

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

WEDNESDAY, November 4, 2009

9:00 A.M.

In attendance: Timothy Byrne

Fred Foeri

Quinlan T. Regan

Michael Januario

Steven Gray

Stanley Davies

Dennis Brennan

Jack King

Ted Whittaker, Senior Chief

Ben Copple, Legal

Not in attendance: Ron Cronin

Raymond Freitas

Meeting was called to order at 9:12 am by Stanley Davies

We will dispense with the reading of last months minutes until after the hearings.

Ted Whittaker read a letter for Metro Tech Services Corp. indicating that Mr. Douglas Cornell will be one of the Master Refrigeration license holders for their company.

Mr. Whittaker also read a letter from a Mr. Richard Stockman, 11 Pigeon Hill Cove Road, Bradford, RI asking if he is qualified to sit for the exam for a Pipefitter Journeyperson 2 license. Steven Gray made a motion to allow Mr. Stockman to sit for the Pipefitter Journeyperson 2 exam, seconded by Terry Regan. Passed unanimously by the board.

Hearings:

1) Normand Charron-viol#3697, continuation from September meeting. Ben Cople, legal read the violation: On or about February 13, 2009 a permit was issued to Normand A. Charron of 30 Martin Street, Coventry, RI 02816-7036. The mechanical permit was for the installation of two (2) boilers located at 221 and 223 Waldo Street, Providence, RI. This installation was not done by MR. Charron but was done by a Victor Figuereo, address unknown. Mr. Figuereo is not licensed to do installations of heating equipment in the State of Rhode Island. Mr. Charron state he was never on the job site to help with or supervise the installation. This is a violation of RIGL 282-7-21-“grounds for revocation of license (3) “knowingly hiring, directly aiding or assisting any person to engage in the work specified for a pipefitter, refrigeration/air conditioning, fire protection sprinkler contractor/sprinkler contractor/sprinklerfitter master, fire

protection journeyperson, sheetmetal contractor, or journeyperson sheetmetal worker when that person does not have a license as provided in this chapter”, for a fine of \$500.00. A hearing will be held at the Rhode Island Department of Labor & Training, 1511 Pontiac Avenue, Building 70, 2nd floor Conference Room, Cranston, RI on September 2, 2009 at 9:00 am for the revocation of RM1 and RM1 license #00006140. This is a continuation of that hearing. Ben Copple swears in Normand Charron and Clifford Whiting, Mechanical Inspector, City of Providence. Board Member, Bobby Joe Harris, recuses himself from this violation. Clifford Whiting, Mechanical Inspector addressed the board. The board questioned Mr. Whiting. Normand Charron addressed the board. The board questioned Mr. Charron. Tim Byrne made a motion that violation #3697, violation of RIGL 28-27-21-licence be revoked for 1 year pending any further violations, seconded by Fred Foeri, passed unanimously by the board. Mr. Charron has already paid the \$500.00 fine.

Board Member Tim Byrne recuses himself. The board will listen to testimony from the previous meeting:

2) Richard Rodrigues, R & R Services-viol#3773, Jared Marchand-viol#3775, Gordon Hardy-viol#3774, All parties are sworn in, Ted Whittaker, Sr. Chief Mechanical Investigator read the violations: #3773-On August 24, 2009, board member Tim Byrne noticed individuals doing service at Panera Bread, Division Street, East Greenwich, RI. The individuals were Jared Marchand of 492 Bark Street, Swansea MA 02777 and Gordon Hardy of 26 Chavenson

Street, Fall River, MA, neither individual holds a license in Rhode Island to do walk-in cooler service work. This is a violation of RIGL 28-27-4-“master pipefitting contractor; means a person having a regular place of business and who, by him or herself, or a journeyman pipefitter in his or her employ, performs pipefitting work subject to the provisions of this chapter and their rules and regulations and licensing criteria promulgated under this chapter. Two violations of \$500.00 each for a total of \$1000.00. #3774: On August 24, 2009, board member Tim Byrne noticed Gordon Hardy an employee of R & S Services, 376 Milford Street, Swansea Ma doing service on the walk-in coolers at Panera Bread, Division Street, East Greenwich, RI. Mr. Hardy is not license to do HVAC work in Rhode Island. This is a violation of RIGL 28-27-28-“practice for which a license is required”, one violation of \$500.00. and #3775: On August 24, 2009, board member, Tim Byrne noticed Jared Marchand an employee of R & R Services, 376 Milford Street, Swansea MA doing service on the walk-in coolers at Panera Bread, Division Street , East Greenwich, RI. Mr. Marchand is not licensed to do HVAC work in Rhode Island. This is a violation of RIGL 28-27-28-“practice for which a license is required”, one violation of \$500.00. Mr. Hardy has taken the exam and passed and Mr. Marchland is scheduled to take the exam. Tim Byrne board member addressed the board. Richard Rodrigues, R & R Services addressed the board. Jared Marchand addressed the board and Gordon Hardy addressed the board. The board questioned all parties; testimony will now be heard by the full board. Mike Januario made a motion that viola #3773 did occur,

seconded by Jack King. Passed unanimously by the board. Mike Januario made a motion that the fine of \$1000.00 be suspended for 1 year pending no further violations, seconded by Bobby Joe Harris, not all in favor, two oppose. Dennis Brennan made a motion that the fine of \$1000.00 be upheld, seconded by Fred Foeri, Roll Call on vote, all in favor, 1 oppose.

