprentice on guy, so I apprenticed
18 him and I had to let the other guy go.

19 MR. JANUARIO: You didn't take any
20 permit for the job?

21 MR. CRAVEIRO: Well, when I
22 started that job, I was going under Gas Pro. They
23 told me that Struever Brothers didn't accept
24 subcontractors on the job, so they told me I was

0029

1 going under as part of Gas Pro.

2 When I found out that I need a permit,
3 Struever Brothers told me I needed a permit, I
4 guess, I don't know, I guess Mr. Whiting went to
5 Struever Brothers and told him Air Control Sheet
6 Metal. I went down, I applied for a permit, they
7 told me I needed a permit. So I went down and I
8 applied for a permit.

9 After a couple of days, Mr. Whiting had
10 called the office and told me that I had been
11 working on the job and didn't have a permit on the

12 job, so he told me there was extra \$150 processing
13 fee. Well, I went down and I paid the processing
14 fee. And I received, I guess my permit, I guess,
15 I don't know, about two weeks later, and then we
16 went back to the job.

17 THE CHAIRMAN: Board members have
18 any more questions?

19 MR. STEWART: What kind of license
20 do you hold?

21 MR. CRAVEIRO: I have a master
22 mechanic's license. I never took an
23 apprenticeship because I was grandfathered in. Me
24 and my father have been doing it, you know, he's

0030

1 been doing it for 40, 45 years. I work with him.

2 I was not aware of an apprenticeship
3 program until Mr. Whiting informed me of it. I
4 was just a two-man company before I got the job at
5 Valley Street and then I hired a couple of guys.
6 Otherwise, I just did small jobs.

7 THE CHAIRMAN: Any other
8 questions?

9 MR. CARREIRO: Mr. Whiting, you're
10 the inspector for the city?

11 MR. WHITING: City of Providence.

12 MR. CARREIRO: For the record.

13 Thank you.

14 MR. AURECCHIA: So basically
15 you're saying that Struever Brothers hired you to
16 do that job?

17 MR. CRAVEIRO: They hired Gas Pro.
18 I worked --

19 MR. AURECCHIA: And Gas Pro subbed
20 it to you?

21 MR. CRAVEIRO: Yes. They told me
22 Struever Brothers does not accept subcontractors,
23 so they told me I was going under their mechanical
24 as a Gas Pro employee. That's what they informed

0031

1 me of.

2 THE CHAIRMAN: You're not aware
3 that you have to have your own permit?

4 MR. CRAVEIRO: No, I was not. I
5 mean, I've always pulled permits for doing my own
6 jobs and stuff like that. As soon as I was aware
7 of it, I went down and I pulled the permit
8 immediately. And after I pulled the permit,
9 that's when I heard from Mr. Whiting about not
10 having a permit.

11 THE CHAIRMAN: Board members, any
12 more questions from either Mr. Whiting or Frank?
13 Do I have a motion on the violation on 2944?

14 **MR. CARREIRO:** Mr. Chairman, with
15 regards to Violation 2944, based on the evidence
16 and the testimony we've heard this morning, I make
17 a motion that Air Control Sheet Metal,
18 Incorporated did violate 28-27-5.1 in two
19 instances and violate 28-27-20 in one instance.

20 **MR. HARRIS:** I second that.

21 **THE CHAIRMAN:** All those in favor?
22 Do I have a motion on the fine of Case No. 2944?

23 **MR. CARREIRO:** In regards to
24 Violation 2944, on the fine, I make a motion that
0032

1 we uphold the fine, three violations at \$500 per
2 fine, per Rhode Island General Law 28-27-24.

3 **MR. STEWART:** Second that.

4 **THE CHAIRMAN:** All those in favor?
5 You'll hear from the Director of Labor and she
6 will make a final determination on our findings.

7 **MR. CRAVEIRO:** Thank you.

8 **MR. WRIGHT:** The next one on the
9 agenda, board members, has been postponed. He
10 called in this morning. He had a family crisis.
11 He asked for a postponement until next month.

12 **THE CHAIRMAN:** The next case is
13 Eastern Refrigeration, Incorporated, No. 2908; is
14 there someone here representing them?

15 MR. BELISLE: Yes, sir.

16 THE CHAIRMAN: Be sworn in,
17 please.

18 PIERRE BELISLE

19 (SWORN)

20 MR. WHITTAKER: Date: September

21 22, 2006; Violation No. 2908. Mr. Pierre A.

22 Belisle, violator, Eastern Refrigeration,

23 Incorporated, 275 Old Hartford Road, Colchester,

24 Connecticut 06415. Location of violation:

0033

1 Walmart, Silver Spring Street, Providence, Rhode
2 Island.

3 Violation: On September 19, 2006, A.

4 William Ladoux of 258 Gilead Road, Andover,

5 Connecticut 06232, allegedly an employee of

6 Eastern Refrigeration, Incorporated was found

7 working on refrigeration piping. Mr. Ladoux was

8 not licensed in Rhode Island to do this work.

9 This is a violation of Rhode Island

10 General Law 28-27-5.1, practice for which a

11 journeyperson's or apprentice license is required.

12 One violation at \$950, per Rhode Island General

13 Law 28-27-24. Signed Charles W. Wright,

14 Investigator.

15 THE CHAIRMAN: Do board members

16 have any questions of Mr. Whittaker's report?

17 Okay, Mr. Wright.

18 MR. WRIGHT: Mr. Ladoux was
19 working on that refrigeration piping and he wasn't
20 properly licensed. It's as easy as that. That's
21 the Walmart on Silver Spring Street.

22 MR. JANUARIO: Was he working
23 alone?

24 MR. WRIGHT: No. There were other

0034

1 people licensed there.

2 THE CHAIRMAN: Sir, would you like
3 to address the board?

4 MR. BELISLE: I would. Gentlemen
5 of the board, before I get started, I'd like to
6 say good morning. At the time of the alleged
7 violation, which I'm not here to contest,
8 Mr. Ladoux had an expired Rhode Island Apprentice
9 License on him which was taken, I believe, by
10 Mr. Luther; is that in the report?

11 MR. WRIGHT: Yes.

12 MR. BELISLE: Okay. He indicated
13 to me that he had sent his renewal paperwork in,
14 and somehow or another, he never received it.
15 Whether or not that is so, I really don't know.

16 He came here a week later, got the

17 required paperwork, was issued a backdated
18 apprentice card dated 3/30/2007. So we were --
19 are licensed to operate or do business here in
20 Rhode Island. I have a refrigeration master's one
21 license, I have a permit for that job, and I have
22 11 employees that are licensed here in the state
23 of Rhode Island.

24 And this was strictly -- this person

0035

1 claims that he had sent the renewal information
2 in, didn't get it, came down here and took care of
3 the situation. That's what I have. Thank you.

4 MR. STEWART: Have you had any
5 other violations in Rhode Island?

6 MR. BELISLE: I had had a
7 violation approximately five years ago and since
8 then had made sure all of my employees that work
9 in Rhode Island are licensed.

10 MR. WRIGHT: Actually, board
11 members, he had a violation with us on 7/23/03.
12 That's the only one I have on record.

13 MR. BELISLE: Okay.

14 THE CHAIRMAN: Any other
15 questions?

16 MR. JANUARIO: Does he have a
17 valid apprentice license?

18 MR. BELISLE: I don't know.

19 MR. WHITING: I wasn't there that
20 day, but I turned in the report to Charlie. And I
21 believe there was two men on a lift raising a
22 piece of equipment and neither one had the
23 license, and I wrote their names down and
24 submitted them to the Department of Labor.

