

**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, NOVEMBER 7, 2007

In attendance: Stanley Davies, Chairperson

John Webster

Michael Januario

Benjamin Cople, Esquire

Ted Whittaker

Charles Wright

Bobby Joe Harris

Michael Carreiro

Ronald Cronin

Timothy Bryne

Dennis Brennan

Quinlin Regan

Not in attendance: Chester Stewart

Stanley Davies, Chairperson called the meeting to order at 9:08 a.m.

There was a quorum. The Board moved right into the hearings.

There are five (5) hearings scheduled for today:

1. Joseph Francis, Jr./J. Francis Plumbing & Heating #3255

Joseph Francis was not in attendance. He was sent a certified letter and registered letter to appear before the Board, and there were no letters sent back to RIDLT. Charles Wright, and Christopher Fonseca, owner of the property that was violated by Joseph Francis were sworn in by the Board Stenographer.

Mr. Whittaker read the violation: Location of violation: A complaint was made on August 2, 2007 to RIDLT Mechanical Investigator, Charles Wright, by Mr. Christopher Fonseca of the above-referenced address that on or about July 26, 2007 three (3) employees of J. Francis Plumbing & Heating (Sean Lombardi, James Belanger, and Nathan Francis were installing a boiler and related gas piping in his house. When asked for their pipefitting licenses, they admitted that they had no license to perform this work in RI. This is three (3) violations of RIGL 28-27-28 "Practices for which a license is required".

Based on the testimony heard before the Board, and a letter stating the facts that occurred on Mr. Fonseca's property (Charles Wright read to the Board members), which was entered into the stenographer's transcript, Michael Januario made a motion that a finding of fact occurred on violation No. 3255 in regards to RIGL 28-27-28 "Practices for which a license is required" in three instances. Timothy Byrne seconded the motion. All Board members were in favor. Motion carried.

Michael Januario made a motion that the fine of \$1,500 (3 violations at \$500 each) per RIGL 28-27-24 be upheld and John Webster seconded the motion. All Board members were in favor. Mr. Francis will receive a letter in writing from the Director of her recommendation.

2. Paul Rafferty/Western Oil, Inc. #3286

Robert S. Bruzzi, Esquire for Paul Rafferty/Western Oil, Inc. was sworn in by the Board stenographer.

Ted Whittaker read the violation: Location of violation: On August 29, 2007, a complaint was received by RIDLT Investigator, Edward Whittaker pertaining to a bid for work at the Davisville Middle School located on School Street, North Kingstown. The bid was for the replacement of the fuel oil tank and related piping. Western Oil, Inc.

is not properly licensed in RI to bid, advertise or do installation of fuel tanks and related piping. This is one (1) violation of RIGL 28-27-5 “Practices for which a master or contractor license is required.

Based on the testimony presented to the Board, and review of the Mechanical Laws and Regulations, Michael Carreiro made a motion that a finding of fact occurred on violation No. 3286, regarding RIGL 28-27-5 and Bobby-Joe Harris seconded the motion. All Board members were in favor. Motion carried.

Michael Carreiro made a motion that the fine of \$500 of RIGL 28-27-24 be upheld. John Webster seconded the motion. All Board members were in favor. Motion carried. Stanley Davies stated to Mr. Bruzzi, esquire that Mr. Raftery/Western Oil, Inc. will be receiving a letter from the Director of our findings and will make the final decision.

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3. Brian Kellett/No. Attleboro Fire Extinguisher Service #3273

Brian Kellett and Vincent Walsh, Mechanical Inspector for the City of Newport were sworn in by the Board Stenographer.

Ted Whittaker read the violation: Location of Violation: RIDLT Chief Mechanical Investigator, Charles Wright, received a complaint from Mr. Vincent Walsh, Mechanical Inspector for the City of Newport, that on February 9, 2007, Mr. Kellett applied for a mechanical permit for the installation of a fire suppression system at 206 Thames Street, Newport, RI. This system has been installed and to this date, Mr. Kellett has not responded to Mr. Walsh, the Mechanical Inspector, to finalize this required permit. This is one (1) violation of RIGL 28-27-20 "State and municipal inspections and installation permits".

