

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

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

Wednesday, August 1, 2012

9:00am

In attendance: Dennis Brennan

Timothy Byrne

Stanley Davies, Chair

Fred Foeri

Steven Gray

Bobby Joe Harris

Michael Januario

Jack King

Quinlan T. Regan

Charles Wright

Robert Eva was not in attendance.

The meeting was called to order at 9:05 am by Chairman, Stanley Davies.

Agenda items were heard out of order. Dispensing of the minutes

was held until after the hearings.

HEARINGS: Hearings were conducted out of order to accommodate witnesses.

Wayne Johnson – Aurora Fuel, Inc. (Violation # 4231): Attorney Kathleen Hagerty represents Wayne Johnson and Aurora Fuel. Wayne Johnson, President and owner of Aurora Fuel, and E. Patrick Luther, DLT Investigator, are sworn in for testimony. E. Patrick Luther reads the violation:

Date of Violation: 3/30/12; Violation # 4231

Name of Violator: Wayne Johnson, Aurora Fuel, Inc. 191 Pulaski St, West Warwick, RI 02893

Location of Violation: Coventry Reminder - March 27, 2012 Edition

Violation: RIGL 28-27-5 Practices for which master or contractor license required

On March 27, 2012 in an advertisement in the Coventry Reminder, placed by Wayne Johnson of Aurora Fuels Inc., Aurora Fuels Inc. advertised that burner service was available by their company. After further investigation it was determined that Aurora Fuels Inc. does not have a master pipefitters license within its firm or corporation and that the owners Wayne and Melinda Johnson do not hold master pipefitters licenses in RI. This is a violation of the above referenced RI General Law.

A \$500.00 fine was assessed.

E. Patrick Luther provides testimony. Mr. Luther enters the Coventry Reminder received in the mail as Exhibit A and a copy of the advertisement from the March 27, 2012 that Aurora Fuel placed advertising burner service as Exhibit B. Mr. Luther is questioned by the Board and Attorney Hagerty.

Wayne Johnson is questioned by the Board. Mr. Luther is questioned.

A copy of the PJF Oil Burner Service / Journey 2 license for Wayne Johnson's employee, Keith Chase, is entered as Exhibit C.

Wayne Johnson provides testimony. The Board questions Mr. Johnson.

Regarding Violation 4231, Aurora Fuel, Tim Byrne made a motion that, based on testimony provided today and information provided, Mr. Johnson does not own a Master Pipefitter's license yet employs someone within the trade; that a violation of 28-27-5, "Practices for which a master or contractor license require" did, in fact, occur; seconded by Jack King, Charles Wright and Dennis Brennan and passed unanimously by the Board.

Tim Byrne made motion that the penalty of \$500.00 be upheld; seconded by Bobby Joe Harris and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

Anthony J. Vessella – Lincoln Energy (Violation # 4282): Anthony J. Vessella and E. Patrick Luther are sworn in for testimony. Mr. Luther read the violation.

Date of Violation: 6/29/2012; Violation # 4282

Name of Violator: Lincoln Energy, Anthony J. Vessella, 195 James P. Murphy Highway, West Warwick, RI 02893

Location of Violation: Washington Trust 2174 Plainfield Pike Johnston, RI

Violation: RIGL 28-27-5.1 Practices for which a journeyman or apprentice license required.

On 6-19-2012, Anthony J. Vessella did have Henry B. Manville, Jr., 93 Wolcott Rd Brookline, MA 02467, working on the HVAC system at the above location. Mr. Mainville does not have a RI License. This is a violation of the above referenced RI General Law.

A \$500.00 fine was assessed.

Mr. Luther provides testimony. Mr. Luther enters documentation

showing Henry Manville's license was not paid for after passing the test in 2008 as Exhibit A and Henry Manville's 2008 testing information is entered as Exhibit B.

Anthony J. Vessella provides testimony.

Tim Byrne made a motion pertaining to Violation 4282, a violation of RIGL 28-27-5.1, Practices for which a journey person or apprentice license required, did occur; seconded by Jack King and passed unanimously by the Board.