0036

1 MR. BELISLE: The other gentleman
2 that was there, his name is Philip Corona. He has
3 a license in the state of Rhode Island.

4 MR. WHITING: They were actually
5 installing a cooler on top of a lift.

6 MR. WRIGHT: This is separate one.

7 MR. BELISLE: I'm not even
8 familiar with this one.

9 MR. WRIGHT: We're not discussing
10 that now. The one we're doing is the one where
11 Pat Luther went there. Do you want Pat in to ask
12 him questions?

13 MR. LOMBARDI: No. I want to ask
14 you the question. Is the person that he's talking
15 about been licensed, got his apprentice card or
16 whatever?

17 MR. WRIGHT: I don't know. I
18 could find out.

19 MR. LOMBARDI: I think that would
20 hinge, and if it was backdated.

21 MR. BELISLE: Sir, here is a copy
22 of it right here, and here is the original right
23 here.

24 MR. LOMBARDI: That means that was
0037
1 in effect from 3/30/06.

2 THE CHAIRMAN: Board members have
3 any other questions of Mr. Belisle or Mr. Wright?

4 MR. LOMBARDI: I make a motion
5 we --

6 THE CHAIRMAN: Are there any more
7 questions?

8 MR. STEWART: On the reciprocal on
9 the apprenticeship, I thought that was a one time
10 thing for six months?

11 MR. WRIGHT: No. It can be
12 renewed. You mean the reciprocity?

13 MR. STEWART: Yes.

14 MR. WRIGHT: That's a renewable
15 thing every six months.

16 THE CHAIRMAN: Now, do I have a
17 violation on Case No. 2908, Eastern Refrigeration?

18 MR. LOMBARDI: I make a motion we
19 suspend the fine and keep it in --

20 MR. WRIGHT: Do the violation

21 first.

22 THE CHAIRMAN: This is strictly a

23 violation. Peter, just find that it's the

24 violation only at this point.

0038

1 MR. LOMBARDI: I make a motion to

2 suspend the violation --

3 MR. VAL LOMBARDI: Dismiss it --

4 THE CHAIRMAN: Case No. 2908; do

5 you see a violation?

6 MR. LOMBARDI: Violation No. 28-27-5.1.

7 THE CHAIRMAN: Okay. Do I have a

8 second?

9 MR. JANUARIO: Second.

10 THE CHAIRMAN: I have a second on

11 the violation and then we'll go to the -- Peter,

12 we need a violation -- on whether or not the

13 violation occurred.

14 MR. LOMBARDI: What do you want me

15 to say? I would like to suspend the Violation

16 2908 on the regulation 28-27-5.1

17 MR. VAL LOMBARDI: Gentlemen,

18 before you make a determination, you have to first

19 make a determination that a violation occurred.

20 That means someone would have to make a motion

21 that the facts and the testimony demonstrate that
22 a violation occurred. You vote on that and then
23 you can vote on whatever you want to do with the
24 fine thereafter.

0039

1 MR. LOMBARDI: So you're asking me
2 to say that?

3 MR. VAL LOMBARDI: I'm not asking
4 you to say anything.

5 MR. WRIGHT: At what time did the
6 violation occur --

7 MR. JANUARIO: I'd like to make a
8 motion that Violation 2908, there was a violation.

9 THE CHAIRMAN: Do I have a second?

10 MR. WEBSTER: Second.

11 THE CHAIRMAN: All those in favor?

12 MR. JANUARIO: As far as the fine
13 for Rhode Island General Law 28-27-24, I'd like to
14 make a recommendation that we suspend that for a
15 year on Case No. 2908.

16 MR. CARREIRO: Pending no further
17 violations.

18 MR. JANUARIO: Pending no further
19 violations.

20 THE CHAIRMAN: Do I have a second?

21 MR. WEBSTER: I'll second that.

22 THE CHAIRMAN: I have a second.

23 All those in favor?

24 The next case is First Choice Heating &
0040

1 Cooling, Incorporated, No. 2916; is there someone
2 here representing them?

3 MR. NERI: Yes.

4 THE CHAIRMAN: Have you been sworn
5 in yet?

6 MR. NERI: No.

7 THE CHAIRMAN: Would you stand and
8 be sworn in, please.

9 PETER JACOB NERI

10 (SWORN)

11 MR. WHITTAKER: Date: September 27,

12 2006; Violation No. 2916. Name of violator:

13 Peter Neri, First Choice Heating & Cooling,

14 Incorporated, 4 Cheryl Avenue, Dayville,

15 Connecticut 06241. Location of violation, 69

16 Capron Street, Providence, Rhode Island.

17 Violation: On or about August 3, 2006,

18 First Choice Heating & Cooling did install a

19 heating system with AC at the above referenced

20 address. Mr. Neri is not properly licensed as a

21 master pipefitter in Rhode Island to do the

22 heating work. This is a violation of Rhode Island

23 **General Law of 28-27-5, practice for which a**
24 **master or contractor's license is required.**

0041

1 **Furthermore, First Choice Heating &**
2 **Cooling, Incorporated had two unlicensed persons**
3 **on the job site; a Mr. Richard Lee Weidmann of 211**
4 **Spring Grove, Chepachet, Rhode Island and Nick**
5 **Campano of 70 Elbow Street, Bellingham,**
6 **Massachusetts.**

7 **These are two violations of Rhode Island**
8 **General Law 28-27-5.1, practice for which a**
9 **journey person or apprentice license is required.**
10 **Three violations at \$950 each, totaling \$2,850,**
11 **per Rhode Island General Law 28-27-24. Signed,**
12 **Charles W. Wright, Investigator.**

13 **THE CHAIRMAN: Do the board**
14 **members have any questions of Mr. Whittaker's**
15 **report? All right, Mr. Wright.**

16 **MR. WRIGHT: This is a**
17 **combination -- this came in through Cliff Whiting**
18 **the chief mechanical inspector which I think I**
19 **just verified what Clifford gave me, that resulted**
20 **in the violation. Cliff can answer any other**
21 **questions from the board.**

22 **THE CHAIRMAN: Board members have**
23 **any questions of Mr. Whiting?**

24 MR. STEWART: Was there a permit

0042

1 pulled?

2 MR. WHITING: Yes, there is a

3 permit.

4 THE CHAIRMAN: Mr. Whiting, do you

5 want to address the board?

6 MR. WHITING: No.

7 MR. WRIGHT: There was a permit

8 issued. Mr. Neri doesn't have a heating license,

9 right?

10 MR. WHITING: Right.

11 MR. WRIGHT: He took out a permit

12 to do heating/cooling. It was an illegal permit

13 issued. That's why I told Cliff it was an illegal

14 permit issued. He doesn't have a license for

15 heating in Rhode Island. That's what resulted in

16 the violation. The rest of it was Cliff was there

17 and he had unlicensed people.

18 MR. LOMBARDI: Does he hold any

19 licenses?

20 MR. WRIGHT: He has a

21 refrigeration license.

22 THE CHAIRMAN: Any questions of

23 Mr. Wright or Cliff Whiting? All right, sir,

24 would you like to address the board?

0043

1 **MR. NERI:** Actually, I have a
2 couple of items I would like to address the board
3 on. One, I did not do the gas piping on the job.
4 The plumber had pulled the permit to do the gas
5 piping, which I did not do.

6 **Second, Mr. White (sic) was not the**
7 **inspector, it was Mr. Walt Healey (Phonetic). I**
8 **was on-site that day. We were there to do the**
9 **ductwork and the installation of the refrigeration**
10 **piping only. We were not installing any heat. We**
11 **didn't do any start up or testing of the heating**
12 **equipment after it was installed.**

13 **THE CHAIRMAN:** Who supplied the
14 heating equipment, sir?