Based on the testimony presented to the Board, and by Mr. Walsh, Mechanical Inspector, and City of Providence, that Brian Kellett took a permit out after the job was finished, and Mr. Kellett never paid the \$500 to get a permit. John Webster made a motion that a finding of fact occurred on violation No. 3273, RIGL 28-27-20 "State and municipal inspections and installation permits". Michael Carreiro seconded the motion. All Board members were in favor. Motion carried.

John Webster made a motion that the fine of \$500 of RIGL 28-27-24 be upheld. Michael Carreiro seconded the motion. All Board members were in favor. Motion carried. Stanley Davies stated to Mr. Kellett that we will make our recommendation to the Director and that he will be

receiving a letter from the Director of her decision .

4. Michael Vizzacco/All Around Plumbing, Heating & Drain Cleaning #3235

Michael Vizzacco and Debra Parente, owner of the property in question, and Mr. Albert Parente, Debra's father, were sworn in by the Board Stenographer.

Mr. Whittaker read the violation: Location of violation: On June 27, 2007, RIDLT Chief Mechanical Investigator, Mr. Charles Wright, received a complaint from Mrs. Debra Parent that on September 25, 2006, Mr. Michael Vizzacco entered into a contract to install three (3) unit heaters at 112-114 Danielson Pike, Foster, RI. The contract provided indicates that All Around Plumbing, Heating and Drain Cleaning, 4 Hopkins Avenue, Johnston, RI 02919 does heating work but there is no RI Master Pipefitter's license number displayed. This is one (1) violation of RIGL 28-27-5(a) "Practices for which a master or contractor license is required".

After checking the RIDLT license records, Mr. Michael Vizzacco is not

licensed in RI to do pipefitting work. This is one (1) violation of RIGL 28-27-28 "Practices for which a license is required".

Based on the testimony presented to the Board, and a proposal/contract provided by Ms. Parente, Timothy Byrne made a motion that a finding of fact occurred on violation No. 3235, and Michael Carreiro seconded the motion. Motion carried. All Board members were in favor.

Timothy Byrne made a motion that the fine of \$1,000 (2 violations of \$500 each) of RIGL 28-27-24 be upheld. Michael Carreiro seconded the motion. All Board members were in favor. Stanley Davies stated to Mr. Vizzacco that he will be receiving a letter from the Director of Labor and Training of her decision.

5. Mr. Ryan Humeston & Martin McElroy #3289

Mr. Humeston and Mr. McElroy and Leslie Hughes (owner of the property in question), were sworn in by the Board stenographer.

Mr. Whittaker read the violation: Location of violation: On or about August 21, 2007, Mr. Ryan Humeston, moved heating lines at 27 Knowles Lane, Richmond, RI (Ms. Leslie Hughes – owner). Mr. Ryan Humeston is not licensed as a pipefitter in RI. This is one (1) violation of RIGL 28-27-28 "Practices for which a license is required".

There was no mechanical permit issued by the Town of Richmond. This is one (1) violation of RIGL 28-27-20 "State and municipal inspections and installation permits".

Based on the testimony presented to the Board, and the work agreement provided to the Board from Martin McElroy and Ryan Humeston of Riarti's Construction, Timothy Byrne made a motion that a finding of fact occurred on violation No. 3289, RIGL 28-27-28 "Practices for which a license is required" and RIGL 28-27-20 "State and municipal inspections and installation permits", Michael Carreiro seconded the motion. All Board members were in favor. Motion carried.

Timothy Byrne made a motion that the fine of \$1,000 (2 violations of \$500 each) of RIGL 28-27-24 be upheld. Michael Carreiro seconded the motion. All Board members were in favor. Motion carried. Mr. Humeston and Mr. McElroy were informed by Mr. Davies that they would be receiving a letter from the Director in writing of her findings.

Hearings were closed for today.

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New Business:

Attorney, Benjamin Copple, of RIDLT advised the Board that there will be training, starting in December 9th from 9:00 -12:00. Training will be on ethics, hearsay, open meetings act, administrative decisions, etc. Board members will be receiving an announcement shortly in the mail.

Minutes from our previous board meeting will be reviewed at our December 5th meeting with regard to Gem Plumbing and Heating. Ron D'Ambruso will address this issue to the Board.

There was no other business before the Board. Reviews were made after the Board meeting.

The next Mechanical Board meeting is scheduled for December 5, 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, November 7, 2007.