

**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, June 5, 2013

9:00am

In attendance: Dennis Brennan

Timothy Byrne

Stanley Davies, Chair

Fred Foeri

Bobby Joe Harris

Michael Januario

Jack King

Quinlan T. Regan

Charles Wright

Robert Eva and Steven Gray were not in attendance.

Also in attendance were Nick Ranone, Chief Mechanical Investigator and Mary Ellen McQueeney-Lally, Legal Counsel and Angelyne Cooper, Legal Counsel.

1. – Call to Order: Stanley Davies called the meeting to order at 9:14am.

2. – Minutes of April 3, 2013 meeting: The dispensing of the minutes was held until after the hearings. Motion by Bobby Joe Harris, seconded by Charles Wright and passed unanimously by the Board.

Following the hearings Tim Byrne made a motion to accept the minutes of April 3, 2013; seconded by Dennis Brennan and passed unanimously by the Board.

3. – Conflict of Interest: Mary Ellen McQueeney-Lally reminded board members that they are operating pursuant to the Ethics Commission and the Ethics Rules and Regulations and therefore, if any member has a conflict of interest with any matter before the board it should be stated and the matter should not be discussed or voted upon. If there is a conflict the board member(s) should recuse themselves.

4. – HEARINGS:

John F. Debar – Ocean State Chimney Service – Violation 4521: John F. Debar is present. John F. Debar, respondent, and Nick Ranone, Investigator, are sworn in for testimony. Nick Ranone reads the violation.

Date: 2/7/13

Violation # 4521

Name of Violator: John F. Debar, Ocean State Chimney Service, 52 main St, Wakefield, RI 02879

Location of Violation: Bruce & Lisa Johnson, 21 Ontario Ave. Cranston, RI 02920

Violation: On 1-5-2012, John F. Debar did have his employee, Daniel Donnelly, install one (1) Legacy wood stove insert at the above mentioned location. Mr. Donnelly is not licensed to do this type of work in the State of RI.

This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.

The fine is \$500.00.

The Board questions Mr. Ranone. Mr. Ranone testifies that Daniel Donnelly was issued a warning and has since taken Decorative Heating Appliance license exam, passed the exam and now holds the license. Mr. Ranone also testifies that John Debar has no previous violations.

John Debar provides testimony to the board. Mr. Debar presents an email from Nick Ranone stating the need for 2 years experience for the Decorative Heating Appliance license, for the Board to review.

Board members address Mr. Debar.

Tim Byrne made a motion that Violation 4521, that on 2/7/13 Mr. Donnelly did not possess a license and a violation of RIGL 28-27-28, Practices for which a license is required, did, in fact, occur; seconded by Dennis Brennan and passed unanimously by the Board.

Tim Byrne made a motion that the fine of \$500.00 for Violation 4521 be upheld; seconded by Dennis Brennan. There was no opposition.

Mr. Debar addressed the board. Mr. Debar is informed that this is a recommendation to the Director and has the right to appeal.

Mr. Debar inquires of the board as to the reason for upholding the fine. Mr. Debar is informed that at the particular time Mr. Donnelly did not have a license. Mr. Debar states that he was also doing the work.

The board has a discussion of apprenticeship. Mr. Debar is asked if Mr. Donnelly was working on the job alone. Mr. Debar states he was not.

Michael Januario made a motion to revisit both motions now that new facts have come to light. Charles Wright seconds the motion. By a show of hands the vote was 6 in favor and 2 opposed with Tim Byrne and Dennis Brennan in opposition.

Michael Januario made a motion on Violation # 4521 that there was no

violation. Charles Wright and Jack King seconded the motion. The vote was 6 in favor and 2 opposed with Tim Byrne and Dennis Brennan in opposition.

The recommendation will be forwarded to the Director's office.

Violation 4525 – John A. Campopiano; Violation 4525 – Douglas Melillo; and Violation 4526 – GEM Plumbing & Heating Co

The hearing for John A. Campopiano, Violation 4524 began. John A. Campopiano, respondent, and Wade Hawkins, Project Manager for GEM were sworn in for testimony. Nick Ranone, DLT Investigator, was previously sworn. The violation was read into the record. It is noted that Violations 4524 – John A. Campopiano; 4525 – Douglas Melillo; and 4526 GEM Plumbing & Heating Co. are all related. As testimony from GEM relates to the employee violations, the board then decided to hear Violation 4526, GEM Plumbing & Heating Co first.

