

**DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD
1511 PONTIAC AVENUE
Building 70 – 2nd Floor Conference Room
Cranston, RI 02920**

TUESDAY, JULY 2, 2008

In Attendance: Stanley Davies, Chairperson

John Webster

Bobby Joe Harris

Timothy Byrne

Jack King, Jr.

Dennis Brennan

Raymond Freitas

Michael Januario

Quinlan Regan

Jack King, Jr.

**Also in attendance: Edward Whittaker, Sr. Chief Investigator,
Valentino Lombardi, Esquire**

Those not in attendance: Michael Carreiro, Ronald Cronin

Chairperson, Stanley Davies, called the meeting to order at 9:06 a.m.

There was a Quorum.

There are three (3) hearings scheduled for today.

Mr. Robert Zeidler/Allied Mechanical Services, John Smith representing John Greeley, Eric Porter, and Arlee Jenkins, owner were sworn in by the Board Stenographer. Edward Whittaker, Investigator was also sworn in by the Board Stenographer.

1. Mr. Robert Zeidler/Allied Mechanical Services, LLC #3436 –

Edward Whittaker read the violation: Violation dated May 7, 2008, Violation No. 3436. On Thursday, April 24, 2008, at approximately 2:45 pm, RIDLT Sr. Chief Mechanical Investigator, Edward J. Whittaker, made an on site inspection of Stop & Shop, Frenchtown Road, North Kingstown, RI and found two (2) employees (Robert McMahon, 39 Shetland Drive, Wallingford, CT 06492 and Jonathan, W. Gibbs, 466 Mills Street, Southington, CT 06489) who work for Allied Mechanical Services, LLC (AMS) performing a refrigeration installation at Stop & Shop, Frenchtown Road, North Kingstown, RI. Both of these individuals were not licensed in Rhode Island to perform this type of work. This is two (2) violations of RIGL 28-27-28 "Practices for which a license is required".

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Mr. Zeidler testified that he holds a Master I in Rhode Island. The two people on the job, working without a license, had test applications pending. Mr. Zeidler testified that an emergency repair came up with an underground leak and Mr. Zeidler was not there at the moment

when the two men in question were called in to perform the job.

Mr. Whittaker stated to the two men who were installing the refrigeration installation were told by Mr. Whittaker that they needed a license to perform this work. The two men had good attitudes and immediately stopped work and left the job site.

Mr. Zeidler stated that one of those men has since passed the examination and has gotten his license. The other gentleman has his paperwork in but has not heard anything.

Mr. Zeidler finished the job.

Based on the testimony brought before the Board today, Timothy Byrne made a motion that a finding of fact occurred regarding Violation No. 3436. Michael Januario seconded the motion. All Board members were in favor. Ayes have it.

Timothy Byrne made a motion that per RIGL 28-27-24 the fine of \$1,000 (2 violations at \$500 each) be suspended for one year pending any further violations.

John Webster seconded the motion. All Board members were in favor. Ayes have it. Stanley Davis, Chairperson stated to Mr. Zeidler that he would receive a letter from the RIDLT Director of her decision regarding the suggestion of the Board.

2. Eric Porter #3461 –

Eric Porter and Arlee Jenkins, Owner was sworn in by the Board stenographer.

Edward Whittaker, Sr. Chief Investigator read the violation: Dated May 28, 2008, violation No. 3461: Location: 994 Stafford Road, Tiverton, RI. On or about October 3, 2007, Mr. Eric Porter, contracted

with Ms. Arlee J. Jenkins of 994 Stafford Road, Tiverton, RI to remove a buried residential oil tank and replaced it with a new 275 gallon residential oil tank. Mr. Porter is not properly licensed in Rhode Island to perform this work. This is one (1) violation of RIGL 28-27-28 "Practices for which a license is required".

A Mechanical permit was not issued by the Town of Tiverton. This is one (1) violation of RIGL 28-27-20 "State and municipal inspections and installation permits".

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Ms. Jenkins addressed the Board and stated that Mr. Porter did not take the old tank out; he installed the oil tank and did not remove one.

The 275 gallon oil tank was hooked up to other lines in the ground.

Ms. Jenkins called the City and wanted the City to come out and inspect the tank before she gave Mr. Porter any money and the City stated they could not come and inspect the job because a permit was not pulled out with the Town of Tiverton. Ms. Jenkins was forced to call Mr. Wright, RIDLT Investigator to see what she could do.

Ms. Jenkins only had a verbal contract with Mr. Porter. She was online looking for someone to install an oil tank, and she found Mr. Porter's name advertising on the Craig's listing for installing oil tanks. She did not realize Mr. Porter had no business license in

Rhode Island to perform this work. Mr. Porter told her he was licensed.

Ms. Jenkins was forced to hire someone else to have the oil tank correctly installed.

Based on the testimony brought before the Board today, Timothy Byrne made a motion that a finding of fact occurred regarding violation No. 3461. Jack King, Jr. seconded the motion. All Board members were in favor. Ayes have it.