15 **MR. NERI:** We purchased the
16 equipment, First Choice Heating & Cooling
17 purchased the equipment.

18 **THE CHAIRMAN:** Board members have
19 any questions for this gentleman?

20 **MR. LOMBARDI:** Does the plumber
21 have the permit for that gas piping?

22 **MR. NERI:** The plumber is not
23 employed by me. We were actually subcontracting
24 for the plumber. His name is Mr. Roger Paquin.

0044

1 We have a copy of our contracted quote for him to
2 do the AC.

3 THE CHAIRMAN: Any further
4 questions?

5 MR. WEBSTER: Do you hold any
6 licenses?

7 MR. NERI: I have a master
8 refrigeration and a journeyman pipefitter.

9 THE CHAIRMAN: Any other
10 questions?

11 MR. JANUARIO: Was this a boiler
12 unit or was it a furnace?

13 MR. NERI: Furnaces. It was two
14 furnaces being installed in a duplex.

15 THE CHAIRMAN: Any other
16 questions?

17 MR. CARREIRO: You guys supplied
18 the heating equipment?

19 MR. NERI: Just the furnace, no
20 piping, no connections.

21 MR. CARREIRO: The law states that
22 you have to be licensed.

23 MR. WRIGHT: He's a refrigeration
24 master which means he does --

0045

1 MR. CARREIRO: I understand that.

2 Supply heating equipment.

3 MR. WRIGHT: He can supply
4 refrigeration equipment and he can install line
5 sets to refrigeration. As far as the heating
6 side, because this is not a self-contained unit,
7 it would be a separate permit needed for the
8 heating side. That's the way the law reads.

9 THE CHAIRMAN: Gentlemen, do
10 you --

11 MR. AURECCHIA: Who installed the
12 furnaces?

13 MR. NERI: I did not place the
14 furnaces, I just brought them into the building.
15 The plumber placed them where he wanted to run the
16 gas lines to them and then he ductworked and
17 installed the piping.

18 MR. AURECCHIA: That's a
19 violation. No pipefitters involved?

20 MR. NERI: No. I have no idea
21 what Mr. Pacquin holds for a license.

22 MR. STEWART: Have you had any
23 other violations?

24 MR. NERI: Yes, I have.

0046

1 THE CHAIRMAN: Gentleman, do you
2 have any other questions?

3 MR. STEWART: You had two
4 unlicensed people working with you?

5 MR. NERI: I had actually one.
6 Mr. Campano was a new hire. He had been hired
7 that day. It was a Tuesday. He is currently a
8 registered apprentice.

9 We came, Mr. Ekno had registered him as
10 an apprentice. The other gentlemen was not. He
11 was a truck driver/laborer. He wasn't supposed to
12 be in the building. So I understand that
13 violation. He was not supposed to be handling any
14 tools or equipment. He actually wasn't even
15 supposed to be in the building.

16 THE CHAIRMAN: Gentlemen, do we
17 have a violation on No. 2916?

18 MR. CARREIRO: With regards to
19 Violation 2916, based on the testimony we've heard
20 and the evidence presented, I make the motion that
21 Mr. Peter Neri, First Choice Heating & Cooling,
22 did violate 28-27-5; further, that he did violate
23 28-27-5.1 in two instances.

24 THE CHAIRMAN: Do I have a second?

0047

1 MR. STEWART: I'll second that.

2 THE CHAIRMAN: All those in favor?

3 Opposed? All right. Now, do I have a motion on

4 the fine?

5 MR. CARREIRO: With regards to
6 Violation 2916, I make a motion that we uphold the
7 fine of \$2,850 for the three instances as per
8 Rhode Island General Law 28-27-24.

9 THE CHAIRMAN: Do I have a second?

10 MR. WEBSTER: Second.

11 THE CHAIRMAN: All those in favor?
12 You will hear from the Director of Labor as to our
13 recommendation. She'll make a final determination
14 and you'll receive a letter.

15 MR. NERI: Can I ask one question
16 regarding the violation on the heating system? If
17 the unit is a self-contained unit and I purchase
18 it, even though it's strictly combination air
19 conditioning/heating, such as a particular model
20 which has a hydronic air coil in it, which would
21 require, obviously by law, a master pipefitter to
22 pull a permit to connect the heat.

23 We install air handlers all the time.
24 It's a provisional option on the package, just

0048

1 like as the equipment we installed at this
2 address. It's a whole system. I can't buy the
3 parts separate. I can't buy the air conditioning
4 separate from the furnace.

5 That being said, the part of the
6 purchase price that we provided for the customer
7 was the unit, was a package unit. We did not
8 install the gas piping because I do not have a
9 master pipefitter license.

10 MR. WRIGHT: Board members, we've
11 always had a situation with rooftop units because
12 they're -- I'm not familiar with the unit he's
13 talking about, by the way, so I can't comment on
14 that.

15 But when we do rooftop units, we've
16 never differentiated as far as our investigations
17 between refrigeration license or a pipefitting
18 license mainly because it's all self-contained and
19 it wouldn't make any sense to do anything other
20 than what we do that way.

21 If this unit is, and I don't know this
22 unit so I can't answer it, I didn't know of any
23 units that were going in residences that were
24 self-contained. Usually they have to put the A
0049

1 coil in or whatever.

2 MR. AURECCHIA: They do come that
3 way. I have one at my house.

4 MR. LOMBARDI: They come
5 self-contained. The A coil on top of it,

6 sometimes with a heating coil.

7 MR. WRIGHT: If that is indeed
8 what occurred at this place, then I think, Ted, we
9 would feel the same way, wouldn't we? I don't
10 think we'd change our opinion.

11 MR. WHITTAKER: No.

12 MR. WRIGHT: Mainly because it's
13 self-contained. So if he did supply the unit,
14 because it's self-contained, we probably
15 wouldn't --

16 MR. LOMBARDI: It wouldn't be a
17 violation as long as someone else permitted the
18 gas piping.

19 MR. WRIGHT: Right.

20 MR. LOMBARDI: Et cetera, et
21 cetera.

22 MR. WRIGHT: Right.

23 MR. NERI: The main concern I had
24 was my previous violation was not having master
0050

1 pipefitter license, and I didn't want to have
2 another violation on my record for that reason, so
3 that's why we didn't install any of the gas
4 piping. I wasn't intending on doing that.

5 MR. WRIGHT: With his testimony
6 and you people knowing about these units, you can

7 revisit the violation that you just did because
8 the first one was the equipment. And he has a
9 master refrigeration, so you can revisit this.

10 MR. AURECCHIA: I know exactly the
11 kind of unit you're talking about. It comes with
12 an A coil, mine comes hydronic coil. So my guess
13 would be as long as you have one license or the
14 other, you can install and purchase the unit.

15 Now, in order to do the hydronic coil,
16 you'd have to have a pipefitter, and in order to
17 do the refrigeration coil, a refrigeration guy,
18 but I don't think it matters who moves it and buys
19 it. It's a combination unit. It's all
20 self-contained.

21 MR. WRIGHT: Right. And it did --
22 to us when it's a separate thing, when it's just a
23 heating unit, and then they put coil in.

24 MR. AURECCHIA: That's a different
0051

1 story.

2 MR. WRIGHT: So that's why we've
3 always been that way.

4 MR. AURECCHIA: This is a
5 completely self-contained unit.

6 MR. NERI: I wasn't contesting the
7 apprenticeship issue, just contesting --

8 THE CHAIRMAN: Someone wants --

9 MR. LOMBARDI: Under that

10 condition that we have here, one of these

11 violations should be possibly rescinded.