GEM Plumbing & Heating, Co. – Violation 4526: Leonard Gemma, owner of GEM, and Douglas Melillo, GEM employee, are sworn in for testimony. Nick Ranone, DLT Investigator; John A. Campopiano, GEM employee; and Wade Hawkins, GEM Project Manager, were previously sworn in for testimony. Nicholas Gorra, Esq. represents GEM.

Nick Ranone reads the violation.

Date: 2/19/13; Violation # 4526

**Name of Violator: GEM Plumbing & Heating Co., 1 Wellington Rd,
Lincoln, RI 02865**

Location of Violation: Boloco, Rt. 2 Warwick, RI 02886

Violation: On 2-14-2013, Gem Plumbing & Heating did have two (2) of their employees, John A. Campopiano and Douglas Melillo, working unsupervised installing duct work at the above mentioned location. This is two (2) violations of RIGL 28-27-4.3 " Pipefitter apprentice", "refrigeration / air conditioning apprentice", "journeyperson sprinkler fitter apprentice", and "journey person sheet metal worker apprentice" defined - Duration of apprentice program.

Fine is \$1,000.00. Two (2) violations at \$500.00 each.

The Board questions Mr. Ranone. The Board requests the testimony of witness, Robert Gaj, DLT Chief Licensing Examiner. The Board continues questioning Mr. Ranone.

Robert Gaj is present and is sworn in for testimony. The Board questions Mr. Gaj.

The Board questions Leonard Gemma, owner of GEM.

Mr. Ranone states that the facts pertaining to Douglas Melillo are the same as Mr. Campopiano. Mr. Melillo had nothing further to add.

Attorney Nicholas Gorra, questions Wade Hawkins, GEM Project Manager. Attorney Gorra submits the time record as Exhibit A and the Separation Notice for Phil Martin as Exhibit B.

There is discussion.

Voting then took place regarding Violations 4524 and 4525. Before the vote on Violation 4526, Nick Ranone informs the board that the facts are the same.

Tim Byrne addressed the board clarifying that Violation 4526 is for two (2) employees working unsupervised installing the duct work.

Tim Byrne made a motion pertaining to Violation 4526 that a single violation of RIGL 28-27-4.3 did in fact occur. The motion was seconded by Charles Wright. Attorney Gorra, GEM Mechanical Legal Counsel, addressed the Board. The Board has a discussion. The vote was 4 in favor (Brennan, Foeri, Januario and Wright) and 4 opposed (Byrne, Harris, King, Regan). As the vote was tied, Stan Davies, Chair, voted in favor. By a vote of 5 in favor and 4 opposed, the motion carries. A single violation of RIGL 28-27-4.3 occurred.

Regarding the penalty for Violation 4526 that has been reduced to one

(1) violation at \$500.00, Charles Wright made a motion that that fine be imposed. There is no second. Motion does not carry. There will be no fine imposed.

The recommendation will be forwarded to the Director's office.

John A. Campopiano – Violation 4524: Testimony was heard along with Violation 4525, Douglas Melillo and Violation 4526, GEM Plumbing & Heating Co as they are related. Parties have been sworn in for testimony.

Nick Ranone previously read the violation.

Date 2/18/13, Violation # 4524

Name of Violator: John A. Campopiano, 25 Wakefield Ave, Cranston, RI 02920

Location of Violation: Boloco, Rt. 2 Warwick, RI 02886

Violation: On 2-14-2013, Mr. Campopiano was installing ductwork at the above mentioned location. Mr. Campopiano holds a valid refrigeration apprentice license with the State of RI, but was working unsupervised. This is one (1) violation of RIGL 28-27-4.3 " Pipefitter apprentice", "refrigeration / air conditioning apprentice", "journeyman sprinkler fitter apprentice", and "journeyman sheet metal worker apprentice" defined-duration of apprentice programs.

The fine is \$500.00.

Pertaining Violation # 4524, Tim Byrne made a motion based on testimony presented that a violation of RIGL 28-27-4.3 did occur. The motion is seconded by Fred Foeri / Charles Wright. There is a discussion. The motion passed unanimously by the Board.

