

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

Wednesday, September 7, 2011

In attendance: Timothy Byrne

Stanley Davies, Chairman

Robert Eva

Fred Foeri

Steven Gray

Bobby Joe Harris

Michael Januario

Jack King

Quinlan T. Regan

Edward J. Whittaker, Sr., Chief Investigator

Benjamin Copple, Legal Counsel

Not in attendance: Dennis Brennan

Raymond Freitas

The meeting was called to order at 9:17 am by Stanley Davies.

Dispensing of the minutes was held until after the hearings.

HEARINGS:

1.) Oscar Tremblay (Violation # 4110): Oscar Tremblay and Ted Whittaker, Sr. Chief Mechanical Investigator, are sworn in for testimony. Ted Whittaker read the violation: Date: 8/4/2011; Violation # 4110; Mechanical / Refrigeration; Oscar Tremblay c/o Oscar Tremblay Refrigeration Co, 15 Keith Drive, Attleboro, MA 02703; Location of Violation - Len's Hot Dog Haven, 122 Hoyt Ave, Rumford, RI, 02916; Violation - On or about May 31, 2011, a compressor was installed at the above mentioned address. Our records indicate that you hold a Pipefitters Master II License #3443. This license does not cover the scope of work performed at this location. This is a violation of RIGL 28-27-5, "Practice for which master or contract license required." One Violation at \$500.00. This complaint was generated by the owner of Len's Hot Dog Haven Inc.

The Board questions Ted Whittaker. Oscar Tremblay addressed the Board. The Board questions Mr. Tremblay. A photograph was entered as Exhibit A. Copies of the respondent's license were entered as Exhibits B and C (two sides of the same card. The Board questions Mr. Tremblay. The Board questions Mr. Whittaker. Tim Byrne made a motion that Violation # 4110 did occur; seconded by Quinlan T. Regan. The vote was seven (7) in favor and one (1) opposed. The motion carries. Tim Byrne made a motion that the fine of \$500.00 be upheld; seconded by Fred Foeri. The vote was two (2) in favor, four (4) opposed and two (2) abstentions. An alternate motion was made. Michael Januario made a motion to suspend the

fine for one year; provided no violation occur within one year the penalty will be dismissed; should a violation occur within one year the penalty will be reinstated and owed in full; seconded by Bobby Joe Harris and passed unanimously by the Board. Mr. Tremblay was informed that if he would like to obtain his license he would have to be retested.

End of hearings.

MINUTES:

Regarding the minutes of the August 3, 2011 meeting, Fred Foeri made a motion to accept the minutes; seconded by Bobby Joe Harris and passed unanimously by the Board.

OTHER BUSINESS:

Ted Whittaker gave an update regarding violations paid and sent.

RULES & REGULATIONS:

Ben Copple, Legal Counsel, addressed the Board regarding a review of the Rules and Regulations. He requested postponing the review for a few months. Ted Whittaker inquired if there was anything legislatively that the Department is looking at that might affect RIGL 28-27. Mr. Copple addressed the Board.

Quinlan T. Regan made a motion to adjourn; seconded by Steven Gray and passed unanimously by the Board.

The meeting adjourned at 9:38am.

The next meeting is scheduled for Wednesday, October 5, 2011 at 9:00am.