12 MR. WHITTAKER: 28-27-5.

13 MR. WRIGHT: 28-27-5, because we

14 didn't do anything about the permit. The permit

15 was issued to him on a contractor's license for

16 refrigeration, so that's fine. So yes, that's one

17 you should rescind. The two unlicensed people --

18 MR. NERI: I understand.

19 MR. LOMBARDI: Mr. Carreiro, would

20 you be so kind as to go through that and take care

21 of it for me?

22 MR. CARREIRO: We want to

23 reconsider 28-27-5.

24 MR. WRIGHT: On Violation 2916.

0052

1 MR. AURECCHIA: Make a motion to

2 reconsider.

3 MR. CARREIRO: I'll put a motion

4 on the floor to reconsider with regard to

5 Violation 2916 acted upon earlier in the meeting.

6 MR. AURECCHIA: Second.

7 THE CHAIRMAN: All those in favor?

8 Opposed?

9 MR. CARREIRO: Mr. Chairman, with
10 regards to Violation 2916, that was the previous
11 agenda item, after further discussion and
12 testimony, I'd like to make a motion we rescind
13 the previous vote taken with regards to 28-27-5.

14 MR. WEBSTER: Second.

15 THE CHAIRMAN: All those in favor?
16 Now, you want to reinstate and change the fine.

17 MR. CARREIRO: Mr. Chairman, with
18 regards to Violation 2916 that we previously took
19 action on, that we rescind one violation at \$950,
20 rescind the fine of \$950.

21 THE CHAIRMAN: Do I have a second
22 on that?

23 MR. WEBSTER: I'll second that.

24 THE CHAIRMAN: All those in favor?

0053

1 Opposed. So that fine will change, sir.

2 MR. NERI: Thank you.

3 MR. AURECCHIA: I have a question.

4 On a combination unit, and I don't know how
5 familiar you are, you need a separate permit for
6 cooling and heating; how does that work, Cliff?

7 MR. WHITING: Yes, if you're going
8 to do both work. He's entitled to take out a
9 permit for the AC, but he can't do the heating.

10 MR. AURECCHIA: No. My question
11 is if I'm in business and I buy a combination unit
12 like he's installing, do you need a refrigeration
13 permit and a heating permit, or can I get one to
14 cover the whole unit?

15 MR. WHITING: You have to have
16 both licenses.

17 MR. AURECCHIA: But how many
18 permits do you need?

19 MR. WHITING: You only need one
20 permit if you have both licenses.

21 MR. AURECCHIA: I didn't know how
22 it worked.

23 MR. WRIGHT: In this case, it
24 would have been two separate licenses, because the
0054

1 other guy did the gas piping.

2 MR. AURECCHIA: One for the
3 plumber/pipefitting guy, and one for the
4 refrigeration guy. But if you have both licenses,
5 you're going to take out one permit.

6 MR. WRIGHT: For what he did and
7 the equipment.

8 MR. AURECCHIA: I just wanted to
9 know so I'll know for the future.

10 THE CHAIRMAN: We'll close the

11 hearings at this time. And we'll go into our
12 meeting; can I have a motion?

13 MR. AURECCHIA: So moved, Mr. Chairman.

14 MR. REGAN: Second.

15 THE CHAIRMAN: All those in favor?
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17
18
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1 CERTIFICATE

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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 17th day of December, 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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0056

1 THE CHAIRMAN: We will now call
2 the meeting to order. Has everyone had an
3 opportunity to read the minutes?

4 MR. WRIGHT: They didn't get the
5 minutes.

6 MR. LOMBARDI: I make a motion to
7 accept them as unread.

8 MR. WRIGHT: All right. On your
9 agenda for the regular meeting, we have a few
10 things to go over.

11 The first one is Mr. Daniel Yee has

12 requested to address the board regarding a hearing
13 we had back on July 5th with Mr. David DelBonis,
14 the company was called Build Smart, Violation No.
15 2694.

16 What I'll do first is I'll read the
17 action of the board to you from the minutes, and
18 we'll let -- Mr. Yee wants to address the board
19 about our action.

20 "The next appeal today is with regard to
21 Build Smart. No one is present today to represent
22 Build Smart." What occurred was the month before
23 we didn't have a quorum, so we took his testimony
24 and then we presented it at that meeting.

0057

1 "The testimony from this applicant was
2 taken during the June meeting where there was no
3 quorum. Mr. Davis stated that Mr. Delbonis was
4 properly notified by his regular certified mail to
5 attend this meeting. Therefore, we will continue
6 it. "

7 "Mr. Whittaker read the violation, and
8 on February 13, 2006, a complaint was received by
9 Mr. Daniel Yee that Mr. David Delbonis of Build
10 Smart, did install baseboard heating in December
11 of 2005, in the state of Rhode Island, without a
12 valid Rhode Island Mechanical License."

13 **"This is a violation of Rhode Island**
14 **General Law 28-27-28, practice for which a license**
15 **is required. Mr. Januario stated that based on**
16 **the testimony provided by Mr. Delbonis at last**
17 **month's meeting, a finding of fact was made that**
18 **Build Smart is currently being sued by the**
19 **complainant and that did he install the heating at**
20 **the request of the homeowner."**

21 **"Therefore, made a motion to suspend the**
22 **fine in the amount of \$500 for a 12-month period,**
23 **providing no other violations of Rhode Island**
24 **General Law 28-27. Mr. Cronin seconded the**

0058

1 motion. All members voted in favor."

2 **And the reason that you made that --**
3 **installing a piece of baseboard heating in the**
4 **bathroom. The violation was installing a piece of**
5 **baseboard heating in the bathroom.**

6 **"On February 13, 2006, a complaint was**
7 **received by Daniel Yee that Mr. David Delbonis of**
8 **Build Smart did install baseboard heating in**
9 **December 2005 in the state of Rhode Island without**
10 **a valid -- this is one violation." This is what**
11 **the complaint was. And that I am the one that**
12 **took it.**

13 **I had contacted Providence, Providence**

14 said because of the size, they weren't really
15 interested in a permit. And that was related to
16 the board here. And also we had a letter that
17 came in from Mr. DelBonis, and this was addressed
18 to Mr. D'Ambruoso.

19 "This letter is in response," and this
20 was read at the meeting, "in response to the
21 notice of Violation 2694. I wish to contest the
22 violation and ask for a hearing."

23 "I'd also like the board to know that
24 the Yees do have a lien on their home for an
0059

1 unpaid invoice since December and it is my feeling
2 that they're using the board as a means of
3 harassing and to not pay for the services we
4 rendered."

5 "They have stated in writing that they
6 will not allow us on the premises to finish a
7 punch list. I have offered them a generous
8 payment option to settle the matter. The payment
9 option was declined and the lien was placed on
10 their home."

11 And that was received as part of the
12 record on that particular time. "Therefore, made
13 a motion to suspend the fine in the amount of \$500
14 for a 12-month period, the violation of 28-27-28,

15 practices for which a license is required."

16 Pipefitting. What? Just out of
17 curiosity, did you understand that he did a piece
18 of baseboard in the house and he didn't have a
19 license? Okay? Can we get through that?

20 MR. LOMBARDI: A piece of
21 baseboard was installed?

22 MR. WRIGHT: To the best of my
23 knowledge.

24 MR. JANUARIO: Yes. If I remember
0060

1 correctly, he may have nailed on the wall, but
2 somebody else soldered it.

3 MR. WRIGHT: May have been. He
4 made the testimony. And I had called Cliff and
5 asked him about it. He said it wasn't.

