

**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, November 7, 2012

9:00am

In attendance: Dennis Brennan

Timothy Byrne

Stanley Davies, Chair

Fred Foeri

Steven Gray

Michael Januario

Jack King

Quinlan T. Regan

Charles Wright

Robert Eva and Bobby Joe Harris were not in attendance.

**Also in attendance were; Nick Ranone, Chief Mechanical Investigator;
E. Patrick Luther, Investigator; and Benjamin Copple, Legal Counsel.**

1. – Call to Order: The meeting was called to order at 9:07am by

Chairman, Stanley Davies. A moment of silence was observed for Ted Whittaker.

2. – Approval of minutes from October 3, 2012 meeting: A motion was made by Tim Byrne to accept the minutes from the October 3, 2012 meeting as presented; seconded by Charles Wright and passed unanimously by the Board.

3. – Conflict of Interest: Benjamin Copple, Legal Counsel, addressed the board regarding conflicts of interest. If there is a personal or business relationship with anyone appearing before the board there may be a conflict of interest.

4. - HEARINGS:

Horacio Tavares, Horacio's Welding and Sheet Metal (Viol 4366): E. Patrick Luther, Investigator; and Horacio Tavares are sworn in for testimony. Nicholas Ranone, Chief Mechanical Investigator reads the violation.

Violation Date 9/4/2012; Violation 4366

Name of Violator: Horacio Tavares / Horacio's Welding and Sheet Metal, 861 Pine Hill Dr, New Bedford, MA 02745

Location of Violation: Piezonis, 40 Sokonosett Crossroads, Cranston, RI

Violation: RIGL 28-27-5.1 Practices for which a journeyperson or

apprentice license required (2)

On July 2, 2012, Horacio Tavares did have Jorge Gomes and Daniel Cunha, Jr. installing duct work at the above location. None of the individuals hold a RI Sheetmetal or pipefitter license. This is a violation of the above referenced RI General Law.

Requested fine: \$1,000.00. Investigator was E. Patrick Luther.

E. Patrick Luther provides testimony. The Board questions Mr. Luther.

Horacio Tavares, President of Horacio's Welding and Sheet Metal, provides testimony. The Board questions Mr. Tavares.

The Board again questions Mr. Luther.

Quinlan T. Regan made a motion that a violation of RIGL 28-27-5.1, Practices for which a journeyman or apprentice license required, did occur; seconded by Fred Foeri and passed unanimously by the Board.

Quinlan T. Regan made a motion that the fine of \$1,000.00 upheld but will be suspended for one year pending any further violation during that time; if Horacio's Welding and Sheet Metal does not have another violation before the Board during that time the fine will be dismissed;

seconded by Dennis Brennan and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

5. – Proper servicing of rooftop HVAC units:

Charles Wright, board member, addressed the board regarding self contained Rooftop HVAC units and what license is required to service the unit, pipefitting or refrigeration. Mr. Wright stated that years ago the practice was that since it was “self contained unit” on the roof and a refrigeration person was sent to service the unit and it was noticed that something was wrong with the circuit handling the heat the we didn’t make them send two mechanics. It was an unwritten practice. The reason being is the “self contained” part of it. The issue has recently come up as to what is to be done. Mr. Wright also stated that, according to the law, if the person is fixing the refrigeration they need a refrigeration license; if the person is there to fix the heat they need to be a licensed pipefitter; if you ask the law. Mr. Wright stated that the unwritten view of the matter has been in place for a long time.

Tim Byrne stated that it was explained to him that to “set” the unit either a pipefitter license or refrigeration license was needed because of the dual purpose of the unit. Once set, the connection of the sheet metal would be done by a sheet metal license, refrigeration by a refrigeration license and heating by a pipefitting license. Then the question was what about troubleshooting. There is an electrical

issue because the controlling is for both heating and refrigeration. Mr. Byrne states it was explained to him that they always stretched that to mean either license could service on the heating because it controls both cycles. The only separation of the licensing was in the physical connection of the cycles.

It is more toward the service end where the issue is.

Benjamin Copple, Legal Counsel, recommends that now that we have a new investigator beginning in January a subcommittee be appointed to update the Rules and Regulations.

The discussion continues. Charles Wright asked what can be done to assist Investigator, Nick Ranone, in the mean time. Terry Regan feels the investigator should use discretion. Discussion continues.

New Business:

State Fire Marshall's Office: Charles Wright informed the Board that the State Fire Marshall's Office is telling individuals that all they need to install or service fire suppression systems (ansul systems) is the State Fire Marshall's License and do not need a license from DLT. Mr. Wright states individuals need the State Fire Marshall's license before testing but a license from the Department to install and a permit. Mr. Wright states the State Fire Marshall's office is passing out wrong information. Mr. Wright explained that the prerequisite for a license

from DLT is the State Fire Marshall's license. Individuals bring the State Fire Marshall's license to DLT as proof for testing. Stan Davies will speak to the State Fire Marshall's Office.

Old Business:

Dennis Brennan noted that the decision regarding Steven Clift's request to take the Refrigeration Journeyman 2 exam has not been rendered yet. It has been two months.

6. - ADJOURNMENT: A motion to adjourn was made by Charlie Wright; seconded by Dennis Brennan and passed unanimously by the Board.

The meeting adjourned at 9:40am.