

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

**1511 Pontiac Avenue**

**Building 70 – 2nd Floor Conference Room**

**Cranston, RI 02920**

**TUESDAY, SEPTEMBER 5, 2007**

**In attendance: Stanley Davies, Chairperson**

**Quinlin Regan**

**John Webster**

**Michael Januario**

**Chester Stewart**

**Ted Whittaker**

**Charles Wright**

**Bobby Joe Harris**

**Michael Carreiro**

**Not in attendance: Ronald Cronin**

**Chairperson called the meeting to order at 9:07 a.m.**

**There was a quorum.**

**There were seven (7) hearings scheduled for today.**

**1. Gem Heating & Plumbing - #3166**

**Mr. Whittaker read the violation: Location of violation: 50 Holden Street, Providence, RI. Violation(s): On May 7, 2007, Mr. Clifford Whiting, Chief Mechanical Inspector for the City of Providence, witnessed two employees of Gem Plumbing and Heating performing work on heating lines at the above job location. When Mr. Whiting asked the two employees for a pipefitting license, Mr. Paul Newman produced a plumber apprentice registration #19139 and William Jimenez produced a Master Plumber license MP00231. Mr. Whiting then asked the two employees if they hung the heating equipment and they said no. They informed Mr. Whiting that two other employees of Gem Plumbing and Heating installed the heating lines (Mr. Justin Smith, Sheet metal Journey 1 and Mr. Jason Capwell Sheet metal Journey 1.**

**Mr. Whiting then asked the project manager of the foundry, Mr. Ted Sweck, who actually performed this work. Mr. Sweck stated that Paul Newman and William Jimenez installed all the heating lines. Mr. Sweck stated that these four men from Gem Plumbing & Heating, Inc. worked on handing the units and doing duct work. These are four (4) violations of RIGL 28-27-28 "Practices for which a license is required". "Practices for which a license is required."**

**Mr. Leonard Gemma, Michael Kramer, Esquire for Gem Plumbing & Heating, Inc., and Clifford Whiting were sworn in by the Board stenographer.**

**Based on the verbal and written testimony presented to the Board, Michael Carreiro made a motion that a Finding of Fact did occur, and Timothy Byrne seconded the motion. All Board members were in favor. Michael Carreiro made a motion that the fine on Violation #3166 for four (4) violations at \$950.00 for RIGL 28-27-24 be upheld for a total of \$3,800. John Webster seconded the motion, Dennis Brennan opposed, and all other board members were in favor. A letter of the Director's recommendation will be sent out to Gem Plumbing & Heating, Inc.**

## **2. Gem Plumbing & Heating, Inc. - #3167**

**Mr. Whittaker read the violation: Location of violation: 100 Fountain**

**Street, Providence, RI: Violation (s): On March 23, 2007, Chief Mechanical Inspector, Clifford Whiting, City of Providence, observed two (2) men working on the fire sprinkler system at the above referenced address. Mr. Whiting has informed RIDLT Chief Investigator, Mr. Charles Wright that there was no mechanical permit issued for performing this type of work. This is one (1) violation of RIGL 28-27-20 "State and municipal inspections and installation permits".**

**Mr. Whiting testified that the permit was pulled two days after the job had started. A processing fee of \$150 was paid for not taking out the permit before the work was started. A copy of the permit was entered by the Board stenographer as Exhibit 1, as evidence of when the permit was actually approved and signed by Inspector of Providence, Clifford Whiting. A permit is not valid unless signed by the Inspector.**

**John Webster motioned that a violation on Violation No. 3167 did occur. Michael Carreiro seconded the motion. All Board members were in favor.**

**John Webster made a motion that the fine of \$950.00 be upheld. Michael Carreiro seconded the motion. All Board members were in favor.**

**Mr. Leonard Gemma and Michael Kramer, Esquire were informed by Stanley Davies, Chair that they will be receiving a recommendation in writing from the Director.**

**3. Gem Heating & Plumbing, Inc. - #3168**

**Hearing has been postponed until our October 3, 2007 meeting. Owner was in the hospital.**

**4. Gem Heating & Plumbing, Inc. - #3192**

**Mr. Whittaker read the violation: Location of violation: 59 Hillside Avenue, Providence: Violation(s): A complaint was received at RIDLT, Mechanical Inspector, Charles Wright on April 30, 2007 from the City of Providence Inspector, Clifford Whiting. Mr. Whiting went to the above referenced address and found two Gem trucks in front of the house at Hillside Avenue. There were two employees of Gem Plumbing and Heating, Inc., who indicated to Mr. Whiting they were installing an air conditioner air handler in the attic. Mr. Whiting requested the RI Refrigeration licenses of Matthew Fisher, 2 Myrtle Place, Taunton, MA, who had an apprentice license (No. 19107 pipefitter 2 registration), and Vincent Howard, 60 Brookhaven Drive, #8 Attleboro, MA who had an apprentice license (No. 19102, pipefitter registration). These two men have only been in the apprentice**

**program for a month and they both have their own truck, working unsupervised on work not covered by their registration. This is two (2) violations of "Practices for which a journey person or apprentice license is required."**