6 MR. WHITING: When it comes to a
7 piece of baseboard, that's considered a repair.
8 It's not --

9 MR. WRIGHT: Mr. Yee.

10 MR. YEE: Yes. Thank you,
11 gentlemen, for giving me this opportunity to
12 submit testimony for Violation 2694.

13 As I was not originally informed about
14 the original hearing nor of the appeal, I'd like
15 to take this time to enter my own testimony that

16 challenges Mr. Delbonis's testimony on two counts.

17 I believe that this testimony materially
18 affects both the finding of fact made by the board
19 and the motion to suspend the fine in the amount
20 of \$500 and should, in fact, increase the fine for
21 an additional violation of Rhode Island General
22 Law.

23 Here's the relevant excerpts of the
24 minutes of the July 5th Mechanical Board meeting.

0061

1 That is what Mr. Wright had previously mentioned.
2 Mr. Januario stated that based on the testimony
3 provided by Mr. Delbonis at last month's meeting,
4 a finding of fact was made that Build Smart is
5 currently being sued by the complainant.

6 To that first allegation, I am refuting
7 that and I am stating that Mr. Delbonis has
8 clearly misrepresented that. There aren't and
9 there have been no legal actions taken by myself
10 against Mr. Delbonis.

11 Again, he states here that his company,
12 Build Smart, is currently being sued. If there
13 was any request for evidence, I would have asked
14 for that at that hearing to substantiate the claim
15 that he was being sued by me. No court filings
16 have shown that there have been or are any current

17 legal actions pending. So that was a
18 misrepresentation by Mr. Delbonis.

19 Also his second allegation here that he
20 did install the heating at the request of the
21 homeowner. At no point did I actually request
22 Mr. Delbonis to replace that piece of baseboard
23 heating. What happened was the context of this
24 issue is that Mr. Delbonis was contracted to do an
0062

1 entire bathroom remodel, which included plumbing,
2 electrical, mechanical work that he contractually
3 stipulated that subcontractors that were
4 appropriately licensed would be doing.

5 And specifically this piece of baseboard
6 heating I did not request him to do, what happened
7 was it had been previously installed and
8 Mr. Delbonis built a cabinet with a drawer, which
9 I have photographs here if anyone is interested.
10 I have a number of copies which I'll pass this
11 around.

12 Anyway, the issue is that Mr. Delbonis
13 also built a cabinet drawer that happened to not
14 be openable because it was blocked by this
15 baseboard heating. It was physically impossible.
16 So I requested Mr. Delbonis to fix the cabinet
17 drawer face as it was not built to the original

18 plans.

19 Anyway, instead of fixing the cabinet
20 drawer face, Mr. Delbonis of his own accord, in an
21 unauthorized manner not requested by me, decided
22 to remove baseboard meeting, break into the wall,
23 recess the baseboard heating and reinstall it.
24 Which I did not request, and he's seeking to

0063

1 charge me an additional amount of money for which
2 I never requested.

3 So I'm addressing these two points of
4 his allegations which seems to be trying to let
5 him off the hook for the violations, which
6 apparently there was no finding of facts at that
7 hearing that any violations did occur.

8 Specifically, he did admit to performing
9 unlicensed mechanical work, a violation of Rhode
10 Island General Law 28-27-28, practices for which a
11 license is required.

12 Also, I'd like to submit two additional
13 facts that should materially affect the outcome of
14 this as well. When I had visited Mr. Whiting's
15 office and spoke with him as well as his
16 secretary, I was informed that based on my job, a
17 mechanical permit was and should have been pulled
18 for this job.

19 And thus, I'm submitting that
20 Mr. Delbonis has also violated Rhode Island
21 General Law 28-27-20, state and municipal
22 inspection and installation permits.

23 Also, this is not an isolated occasion
24 of Mr. Delbonis performing unlicensed work. He
0064

1 has another violation already on the same job,
2 No. 2654, for unlicensed plumbing work in addition
3 to unlicensed electrical work. He was supposed to
4 be using subcontractors, and he didn't.

5 THE CHAIRMAN: All right, sir.

6 This, I would --

7 MR. WRIGHT: You have to stay with
8 the specific item.

9 MR. YEE: And the specific items,
10 again, are that based on Mr. Delbonis's
11 allegations which I believe are false and
12 unmerited, also they have nothing to do with the
13 violations at hand which are Rhode Island General
14 Law 28-27-28, practices for which a license is
15 required, as well as Rhode Island General Law
16 28-27-20.

17 THE CHAIRMAN: Okay. Cliff, do
18 you have anything that you can add to that?

19 MR. WHITING: Yes. I don't

20 remember saying that a permit wasn't required for
21 the baseboard. If I did, I was probably
22 misinformed or just in general we weren't on the
23 same wavelength.

24 But if you're just replacing a piece of
0065

1 baseboard, you're not required to take out a
2 permit.

3 MR. YEE: What happened was it was
4 entirely removed. The whole circuit was cut.

5 MR. WHITING: I understand that.
6 It's not the whole circuit. When you replace the
7 baseboard in the whole house, you definitely need
8 a permit.

9 But if somebody's replacing like one
10 piece in the bathroom or one bathroom fan, we
11 don't require them to take out a permit. It's
12 considered a repair. I mean, we don't permit
13 repairs, and that was a repair, just to modify it
14 for the cabinet. But if I said that, then I
15 misunderstand you, I would not require somebody to
16 take a permit for a piece of baseboard.

17 MR. YEE: When I went to your
18 office, I asked you as well --

19 MR. WHITING: And I misunderstood
20 you. I'm just telling you what my policy would

21 be. I would not require a permit for one piece of
22 baseboard.

23 THE CHAIRMAN: Thank you, Cliff.

24 At this point, is this a civil type thing?

0066

1 MR. VAL LOMBARDI: Well, Mr. Yee
2 is bringing some information to the board. I
3 don't know if it's going to have any bearing upon
4 what the board had previously voted upon.

5 The board had found that Delbonis did
6 not have a license and did install baseboard, and
7 based upon that, they fined him \$500 and suspended
8 the fine for a year. That is what the violation
9 was and that is what they found.

10 I don't know what Mr. Yee is saying
11 today adds in any way to that, would change the
12 board's finding in any way. And if they, the
13 board, felt that it would, then the board would
14 have to re-establish that hearing and get all the
15 people in again. If the board felt that this was
16 pertinent information, that would possibly change
17 the determination, but --

18 MR. YEE: May I respond?

19 MR. VAL LOMBARDI: That's my
20 advice to the board. The board can do what they
21 want.

22 MR. YEE: Again, what I'm doing is
23 challenging the testimony which Mr. Delbonis had
24 submitted which he was giving in order to seek
0067

1 sympathy from the board. He claimed that he was
2 being sued by me, which was an entirely false
3 representation, and the opposite is true, that he
4 has actually filed --

5 THE CHAIRMAN: We'll take that
6 into consideration.

7 MR. VAL LOMBARDI: Mr. Yee, if
8 that's going to change the board's mind, they will
9 make that determination. If it's not going to --
10 that would not change the board's -- they can't
11 change the finding that the violation occurred
12 because they made the finding that the violation
13 occurred. The only thing they did was suspend the
14 fine. And that's the only thing that they did.

15 Now, if what you're saying would alter
16 their determination, then they can make that
17 decision. Even if they heard that at that time,
18 it still would not alter their determination, then
19 they don't have to make a change.

20 MR. YEE: I guess I have another
21 question then, so it sounds like, and I just want
22 to confirm if this is accurate, that the work

23 which Mr. Delbonis performed which is the removal
24 and replacement reinstallation of baseboard
0068

1 heating is actually work that does not require a
2 pipefitter's license and does not require a
3 permit; is that correct?