Timothy Byrne made a motion that the fine of \$1,000 (2 violations at \$500 each) that per RIGL 28-27-24 the fine of \$1,000 (2 violations at \$500 each) be upheld. Bobby Joe Harris seconded the motion. All Board members were in favor.

Stanley Davis, Chairperson, stated to Mr. Porter that the suggestion from the Board will be made to the Director of Labor and Training and the Director will have the final decision and that he will receive a letter in the mail.

3. John Greeley/Architectural Fireplaces of N.E., Inc. #2688

Edward Whittaker read the violation: Dated June 5, 2006, Violation No. 2688, in the amount of \$2,850.00. Location: Old Port Homes, Ferry Landing Circle, Portsmouth, RI. Violation: On March 24, 2006, Mr. Robert Gaj, RIDLT Investigator did find three (3) employees (Carlos A. Hernandez, 12 Park Place, Woonsocket, RI, Scott J. Wray, 7 Nottingham, Oxford, MA and Jonathan Hawkins, 77 Purchase Street, S. Easton, MA) of Architectural Fireplaces of New England, Inc., installing fireplaces in Portsmouth, RI without a valid Mechanical license. This is 3 violations of RIGL 28-27-28 "Practices for which a

license is required".

Mr. John Smith who represented John Greeley was sworn in by the Board Stenographer. Bob Gaj, Investigator was also present and sworn in by the Board Stenographer.

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Mr. Gaj, Investigator, said he entered the condo complex in Portsmouth, RI and upon entering, he found 3 individuals (listed on the violation) installing a gas fireplace and stacked chimney (Bob took photos at the time). Bob asked to see their licenses and they could not produce one. Bob stated they had good attitudes and were cooperative and polite and left the job when they were in the wrong.

Mr. Smith addressed the Board and stated that there is a 2006 date on the violation, because when the violation was sent out, it was sent to the wrong address and Mr. Smith called Mr. Wright and explained that he never received the violation, and therefore, could not appeal it and that is why he is present today.

Mr. Smith stated that the three (3) gentlemen on site prepped everything and then John came on site. The work was stopped on the job site when they were told they needed a license to perform this work. John Smith then returned to the job site with the 2 gentlemen and finished the job. Mr. Smith was told that in order to perform this work, they needed a Decorative Limited Appliance 2 license to perform this installation of inserts.

Mr. Smith stated that he currently has four (4) licensed people in Rhode Island. Mr. Smith does have a previous violation of five year ago.

Mr. Smith stated that there is a lot of In-house schooling/training. The two gentlemen on the job at the time of the violation – one has since taken the examination and passed, and the other gentleman did not want to take the test and was told to leave the job.

Based on the testimony brought before the Board today, Timothy Byrne made a motion that a finding of fact occurred regarding Violation No. 2688. John Webster seconded the motion. All Board members were in favor. Ayes have it.

Timothy Byrne made a motion that per RIGL 28-27-24 the fine of \$2,850 be upheld.

John Webster seconded the motion. All Board members were in favor. Ayes have it.

Stanley Davis, Chairperson, stated to Mr. Smith that a suggestion of the Board will be sent to the Director of Labor and Training and he will receive a letter in the mail regarding the Director's final decision. The hearings were closed.

The Chairman asked if the Board had reviewed the minutes of the previous meeting. John Webster made a motion to accept the minutes. Quinlan Regan seconded the motion. All Board members were in favor.

New Business:

1. Edward Whittaker brought up the fact that National grid is coming into Rhode Island to act as a subsidiary in Rhode Island. They have to take out permits like anyone else and attach to the application. Edward Whittaker brought up the fact that he is concerned with the equipment (boilers, heaters, etc.) that they will be using from New Hampshire that there will be not taxes on this equipment. He suggested the other associations should look into this.

Mr. Edward Whittaker will be meeting with Andrew Fleming, Senior Installation Manager of Nationalgrid Energy Services next Tuesday at Professional Regulations.

2) Edward Whittaker will make an appointment to go to CCRI to address the staff on the four (4) trades regarding Heating, Ventilation, and Air Conditioning (HVAC) to discuss the two year training and to discuss that the students cannot do two years of training and then expect to sit for the exam. Edward would like to see how many hours are in each of these categories. In addition to schooling, they must

have on the job training (OJT), and that these students should not just receive theory. Discussion of an Apprenticeship Program will also be discussed.

Edward will make copies of the correspondence and sent it to the Board members for discussion at our next Board meeting.

There was no further business before the Board.

Reviews of examination were done after the general board meeting.

John Webster made a motion to adjourn the meeting at 10:15 am. Bobby Joe Harris seconded the motion. All Board members were in favor.

The next meeting of the Mechanical Board is August 6, 2008 at 9:00 AM in Building No. 70, 2nd floor conference room, 1511 Pontiac Avenue, Cranston, RI 02920.

Minutes respectively submitted by Elaine J. Heiss, July 2, 2008.