**Mr. Whiting asked the owner to show him the diffusers the two employees installed and said the two men started the job at 9:00 am. Mr. Whiting called the office to see if there was a permit. Mr. Whiting was told an application was filled out that morning for a permit but it wasn't approved or processed. When Mr. Whiting got back to the office, he checked the application; the application was taken out by Mr. Arnold Romano, an employee of Gem Plumbing & Heating, Inc., who only has a pipefitter/master 2 license, and is not qualified to take out a permit for a refrigeration installation. Therefore, there was no valid permit on the job. This is one (1) violation of RIGL 28-27-20 "State and municipal inspections and installation permits".**

**Testimony was brought to the Board by Chief Inspector of Providence; Clifford Whiting that the permit was not pulled until 22 days after the job was started.**

**The person who took out the application for a permit (Mr. Arnold Romano) was not a properly licensed person, therefore, there was no valid permit on the job.**

**Timothy Byrne stated that there were two apprentices working alone without supervision, and that there was no permit taken out for the job. Mr. Kramer, Esquire did not have a copy of the permit.**

**The Board did not have enough information to proceed with this hearing. Further testimony will be brought before the Board at our October 3, 2007 meeting. The owner and the two apprentices will be brought before the Board to provide further testimony to the hearing.**

**Quinlin Regan made a motion that this violation hearing #3192 be tabled to next month's meeting. John Webster seconded the motion. Timothy Byrne was opposed. All other Board members were in favor.**

#### **5. Gem Plumbing & Heating, Inc. - #3195**

**Mr. Whittaker read the violation: Location of violation: 69 Bowdion Street, Providence, RI: Violation(s): On May 22, 2007, Chief Mechanical Inspector for the City of Providence, Clifford Whiting, went to the above referenced address on an inspection. There were two employees of Gem Plumbing & Heating, Inc. that indicated to Mr. Whiting that they were installing B-Vent for water heaters and related gas piping. Mr. Whiting requested these two people to produce their**

required pipefitter's license. (Mr. Salvatore Calozzo is licensed journey plumber JP3007. Mr. Laurent Fortin is a licensed Master Plumber MP2273 and an apprentice pipefitter 2. These two people are not properly licensed in RI to do pipefitting work. This is two (2) violations of RIGL 28-27-28 "Practices for which a license is required".

Timothy Byrne made a motion that a violation did occur. Michael Carriero made a motion to table this hearing to our next meeting in October based on Legal Counsel, Val Lombardi, Esquire for the RIDLT. Michael Januario seconded the motion, due to lack of information.

#### **6. James Giarrusso/Ocean State Technical Services, LLC - #3236**

Mr. Whittaker read the violation: Location of violation: 90 Reservoir Avenue, Building C, Providence, RI: Violation(s): On June 26, 2007, a complaint was received by RIDLT Chief Mechanical Inspector, Mr. Charles Wright, from Wallace Healy, Mechanical Inspector for the City of Providence.

**There were two (2) employees of Ocean State Technical Services, LLC working on gas piping at the above job location (Mr. Wayne Cartier, who has a current welding license and Mr. Lucien Cote, 99 Herbert Avenue, Woonsocket, RI 02898, does not have a pipefitter's or a welder's license to perform this work in Rhode Island). This is one (1) violation of RIGL 28-27-28 "Practices for which a license is required".**

**Mr. Wallace Healy, City of Providence Mechanical Inspector, stated he saw two people working on gas piping. Mr. Wayne Cartier had a welder's license at the time. A permit was taken out on February 23, 2007 by Mr. Giarrusso, However, there was no welding done on the job.**

**Mr. Lucien Cote, who works for James Giarrusso of Ocean State Technical Services, was sworn in by the Board stenographer.**

**Mr. Wayne Cartier was not present for the hearing. This hearing was in regard to Mr. Lucien Cote, who Mr. Wallace Healy stated was working without a license.**

**Based on the testimony and evidence brought before the Board, Michael Carreiro made a motion that Finding of Fact did occur on Violation #3236, RIGL 28-27-28 "Practices for which a license is required". Mr. Timothy Byrne seconded the motion. All Board members were in favor.**

**Michael Carreiro made a motion that the fine of \$500.00 be upheld. Bobby Joe Harris seconded the motion. All Board members were in favor. Stanley Davies, Chair stated that Lucien Cote will be getting the Director's recommendation in the mail.**

**7. S. T. Smith Heating & A/C #3198 – Moved to October 3, 2007 meeting.**

**There were no other hearings before the Board today.**

**Other Business:**

**Stanley Davies asked the Board if everyone had a chance to review the minutes from last month's meeting. Michael Januario made a motion to accept the minutes, Quinlin Regan seconded the motion. All Board members were in favor.**

**John Webster made a motion to adjourn the meeting at 11:00 am, Michael Carreiro seconded the motion. All Board members were in**

**favor.**

**-6-**

**Review of applications was made after the Board meeting.**

**The next Mechanical Board meeting is scheduled for October 3, 2007 at 9:00 a.m. in Building 70, Department of Labor and Training, second floor conference room, Cranston, RI 02920.**

**Notes respectively submitted by Elaine Heiss, September 5, 2007.**