4 MR. VAL LOMBARDI: No. It
5 requires a license, not a permit, based upon the
6 fact that it was not a big job. It was just
7 replacement of one baseboard in one specific room.
8 So there was no violation for a permit. But he
9 did replace it and he needed a pipefitter's
10 license to replace it and he did not have a
11 pipefitter's license. That was the violation and
12 they suspended the fine on that violation. That's
13 it.

14 THE CHAIRMAN: Now, do board
15 members have any motion that they would like to
16 make on this particular case?

17 MR. LOMBARDI: I think this is
18 more of a civil matter than it is a mechanical
19 matter. We're talking about a one person, one
20 piece of baseboard. We've already addressed that
21 issue. I think that issue is dead. Whatever he
22 has in problems with Mr. Delbonis has to go before
23 civil, not before this licensing board.

24 THE CHAIRMAN: Yes.

0069

1 MR. WRIGHT: We addressed the
2 complaint.

3 MR. LOMBARDI: I understand that.
4 I'm just saying that's the procedure.

5 MR. YEE: I had previously asked
6 Mr. Wright why was I never informed of the
7 hearings, nor the appeal as I was supposed to be
8 the complainant on it?

9 MR. WRIGHT: I can only answer at
10 that time we were losing Sharon. She might not
11 have sent it out. I can't answer that. I really
12 can't.

13 MR. WHITTAKER: It wouldn't have
14 made any difference anyway.

15 MR. WRIGHT: That is right when we
16 were losing Sharon. A lot of things weren't going
17 on. That might have been just a matter of her not
18 mailing.

19 THE CHAIRMAN: Any other board
20 members have any other comments on this? That is
21 the way it stands at this point. You should look
22 into it civilly.

23 MR. YEE: What are my possible
24 recourses civilly then?

0070

1 **THE CHAIRMAN:** You'd have to get
2 an attorney to determine that.

3 **MR. YEE:** Would I be able to get
4 the minutes from the original meeting? I was
5 looking on the web site and there is no statement
6 of the original minutes where Mr. Delbonis's
7 testimony was mentioned because I would like to
8 actually file.

9 **MR. WRIGHT:** What you have to do
10 for any records you're requesting under the
11 Freedom of Information Act, you have to apply
12 through that for any information that you're
13 looking for, be specific.

14 And if you need a copy of the court
15 records as we've told you, from the court
16 reporter, you have to contact them because we
17 can't make copies of that legally. I think Pat
18 Luther has told you that also as far as your
19 plumbing complaint, we can't make copies of the
20 court reporter's records.

21 **MR. YEE:** Right. But the minutes
22 are public records and are supposed to be.

23 **MR. WRIGHT:** Under the Freedom of
24 Information Act, yes, they are sir.

0071

1 MR. YEE: And they're not
2 available, in fact, on the web site.

3 MR. WRIGHT: It might not be. We
4 just get that thing working a little while ago.

5 MR. YEE: Copies of the minutes
6 from Mr. Wright and Mr. Luther have not been
7 responded to.

8 MR. WRIGHT: Under Freedom of
9 Information Act, you have to do that under that.

10 MR. YEE: I had requested of you
11 as well.

12 MR. WRIGHT: Not in writing, sir,
13 you haven't. In fact, you don't request it to us
14 anyhow, you request it to our supervisors, right?

15 MR. YEE: I requested to Mr. D'Ambruoso.

16 MR. WRIGHT: He hasn't said
17 nothing to me about it. He hasn't done anything.
18 And as far as the court reporter, you have to
19 contact them yourself and get copies from the
20 court reporter. She'll be glad to give you her
21 card and how to contact her.

22 MR. YEE: Thank you for your time.

23 MR. WRIGHT: Next thing on the
24 agenda, you don't have a copy of this in your

0072

1 packet.

2 MR. HARRIS: May I be excused? I

3 have a doctor's appointment.

4 MR. WRIGHT: Happy Holidays.

5 Mr. DiRocco is here to address the board about a
6 Sheet Metal License.

7 It says, "Dear Mr. Wright: I am writing
8 to request the opportunity to address the
9 Mechanical board at the December meeting to
10 discuss the requirements of a Sheet Metal
11 License."

12 "As you know from previous
13 conversations, I currently hold a Master
14 Mechanical Contractor's License, 1800, and my son,
15 Richard J. DiRocco, holds a Refrigeration Master's
16 License, 6295. Continental Engineering has been
17 in business for 30 years."

18 "At the time of grandfathering, it was
19 not necessary for us to apply for the Sheet Metal
20 License because our current license covered the
21 same area of work. Because we were told it was
22 not necessary to take action, we did not obtain a
23 Sheet Metal License."

24 "I am respectfully requesting the

0073

1 opportunity to address the board to discuss that
2 issue."

3 As you gentlemen know, when the Sheet
4 Metal License went into effect, there was a
5 blanket exemption given to pipefitters and
6 refrigeration people that you didn't have to get a
7 Sheet Metal License.

8 Unbeknownst to us right here, our
9 department, the next year, that was removed,
10 unbeknownst to us here at this department.

11 The following year, we lobbied the
12 legislature, went through legislation, and got a
13 partial exemption put back in, which in effect
14 says that he doesn't have to have a Sheet Metal
15 License for anything up to, and I'm not giving the
16 specific, just basic, up to 250,0200-BTU heating,
17 ten-ton cooling.

18 If he does bid work larger than that,
19 which he can do, he has to sub it out to a
20 properly licensed sheet metal contractor, who has
21 to obtain their own permits for their own work.

22 That about, in essence, covers what
23 occurred. Since that time, we've had more than
24 one problem and I talked about this problem. He's

0074

1 a full-blown sheet metal shop. We told him, right
2 here, the two of us, we told him. Everybody knew.
3 Not only him, we told a lot of people that, right,

4 Ted?

5 MR. WHITTAKER: Correct.

6 MR. WRIGHT: And some of my own
7 friends that have full-blown sheet metal shops,
8 but because they have a master refrigeration,
9 master pipefitter, we told them they didn't need a
10 sheet metal license.

11 The whole purpose of that, when we put
12 that exemption in, was to not have our pipefitters
13 and refrigeration obtaining another license. That
14 was the whole purpose of that. And unbeknownst to
15 us, that was removed the next following
16 legislative session. It is a problem. It is a
17 problem we can't address through grandfathering
18 because grandfather can only be done by the
19 legislature.

20 It's a problem that can be addressed by
21 the board under the section of our law about
22 experience. It's a problem that can be addressed
23 by you people. Now, he'd like to -- he needs --

24 MR. WHITTAKER: We have tried, not

0075

1 last year, but the two previous years, to
2 introduce legislation to have a grandfather period
3 opened to rectify the problem.

4 The problem being at the State House we

5 were testifying on the House side, House Labor,
6 not an issue, it came out with a favorable vote.
7 It went to the Senate side. It was introduced
8 into the Senate Labor for hearings. We had
9 hearings there.

10 Came out with a favorable report from
11 that, got on the Senate floor, and then it was put
12 back in for further study. You know when it is
13 put back in for further study, then that piece of
14 legislation will not come out that year. We did
15 that for two years and ended up going down a dead
16 end street. We have not been back up there since
17 then.

18 MR. DiROCCO: So where we're at is
19 a situation where for the past 30 years, I was
20 able to do any job of any size and all of a sudden
21 now we're limited to ten-ton and I have a
22 full-blown shop, as you say.

