

**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, September 4, 2013

9:00am

In attendance: Dennis Brennan

Stanley Davies, Chair

Steven Gray

Bobby Joe Harris

Michael Januario

Quinlan T. Regan

Charles Wright

Timothy Byrne, Robert Eva, Fred Foeri and Jack King were not in attendance.

Also in attendance were Nick Ranone, Chief Mechanical Investigator; and Angelyne E. Cooper, Legal Counsel.

1. – Call to Order: Stanley Davies called the meeting to order at 9:10am.

2. – Minutes of August 7, 2013 meeting: Motion was made by Bobby Joe Harris to accept the minutes of the August 7, 2013 meeting, seconded by Dennis Brennan and passed unanimously by the Board.

3. – Conflict of Interest: Angelyne Cooper, Legal Counsel, addressed the Board reminding the board members that they are subject to RI conflict of interest laws. If a member has a conflict they need to recuse themselves from hearing the matter and voting.

4. – Notice of Legal Department Training – Monday, September 30, 2013 8:30am – 1:00pm: Board members received notice of the Legal Department’s Annual Training scheduled for Monday, September 30, 2013 8:30am – 1:00pm.

5. – HEARINGS:

RW Bruno HVAC Mechanical Contractor – Violation 4597:

E. Patrick Luther, DLT Investigator; Nicholas Ranone, DLT Investigator; Glenn Bruno, RW Bruno; and Kevin McAloon, RW Bruno, are sworn in for testimony.

Nicholas Ranone reads the violation.

Violation written: 4/24/2013

Name of Violator: RW Bruno HVAC Mechanical Contractor, 40 Albion Rd, Lincoln, RI 02865

Location of Violation: Woonsocket Elks Club 380 Social St Woonsocket, RI 02895

Violations:

On 12-21-2012, R W Bruno contracted to perform the rebuilding of a circular pump on the heating system at the above mentioned location.

R W Bruno is properly licensed to do this type of work in the State of RI.

The employee that was sent to perform the work, Scott Avarone, is not properly licensed to do this type of work in the State of RI.

This is one (1) violation of RIGL 28-27-5.1 Practices for which a journeyman or apprentice license required.

The investigator was E. Patrick Luther.

Henry Payette Jr, Woonsocket Elks, is sworn in for testimony.

E. Patrick Luther provides testimony. Henry Payette addressed the Board. The Board questions Mr. Ranone, Mr. Luther and Glenn

Bruno.

Glenn Bruno addressed the Board and provides testimony.

Henry Payette addressed the Board.

The Board continues questioning parties and reviews invoices.

Mr. Bruno addressed the Board. Questioning continues.

Relative to Violation 4597 at the Woonsocket Elks Club by RW Bruno HVAC Mechanical Contractor, 40 Albion Rd, Lincoln, RI, Charles Wright made a motion that there was a violation by Scott Avarone as Mr. Avarone is a Refrigeration Journeyperson and it was stated there was no air conditioning on the job violation did occur; seconded by Bobby Joe Harris. There was no opposition. Motion passed.

Dennis Brennan made a motion that the fine of \$500.00 be upheld; seconded by Bobby Joe Harris and passed unanimously by the Board.

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

Power Technology Inc HVAC – Violation 4632:

There was no representative present from Power Technology Inc

HVAC. The matter will be continued.

Robert S. Karsulavitch – Violation 4637:

Robert S. Krsulavitch is sworn in for testimony. Nicholas Ranone was previously sworn. Nicholas Ranone reads the violation.

Violation written: 6/25/2013; Violation # 4637

Name of Violator: Robert S. Karsulavitch, 66 Revere St. Pawtucket, RI 02861

Location of Violation: Youngsik Yoon 46 Kindergarten St. Woonsocket, RI 02895

Violation:

On 5-14-2013, Robert S. Karsulavitch contracted for the installation of supply and return hot water heating piping to an existing boiler at the above mentioned location. Mr. Karsulavitch does not hold the proper license to do this type of work in the State of RI. This is one (1) violation of RIGL 28-27-5 Practices for which master or contractor license required.

Also, no permit was issued with the Town of Woonsocket. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Two (2) violations at \$500.00 each. Total \$1000.00.

The Board questions Nicholas Ranone. Mr. Ranone presents a plumbing contract for the Board to review.