Regarding the penalty, Tim Byrne made a motion that the requested fine of \$500.00 be suspended for one (1) year pending no further violations; seconded by Dennis Brennan and passed unanimously by the Board.

The recommendation will be forwarded to the Director's office.

Douglas Melillo – Violation 4525: Parties have been sworn in for testimony. Nick Ranone addressed the Board stating that Violation 4525 is the same as Violation 4524, John A. Campopiano. Testimony by all parties was previously heard with Violation 4524, John A. Campopiano and Violation 4526, GEM Plumbing & Heating Co as they are related.

Date: 2/18/13; Violation 4525

Name of Violator: Douglas Melillo, 217 Gordon Ave, Warwick, RI 02889

Location of Violation: Boloco, Rt. 2Warwick, RI 02886

Violation: On 2-14-2013, Mr. Melillo was installing ductwork at the above mentioned location. Mr. Melillo holds a valid refrigeration apprentice license with the State of RI., but was working unsupervised. This is one (1) violation of RIGL 28-27-4.3 " Pipefitter apprentice", " refrigeration / air conditioning apprentice"," journeyperson sprinkler fitter apprentice", and journeyperson sheet metal worker apprentice" defined-duration of apprentice programs.

Nick Ranone noted that there is a typographical error in the violation. Douglas Melillo holds a valid Sheet Metal apprentice license not a Refrigeration apprentice license.

Tim Byrne made a motion pertaining to Violation 4525, violation of RIGL 28-27-4.3, based on testimony and evidence submitted at the hearing, there is no violation. Charles Wright seconded the motion and it is subsequently withdrawn. There is a discussion. Tim Byrne repeats his motion that no violation occurred. The motion is seconded by Quinlan T. Regan. The motion passed unanimously by the Board.

The recommendation will be forwarded to the Director's office.

Michael Jean – MJ Heating & Air Conditioning – Viol 4462: There was

no representative for Michael Jean – MJ Heating & Air Conditioning present. Notice of today’s hearing was sent by Certified Mail and Regular Mail. Certified Mail was returned. Regular mail was not.

Nick Ranone reads the violation.

Date: 12/7/2012; Violation #4462

**Name of Violator: Michael Jean – MJ Heating & Air Conditioning
57 Wilbur St, Apt 1, Fall River, MA 02724**

**Location of Violation: Former Eclipse Building - 240 Bald Hill Rd.,
Warwick, RI 02886**

Violations:

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

RIGL 28-27-5.1 Practices for which a journeyperson or apprentice license required.

RIGL 28-27-20 State and municipal inspections and installation permits.

On 11-29-2012, Michael Jean (MJ Heating and Air Conditioning) contracted for and did have two (2) of his employees, Eric Chasse and Michael D. Jennings, installing a ductless air conditioning system at the above mentioned location. Mr. Chasse and Mr. Jennings hold no licenses to perform this type of work and are not registered apprentices with the State of RI. This is two (2) violations of the

above referenced RI General Law 28-27-5.1

Mr. Jean does hold a valid RI Refrigeration journeyman 1 license. Mr. Jean does not hold a RI Refrigeration Master 1 or 2 license to conduct this type of business in the State of RI. This is one (1) violation of the above referenced RI General Law 28-27-5.

Also, no permit was issued with the town of Cranston. This is one (1) violation of the above referenced RI General Law 28-27-20. This is four (4) violations at \$ 500.00 each. Total \$ 2,000.00.

Stan Davies addressed the Board that the location of the building is in the City of Warwick and therefore would not be on a Cranston permit and that he inspected the building. Mr. Davies thinks there was a permit obtained but does not know who obtained it.

Mr. Ranone notes that the violations for Mr. Chasse and Mr. Jennings were paid.

Dennis Brennan made a motion to table Violation 4462 to next month or until the board gets verification of a permit obtained in Warwick. The motion was seconded by Tim Byrne. The motion passed unanimously.

The matter is tabled.

**Power Technologies, Inc. – Mark Weiland – Violation 4529:
Postponed.**

End of hearings.

Nicholas Garro, GEM Mechanical Legal Counsel, addressed the board requesting them to reconsider their decision on Violation 4524, John A. Campopiano.

5. – ADJOURNMENT: A motion to adjourn was made by Fred Foeri; seconded by Dennis Brennan and passed unanimously by the Board.

The meeting adjourned at 10:30am.