23 I have to sub work out to my competitor
24 on a job that I might have been awarded, doesn't
0076

1 make any sense. I have a master mechanical
2 contractor's license which entitles me to pull the
3 permit to do the job, but I can't do the job.

4 MR. WHITTAKER: You're preaching
5 to the choir.

6 MR. DiROCCO: I understand. So if
7 I go out and do the job, I'm in violation.

8 MR. WHITTAKER: May I ask you, do
9 you belong to any trade associations?

10 MR. DiROCCO: RSES.

11 MR. WHITTAKER: We have addressed
12 RSES many times. Yearly I go to that
13 organization, yearly I say to them, "You have to
14 do this legislatively."

15 The two years that Charlie and I tried
16 to get that legislation passed out of the Senate,
17 we had no support from RSES. And I told them they
18 have to get involved politically if they want to
19 rectify this situation.

20 As far as we're concerned at the
21 Department of Labor, we are not introducing
22 legislation again this year to address that
23 because of situation. Now, if RSES was to get
24 involved with that and then we were requested to

0077

1 testify before the board, that could be made
2 available, but as far as this department
3 introducing legislation for an open grandfather
4 period for Sheet Metal Licenses, I don't believe
5 it's going to occur this year with us.

6 MR. DiROCCO: For my own, I'm

7 looking at it from a -- for financial stability,

8 I'm limited to ten-ton. That's ridiculous.

9 Growth of the company.

10 MR. WRIGHT: Under the law, board
11 members, there is a section of the law that
12 addresses experience, but he has to take a test.
13 We can't do anything about that part.

14 Grandfathering addressed that part. Once
15 grandfathering stopped, that part's over.

16 We can't do it that way. It can be by
17 testing. The board can make a motion to accept
18 him to take the sheet metal master one exam if the
19 board wishes, under his experience. If you feel
20 that yes this man has a problem, yes this man has
21 been wronged --

22 MR. LOMBARDI: I'll make a
23 motion --

24 MR. DiROCCO: Let me ask a

0078

1 question. If I pull a permit to do the job, what
2 license do I need? I'm not out in the field any
3 more, those days are gone.

4 MR. WRIGHT: You're the owner of
5 the company.

6 MR. LOMBARDI: Mr. Chairman, I
7 make a motion that we allow Richard DiRocco of

8 Continental Engineering to sit for the exam for
9 the Sheet Metal License.

10 MR. DiROCCO: And my son.

11 MR. CARREIRO: Second.

12 MR. AURECCHIA: Second.

13 THE CHAIRMAN: All those in favor?

14 MR. WRIGHT: What we'll do is fill
15 out the applications and then I'll put the board
16 approved. Thank you, board members.

17 One more thing. We've got actually a
18 couple of items that are still pressing and
19 pending that you have to be made aware of. One is
20 at the last board meeting, you guys received a
21 letter from a lady who was here about Peter Bibby
22 and what he's doing.

23 Cliff has been in here all morning,
24 going up and down Ronnie and me because we haven't
0079

1 done anything. There's a big problem here, board
2 members. We don't have the staff. And these are
3 registered letters that have to go up. We're
4 getting backed up with violations, et cetera.

5 I haven't done anything on this yet.

6 But Bibby's license comes up for renewal next
7 month. This lady asked, wanted to know why Bibby
8 has a license when he's convicted of felony

9 charges. I have his BCI here with felonious
10 assault, felony charges in it.

11 The board can act -- the board can make
12 a motion that we start proceedings, because it has
13 to be that first, to remove his license due to the
14 section of the law that addresses the fact that he
15 has a felony violation. Not only will that occur,
16 but he also has outstanding violations that
17 haven't been paid. So there's two areas actually
18 that you can go after and that's what we need a
19 motion and a second for.

20 MR. LOMBARDI: I make a motion
21 that we start proceedings to suspend Mr. Bibby's --
22 revoke his license.

23 MR. WRIGHT: That's good.

24 MR. WEBSTER: Second.

0080

1 MR. CARREIRO: Second.

2 THE CHAIRMAN: All those in favor?

3 MR. WRIGHT: Now, the last thing.

4 I want to make you aware of something. We were
5 made aware last month and a violation has been
6 issued from the plumbing side which affects us too
7 because our law is, pay attention, this is
8 important.

9 The Contractor's Registration Board in

10 1995, mind you, '95, this has been on the books,
11 any person or business entity licensed by the
12 state, employing licensed tradespersons as defined
13 by chapters 6, 20, 56, 27, 26 and Title 28, which
14 is us, are working within the purview of the
15 license issued by the governing agency shall be
16 exempt from all provisions of this chapter except
17 5-65-7 entitled, "Requiring Insurance."

18 "A valid certificate of insurance shall
19 be required to be maintained by the licensing
20 agency during the terms of the issuance date of
21 the license as a condition for a valid license,
22 valid license."

23 "Failure of the licensee to maintain
24 this insurance shall result in loss of license

0081

1 pursuant to requirements of statutes governing the
2 licensing authority."

3 We had no idea until last month,
4 probably within the last month, that this even
5 existed. Our legal has said we have to enforce
6 this. Our legal said that this is covered under
7 Rhode Island General Laws, because Rhode Island
8 General Law is the licensing authority that
9 addresses our title; that if we run into a problem
10 with a contractor, we have to ask for his

11 insurance.

12 Actually, we're supposed to have -- this
13 is only if they're doing work. If you have a
14 master's license and you're not using it, but the
15 minute you use it for a permit and you're doing
16 work for somebody, you have to have \$500,000 worth
17 of insurance, and if you've got people working for
18 you.

19 MR. LOMBARDI: You mean there are
20 people out there working without insurance?

21 MR. WRIGHT: Let's go back to the
22 previous one, Mr. Bibby, what are the odds?

23 MR. LOMBARDI: You have to be an
24 idiot.

0082

1 MR. WRIGHT: I'll tell you how
2 this occurred. A plumber in Providence actually
3 had a house fail a structural inspection because
4 of the work he did. Failed the structural
5 inspection, so the homeowner called up wanting to
6 know what he can do.

7 There was no violations, he has a permit
8 and everything. He got a hold of the Contractor's
9 Registration Board who then told him about this.
10 He comes back to us, it says right there, you guys
11 are supposed to be enforcing this. So we, right

12 away, started trying to find out, and it's true.

13 **MR. VAL LOMBARDI:** But it does
14 read -- it's not like an individual self-employed
15 license holder. I mean, if you're an individual
16 self-employed license holder, you can do the work.

17 We're not going to check and see if that
18 person has insurance. He should. I mean,
19 everybody should have liability insurance for
20 anything they do, but we're talking about someone
21 who is a master that hires people, and most of
22 your big companies, they're going to have
23 insurance.

24 It's maybe these small companies that

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1 maybe have two or three employees who don't have
2 insurance and go do work for somebody, do a bad
3 job, and there's nobody to sue. There's no deep
4 pocket to go after, just the individual company
5 themselves and they don't have anything. That's
6 why the Contractor's Registration Board requires
7 that.

8 But because they're license holders,
9 they don't have to go to the Contractor's Board,
10 but we have to make sure that they're licensed --
11 we have to make sure that they have liability
12 insurance as part of holding that type of license.

13 MR. CARREIRO: Only if they do
14 work. So the enforcing authority is on the local
15 level when they pull the permit.

16 MR. VAL LOMBARDI: The enforcing
17 authority is going to check the licenses. All the
18 permit people check is the license. As long as
19 you've got the license, they're going to say okay.