Robert S. Karsulavitch addressed the Board and provides testimony. The Board questions Mr. Karsulavitch.

There is discussion.

The Board questions Mr. Ranone.

Testimony continues. The Board continues questioning parties. There is discussion.

Charles Wright made a motion on Violation 4637, relative to Robert S. Karsulavitch, with the testimony received and without being able to cross examine parties mentioned in testimony; that a violation did not occur; seconded by Bobby Joe Harris and passed unanimously by the Board.

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

Townsend Industrial Contracting Inc – Violation 4652:

Townsend Industrial Contracting, Inc is represented by Attorney Joseph Anesta. Carl Townsend of Townsend Industrial Contracting

is sworn in for testimony.

Attorney Joseph Anesta informed the Board that he is also representing the three employees who are also appealing their violations: Violation 4654, Paul S. Lyman Jr; Violation 4655, Daniel P. Bekkenhuis; and Violation 4656, Frank L. Rourke. As all violations originated from the same incident, testimony for Violation 4652, 4654, 4655 and 4656 was heard at the same time.

Having been previously sworn, Nicholas Ranone, Investigator, reads the violation.

Date: 7/23/2013; Violation # 4652

Name of Violator: Townsend Industrial Contracting Inc, 815 Woburn St Wilmington, MA 01887

Location of Violation: Providence College Power plant River Ave Providence, RI 02909

Violation:

Townsend Industrial Contracting (TIC), contracted for and on 7-17-2013 had three (3) of their employees, Paul S. Lyman, Daniel P. Bekkenhuis, and Frank L. Rourke engaging in this fabrication of black iron pipe for the steam system at the above mentioned location. None of these three (3) employees are licensed to do this type of work in the State of RI. This is three (3) violations of RIGL 28-27-5.1 Practices for which a journeyperson or apprentice license required.

Also, TIC is not a licensed contractor with the State of RI. This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business.

No permit was issued with the City of Providence. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.

Five (5) violations at \$500.00 each. Total \$2,500.00.

Nicholas Ranone is questioned by the Board and provides testimony. Photographs are reviewed.

The Board questions Carl Townsend.

Attorney Joseph Anesta questions Mr. Ranone. The Board also questions Mr. Ranone. Attorney Anesta continues questioning stating correct name of the corporation is Townsend Welding Co. Inc.

Mr. Ranone presents a business card with the name Townsend Industrial Contracting Inc provided to him for the Board to review.

Attorney Joseph Anesta presents a copy of Contractor Registration & Licensing Board card for Townsend Welding Co Inc. for review.

Questioning and testimony continues.

Attorney Anesta addressed the Board. Carl Townsend addressed the Board.

The Board questions Carl Townsend.

Angelyne Cooper, Legal Counsel for the Board, addressed the Board for clarification. As Attorney Anesta has previously indicated, he is also representing the employees who also received violations and the facts are all from the same initial violation there will be separate votes for the company's violation and the employees' violations and there is no need to hear testimony again. Attorney Anesta requests that Mr. Ranone read each of the employee violations into the record.

Dennis Brennan made a motion that Violation 4652 did occur; seconded by Charles Wright; and passed unanimously by the Board.

Michael Januario made a motion that Violation 4652 fine for \$2,500.00 be upheld; seconded by Charles Wright and Bobby Joe Harris and passed unanimously by the Board.

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

Paul S. Lyman Jr – Violation 4654:

Paul S. Lyman, Jr. was not present and was represented by Attorney

Joseph Anesta. Testimony was previously heard.

Having previously been sworn Nicholas Ranone read the violation into the record.

Date: 7/23/2013; Violation # 4654

Name of Violator: Paul S. Lyman Jr, 82 Bridge St, Salem MA 01970-4149

Location of Violation: Providence College Power Plant River Ave Providence, RI 02909

Violation:

On 7-17-2013, Paul S. Lyman was witnessed engaging in the fabrication of black iron pipe at the above mentioned location. Mr. Lyman is not licensed to do this type of work in the State of RI. This is one (1) violation of RIGL 28-27-5.1 Practices for which a journeyman or apprentice license required.

Fine \$500.00.

Regarding Violation 4654, Charles Wright made a motion that a violation did occur; seconded by Bobby Joe Harris and passed unanimously by the Board.