Viol #3774-Gordon Hardy-Terry Regan made a motion that viol #3774 did occur, seconded by Jack King. Passed unanimously by the board. Terry Regan made a motion that the fine of \$500.00 be upheld, seconded by Fred Foeri. Passed, 1 oppose.

Viol #3775-Jared Marchand-Terry Regan made a motion that viol#3775 did occur, seconded by Fred Foeri. Passed unanimously by the board. Terry Regan made a motion that the fine of \$500.00 be upheld, seconded by Jack King. Passed, 1 oppose.

3) Anthony Emma-viol#3766. Atty. David DeStefano representing Mr. Emma.

Ben Copple swears in Mr. Emma. Ann Breton read the violation: It has come to the attention of this department that information presented to the Mechanical Board at a hearing held on 9/2/09 at this department that in fact you were the holder of the Master license in the mechanical trades for S T Smith Heating AC. An advertisement in the 2008 yellow pages indicates that S T Smith did advertise to do installation of heating and air conditioning. The advertisement does not show any Master License. This is a violation of RIGL 28-27-5-“practice for which a Master or Contractor license required”,

“All Masters shall carry this license on their person at all times while so engaged, and shall affix their master’s license number to any advertisement ...” One violation of \$500.00. A hearing will be held at the RI Department of Labor & Training, 1511 Pontiac Avenue, Building 70, 2nd Floor Conference Room, Cranston RI on November 4, 2009 at 9:00 am, your attendance is required. Atty. DeStefano addressed the board, Anthony Emma addressed the board, the board questioned Mr. Emma. Tim Byrne made a motion to allow Atty. Izzi, who represents S T Smith to address the board, seconded by Mike Januario, passed, 1 oppose. Atty. Izzi addressed the board. Tim Byrne made a motion that there is no violation in regard to viol# 3766, seconded by Dennis Brennan. Passed unanimously by the board.

4) Thomas Zampa, c/o S T Smith Heating & AC-viol#3710, continuation from 9/2/09. BC read the violation: A complaint was received by this department pertaining to an advertisement by S T Smith Heating & AC, advertising for the purpose of installing Air Conditioning. Upon reviewing the advertisement and the corporation papers of S T Smith. Mr. Zampa is not properly licensed to do Air Conditioning work in Rhode Island. Mr. Zampa holds a Pipefitter Master # license #2572. This is a violation of RIGL 28-27-5-“practice for which a master or contractor license is required.” One violation of \$500.00. Tim Byrne made a motion that viol#3710 did occur, seconded by Fred Foeri. Passed unanimously by the board. Tim Byrne made a motion that the fine of \$500.00 be upheld, seconded by Jack King. Passed unanimously by the board.

End of hearings.

David Studley addressed the board in regard to request to be able to sit for the Pipefitter Master II exam now, even though he is 5 months shy of his eligibility date of 2/22/2010. Testimony will be given to the full board at the next meeting and then a decision will be rendered. The board listened to the testimony of Mr. Studley. Tim Byrne made a motion to allow Mr. Studley to sit for the November exam, seconded by Steven Gray. Passed unanimously by the board.

Elias Richardson III addressed the board in regard to Geothermal Installation, and whether or not a license is required and if so, what type of license. Testimony will be given to the board before clarification can be made. The board listened to testimony, Tim Byrne made a motion that Mr. Richardson has to be license in accordance with the Rhode Island Mechanical statute, seconded Dennis Brennan. Passed unanimously by the board.

Michael Melo sent in a request to be able to reinstate his license without having to retake the exam. Mr. Melo's license expired in 2005.

Tim Byrne made a motion that Mr. Melo must retest, seconded by Bobby Joe Harris. Passed unanimously by the board.

A motion to accept the minutes from the last meeting was made by

Tim Byrne and seconded by Terry Regan. Passed unanimously by the board.

A motion to adjourn was made by Dennis Brennan and seconded by Jack King. Passed unanimously by the board.

The meeting adjourned at 11:30 am.

The next meeting will be on Wednesday, December 2, 2009 at 9:00 am.