Tim Byrne made a motion to suspend the fine for one (1) year pending no further violations; seconded by Charles Wright and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

Atlantic Mechanical Contractors – Paul Grata (Violation # 4262): Paul Gratta, owner of Atlantic Mechanical Contractors, and Robert Gaj, Investigator, are sworn in for testimony. Robert Gaj reads the violation.

Violation # 4262

Name of Violator: Atlantic Mechanical Contractors, Paul Gratta, 1047 Washington Street, Weymouth, MA 02189

Location of Violation: Mobil Gas, Putnam Pike Smithfield, Rhode

Island

Violation: On April 26, 2012, John Cushman and John Baranick, employees of Atlantic Mechanical Contractors, were observed replacing a condensing unit. Neither Mr. Cushman or Mr. Baranick possessed any form of Rhode Island refrigeration license as required in Rhode Island General Law 28-27-5.1 Practices for which a journeyman or apprentice license required.

Atlantic Mechanical Contractors is not in possession of any form of Rhode Island refrigeration license as required in Rhode Island General Law 28-27-5, Practices for which master or contractor license required, to contract for, or engage in, refrigeration work in the State of Rhode Island.

This is four violations of RIGL 28-27 (two unlicensed employees, contracting and engaging).

A \$2,000.00 fine was imposed, \$500.00 for each violation.

Robert Gaj provides testimony. A packet of eight (8) photographs is entered as Exhibit A. The Board questions Mr. Gaj.

Paul Grata, owner of Atlantic Mechanical Contractors provides testimony.

Charles Wright made a motion that, according to Violation 4262, a violation did occur at the Mobil Gas Station on Putnam Pike, Smithfield RI by Atlantic Mechanical Contractors did occur; seconded by Bobby Joe Harris and passed unanimously by the Board.

Charles Wright made a motion in relation to Violation 4262; having found that there was a violation, as per RIGL 28-27-24 \$500 per violation for a total of \$2,000.00 be assessed to Atlantic Mechanical Contractors; seconded by Tim Byrne and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

End of hearings.

CRAIG FINIZIA – PETITION THE BOARD TO SIT FOR THE PIPEFITTER MASTER 2 TEST: Craig Finizia is requesting to take the Pipefitter Master 2 exam. Mr. Finizia has a Pipefitter Journeyman 2 (PJ2) license since 6/30/2011 and has held that license for just over one year. By law one must hold the (PJ2) license for three years to take the Pipefitter Master 2 exam.

Charles Wright made a motion to deny Craig Finizia's request to sit for the Pipefitter Master 2 exam; seconded by Tim Byrne and passed unanimously by the Board.

DISCUSSION OF PIPEFITTER AND REFRIGERATION SCOPE OF WORK, AKA COOLING TOWERS, CHILLED WATER: Pat Luther addressed the Board. Mr. Luther had sent a request to Valentino Lombardi, Legal Department, asking whose job it was to pipe off the cooling towers. It was determined by Legal that cooling towers was refrigeration work. Mr. Luther is requesting a discussion to clarify the scope of work for cooling tower piping, 6 inch schedule 80 water piping. There is a discussion. Stanley Davies recommended a committee be formed to study the matter and the regulations. Mr. Davies recommended Tim Byrne, Jack King and Charlie Wright to the committee.

CONFLICT OF INTEREST – LEGAL COUNSEL WILL ADDRESS THE BOARD CONCERNING COMPLIANCE WITH CONFLICT OF INTEREST REQUIREMENTS: Benjamin Copple, Legal Counsel, addressed the Board. There will be a training workshop again some time in September. Mr. Copple made the Board aware that they are subject to the Ethics Commission requirements.

MINUTES: Regarding the minutes of the previous meeting on February 1, 2012, Charles Wright made a motion to approve the minutes as presented; seconded by Bobby Joe Harris and passed

unanimously by the Board.

ADJOURNMENT: A motion to adjourn was made by Charlie Wright; seconded by Bobby Joe Harris and passed unanimously by the Board.

The meeting adjourned at 10:29 am.

The next meeting is scheduled for Wednesday, September 5, 2012 at 9:00am.