Regarding the fine relative to Violation 4654, Charles Wright made a motion that the \$500.00 per RIGL 28-27-24 be upheld; seconded by

Bobby Joe Harris and passed unanimously by the Board.

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

Daniel P. Bekkenhuis – Violation 4655:

Daniel P. Bekkenhuis was not present and was represented by Attorney Joseph Anesta. Testimony was previously heard.

Having previously been sworn Nicholas Ranone read the violation into the record.

Date: 7/23/2013; Violation # 4655

Name of Violator: Daniel P. Bekkenhuis, 12 Avon St, Reading, MA 01867-3632

LOCATION OF VIOLATION: Providence College Power Plant River Ave Providence, RI 02909

VIOLATION:

On 7-17-2013, Daniel P. Bekkenhuis was witnessed engaging in the fabrication of black iron pipe at the above mentioned location. Mr. Bekkenhuis is not licensed to do this type of work in the State of RI.

This is one (1) violation of RIGL 28-27-5.1 Practices for which a journeyman or apprentice license required.

Fine \$500.00.

Regarding Violation 4655, Charles Wright made a motion that there is indeed a violation and it be upheld; seconded by Quinlan T. Regan and passed unanimously by the Board.

Regarding the fine relative to Violation 4655, Charles Wright made a motion that the \$500.00 per RIGL 28-27-24 be upheld; seconded by Michael Januario and passed unanimously by the Board.

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

Frank L. Rourke – Violation 4656:

Frank L. Rourke was not present and was represented by Attorney Joseph Anesta. Testimony was previously heard.

Having previously been sworn Nicholas Ranone read the violation into the record.

Date: 7/23/2013; Violation # 4656

Name of Violator: Frank L. Rourke, 122 11th St, Lowell, MA 01850-2102

LOCATION OF VIOLATION: Providence College Power Plant River Ave Providence, RI 02909

VIOLATION:

On 7-17-2013, Frank L. Rourke was witnessed engaging in the fabrication of black iron pipe at the above mentioned location. Mr. Rourke is not licensed to do this type of work in the State of RI.

This is one (1) violation of RIGL 28-27-5.1 Practices for which a journeyperson or apprentice license required.

Fine \$500.00.

Regarding Violation 4656, Charles Wright made a motion that there was indeed a violation and it be upheld; seconded by Quinlan T. Regan and passed unanimously by the Board.

Regarding the fine relative to Violation 4656, as per RIGL 28-27-24 a fine of \$500.00, Charles Wright made a motion that the fine of \$500.00 be upheld; seconded by Quinlan T. Regan and passed unanimously by the Board.

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

End of hearings.

6. – Nicholas Ranone – request for Master Mechanical Contractor (MMA) license:

Ronald D'Ambruoso, Administrator, addressed the Board. Nicholas Ranone is applying for his Master Mechanical Contractor's license. Mr. D'Ambruoso has reviewed the application and presents the application to the Board for review and approval.

Charles Wright made a motion that after reviewing the qualifications of Mr. Ranone, he be granted the Master Mechanical Contractor license by the State of RI Department of Professional Regulation licensing Board; seconded by Bobby Joe Harris and passed unanimously by the Board.

7. – Election of Officers:

Ronald D'Ambruoso, Administrator, addressed the Board that the Board is due for election of officers.

Angelyne Cooper, Legal Counsel, addressed the Board. Pursuant to RIGL 28-27-2 nominations are now in order for the position of Chairperson. Ms. Cooper asks if there are any nominations for Chairperson. Bobby Joe Harris nominates Stanley A. Davies for the position of Chairperson. Dennis Brennan nominates (Quinlan) Terrance Regan for the position of Chairperson.

Charles Wright made a motion due to the lack of four board members, which might sway an election, that the matter be postponed and properly advertised on the next meeting notice.

There is discussion

Michael Januario seconds the motion that the matter be postponed and advertised for the next meeting.

There was a vote and the motion passed with Bobby Joe Harris being the only opposition. Election of officers will be placed on the October agenda.

**** Charles Wright addressed the Board regarding Board appointments and expirations. There is discussion. It is recommended that board members submit letters of reappointment to the Department.**

8. – ADJOURNMENT: A motion to adjourn was made by Bobby Joe Harris; seconded by Dennis Brennan and passed unanimously by the Board. The meeting adjourned at 10:30am.