20 MR. WHITING: But if somebody
21 makes a complaint to the board.

22 MR. CARREIRO: But if they know
23 there's this rule, can't we just coordinate and
24 enforce it at the local level?

0084

1 MR. WRIGHT: It doesn't say the
2 local level, it just says us as the administrative
3 authority.

4 MR. CARREIRO: I know that, but if
5 this authority, state authority, works through the
6 local level, instructing the local level to get a
7 copy of this and notify us.

8 MR. WRIGHT: That would have to be
9 legislative.

10 MR. CARREIRO: Instead of you
11 standing at the town hall in Burrillville checking
12 all that, they're doing it for you and all they're
13 doing is copying you.

14 **MR. WHITING:** Anybody has a right
15 to call the state and ask if they have a
16 certificate on file and if they don't --

17 **MR. CARREIRO:** You would receive
18 copies, it's going to be a paper nightmare.

19 **MR. WRIGHT:** No kidding. You
20 don't think that we haven't realized what a
21 nightmare this is going to be?

22 **MR. LOMBARDI:** This is
23 unenforceable the way I look at it. I can take
24 out an insurance policy tomorrow and pay the first
0085

1 quarter and see you later. It's over and done
2 with. How you going to enforce this?

3 **MR. VAL LOMBARDI:** It's going to
4 be enforced when you get caught doing something
5 wrong and they're going to check.

6 **MR. LOMBARDI:** But in the
7 meantime --

8 **MR. VAL LOMBARDI:** It's just like
9 when you're driving your car and you get insurance
10 for your car and the day after you register your
11 car you cancel your insurance; are you going to be
12 caught?

13 **Not unless you get stopped or get in an**
14 **accident or get stopped and they ask for your**

15 insurance card check and they'll check it out and
16 find that you don't have insurance. Then they'll
17 fine you a thousand dollars.

18 THE CHAIRMAN: In a lot of the
19 cities and towns, the girl comes in and takes the
20 permit, which should be stopped. They have the
21 secretary taking out the permits.

22 MR. JANUARIO: So what we're
23 saying --

24 MR. WRIGHT: The big problem is

0086

1 that it's a nightmare for us.

2 MR. LOMBARDI: You got no help
3 now, then what's going to happen?

4 MR. WRIGHT: But a violation has
5 been done under that section.

6 MR. WHITING: So anybody can call
7 you and make a complaint?

8 MR. WRIGHT: Cliff, leave the
9 room. I don't want you to hear no more.

10 MR. AURECCHIA: I have some things
11 we need to go over. Gem has three violations.
12 You need to do something about it. We're sitting
13 here, he's coming in September 8th, July 21st, the
14 one he got today.

15 MR. WRIGHT: Okay. Going back to

16 his question, who do I violate?

17 MR. AURECCHIA: All of a sudden we
18 don't know who to violate? Come on, will you
19 please?

20 MR. WRIGHT: If you notice on the
21 violation, it goes to Gem.

22 MR. AURECCHIA: Yes. Who holds
23 the license over there?

24 MR. WRIGHT: I have seven people

0087

1 listed on his corporate papers.

2 MR. AURECCHIA: Well, then go
3 after them all because they're all in violation.
4 What the hell are we doing here? Then don't
5 bother having any more meetings. The guy has
6 three violations in one year. He's operating,
7 he's a big contractor and you're going to let him
8 do this? Then everybody's going to do this.

9 MR. WRIGHT: We'll talk about
10 that.

11 MR. AURECCHIA: I want something
12 done. This is not going to go away, I'll tell you
13 right now. This is total -- this is just not
14 right. You just can't have this going on. This
15 guy has three violations in one year and he's
16 still out there operating and it just doesn't make

17 any sense. It doesn't.

18 THE CHAIRMAN: He charges enough
19 on the job.

20 MR. AURECCHIA: Well, what he
21 charges is his business, okay, but for him to go
22 out there and operate the way he's doing,
23 something needs to be done.

24 And if this board doesn't do it, I'm

0088

1 going to pursue it and whoever falls in the
2 valley, falls in the valley. I'm sick of this guy
3 running around doing what he's doing. They guy's
4 a big contractor. If he was a little guy, did two
5 or three things, I don't have a problem, but this
6 guy is huge.

7 He's making a laughingstock out of this
8 licensing board. There's no sense even having it
9 if you're not going to do anybody about it. He
10 made a complete fool out of that apprenticeship
11 committee. A complete fool out of them. No
12 school, no nothing, ran around, violated ever law
13 there was, didn't have a school, didn't have any
14 guys registered, didn't have anything; what was
15 that about? We're going to do it. We're going to
16 do it.

17 MR. WRIGHT: Nothing to do with

18 us.

19 MR. AURECCHIA: I'm just saying
20 this is what's going on in general. If somebody
21 else did that, you'd be out of business. For some
22 reason, he gets to be able to do it. Well, guess
23 what, I'm sitting on this board, it's not going to
24 happen.

0089

1 Either you're going to do it, or I'm
2 going to. And I don't care who goes down because
3 this is not right. This is not right. What is
4 the sense of -- I don't have a problem, but
5 something needs to be done about it.

6 What's he going to get, six violations a
7 year and he's going to be okay, but Peter's not?
8 Or Terry's not. They're both great guys, but why
9 should they sit here and see this guy with three
10 violations in one year. Why don't they do it?
11 Why should they have licensed guys? You know what
12 I'd say to you, I'm not having licensed guys, he
13 doesn't, nothing happens to him.

14 You need to do something about it. I
15 went through this with the Apprenticeship, I'm not
16 going through this with a board I sit on. I'm not
17 going to do it. So, you need to do something.

18 MR. WRIGHT: Two separate issues.

19 The first issue is yes, we are doing something
20 because we do send him a fine. We do issue a
21 fine.

22 MR. AURECCHIA: Well, now he has
23 three violations in one year and we know what that
24 means.

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1 MR. WRIGHT: That's a separate
2 issue.

3 MR. AURECCHIA: That's right. You
4 need to address it.

5 MR. WRIGHT: It's not the fact
6 that we're not fining him when we catch him,
7 because we are.

8 MR. AURECCHIA: I didn't say
9 anything about the fines. Three fines in one
10 year, unlicensed people, and that means he gets
11 his license revoked.

12 MR. WRIGHT: That's the part we
13 have to talk about.

14 MR. AURECCHIA: Whatever.

15 MR. CARREIRO: What's to talk
16 about?

17 MR. WRIGHT: I got a lot of
18 people --

19 MR. VAL LOMBARDI: Gentlemen,

20 don't forget, before this board revokes anybody's
21 license, they have to give them a hearing. And I
22 don't want you to be prejudiced by anything. So I
23 don't think you should say anything.

24 You should say, "Why don't you bring him
0091

1 before the board so the board can make a
2 determination?" You're not predetermined.

3 MR. AURECCHIA: I'm not
4 predetermined. The law says if you have three
5 violations.

6 MR. VAL LOMBARDI: It's not
7 automatic.

8 MR. AURECCHIA: Then you guys need
9 to talk and let's go through what we need to do.

10 MR. WRIGHT: Good.

11 MR. AURECCHIA: I'll make a motion
12 that we go through the Gem file, we see what's
13 going on and bring him back in here and tell him
14 what the problem is and what's going on and let's
15 get it straightened out because it's not fair to
16 any contractor that sits on this board and I'm not
17 a contractor.

18 THE CHAIRMAN: Do I have a second
19 on that?

20 MR. WEBSTER: I'll second it.

21 THE CHAIRMAN: All those in favor?

22 So voted.

23 MR. LOMBARDI: I make a motion we

24 adjourn.

0092

1 MR. AURECCHIA: Second.

2 (ADJOURNED AT 10:50 A.M.)

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