

**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, March 5, 2014

9:00am

In attendance:

Stanley Davies, Chair

Fred Foeri

Steven Gray

Bobby Joe Harris

Jack King

Quinlan T. Regan

Charles Wright

**Board members not in attendance: Dennis Brennan, Timothy Byrne,
Robert Eva and Michael Januario.**

**Also in attendance were Nick Ranone, Chief Mechanical Investigator;
Valentino Lombardi, DLT Legal Counsel; and John Shaw,
Administrator**

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

2. – Minutes of December 4, 2013 meeting: Motion was made by Charles Wright to accept the minutes of the previous meeting of December 4, 2013 as presented, seconded by Fred Foeri and passed unanimously by the Board.

3. – Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Valentino Lombardi, DLT Legal Counsel, addressed the Board reminding board members they are subject to the ethics rules. If a member has a conflict with any matter coming before the board, they need recuse themselves from hearing the matter and voting on the matter. Legal Counsel is available for any questions.

4. – HEARINGS:

Richard L. Bolvin III, Modern Mechanical LLC – Viol 4768: Respondent, Richard Bolvin; E. Patrick Luther, RI DLT Investigator; and Nicholas D. Ranone, RI DLT Investigator are sworn in for testimony. Mr. Ranone reads the violation.

VIOLATION WRITTEN: 1/9/2014; VIOLATION #: 4768

**NAME OF VIOLATOR: Richard L. Bolvin III – Modern Mechanical LLC,
373 Burnside Ave Apt 3, Woonsocket, RI**

**LOCATION OF VIOLATION: Sunoco gas station 1163 Putnam Pike
Glocester, RI 02814**

INVESTIGATOR: E. Patrick Luther

VIOLATION: On 12-9-2013, Mr. E. Patrick Luther witnessed Mr. Erik S. Eliason, an employee of Modern Mechanical LLC, 373 Burnside Ave, Apt. 3, Woonsocket, RI 02895, installing refrigeration equipment for a new walk-in cooler at the above mentioned location.

Mr. Eliason is not licensed to do this type of work in the State of RI.

This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business (paragraph 2, section b).

Fine is \$500.00

All parties provide testimony and are questioned by the Board.

Based upon the evidence presented Bobby Joe Harris moved that a Violation 4768 did occur; seconded by Charles Wright and passed unanimously by the Board.

Bobby Joe Harris made a motion that the fine be suspended for a

period of one (1) year and if the respondent has no further violations the matter may be dismissed; seconded by Jack King and passed unanimously by the Board.

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

Richard S. Crowley, AAA Sprinkler Co. Inc. – Violation 4710: Richard S. Crowley (AAA Sprinkler Co. Inc.) is sworn in for testimony. Nicholas Ranone, Investigator, was previously sworn in for testimony. Mr. Ranone reads the violation.

DATE WRITTEN: 10/24/2013; VIOLATION #: 4710

NAME OF VIOLATOR: Richard S. Crowley, AAA Sprinkler Co. Inc., 33 Plan Way – 3B, Warwick, RI 02886

LOCATION OF VIOLATION: Corner Bakery Café 1301 Bald Hill Rd. Warwick, RI 02886

VIOLATION: On 10-18-2013, I, Nicholas Ranone, witnessed a Mr. John Lawrence, 34 Norfolk Rd. Warwick, RI, working at a pipe threading machine handling black iron pipe and fittings at the above mentioned location. Mr. Lawrence is an employee of AAA Sprinkler Co. Inc. Mr. Lawrence admitted to me that he was helping with the installation of the sprinkler system and that he was an unlicensed, unregistered apprentice working for AAA Sprinkler Co.

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.

The violation was amended on 12/20/2013. Violation Number, Name of Violator and location remain the same. The violation reads:

VIOLATION:

On 10-18-2013, I, Nicholas Ranone, witnessed Mr. John Lawrence, 34 Norfolk Rd. Warwick, RI, working at a pipe threading machine handling black iron pipe and fittings at the above mentioned location. Mr. Lawrence is an employee of AAA Sprinkler Co. Inc. Mr. Lawrence admitted to me that he was helping with the installation of the sprinkler system and that he was an unlicensed, unregistered apprentice working for AAA Sprinkler Co.

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

Fine \$500.00.

The Board questions Mr. Ranone.

Richard Crowley provides testimony and is questioned by the Board.

Nicholas Ranone submits a photograph of Mr. Lawrence working at the pipe machine as Exhibit A.

Regarding Violation 4710 based on the photograph of Mr. Lawrence working and the testimony of Mr. Crowley, Steven Gray made a motion that a violation did occur; seconded by Charles Wright and Bobby Joe Harris and passed unanimously by the Board.

Steven Gray made a motion that the fine of \$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.

**Robert S. Karsulavitch DBA Bob K Plumbing Services – Viol 4716:
Robert Karsulavitch is sworn in for testimony. Nicholas Ranone was previously sworn. Nicholas Ranone reads the violation.**

DATE WRITTEN: 11/13/2013; VIOLATION #: 4716

NAME OF VIOLATOR: Robert S. Karsulavitch DBA Bob K Plumbing Service, 66 Revere St, Pawtucket, RI 02861

**LOCATION OF VIOLATION: Christine Florio, 28 Young Orchard Ave.
Warwick, RI 02888**

VIOLATION: On 11-5-2013, I, Nicholas Ranone, received a complaint from homeowner, Christine Florio, against Mr. Robert Karsulavitch, DBA: Bob K. Plumbing Service. Ms. Florio stated to me that she contacted Mr. Karsulavitch from his ad on Craigs List and contracted with him for the sum of \$200.00 to repair some frozen heating pipes in her basement. Ms. Florio was very dissatisfied with Mr. Karsulavitch's attitude so she contacted me to find out if he was properly licensed. On 11-6-2013 I visited Ms. Florio's home at the above mentioned location to get a written statement from her and also to view the work that was done by Mr. Karsulavitch and to get a copy of the bill that he wrote and gave to Ms. Florio.

Mr. Karsulavitch did contract and engage in repairing some heating pipes at Ms. Florio's home. Mr. Karsulavitch does not hold a pipefitter's license to do this type of work in the State of RI. This is two (2) violations of RIGL 28-27-5 Practices for which master or contractor license required.

The fine is \$1,000.00

Mr. Ranone submits a packet of five (5) pages: witness statement from Ms. Florio, statement of work signed by Mr. Karsulavitch and 3 photographs. The five (5) documents are marked Exhibit A.

Mr. Ranone and Mr. Karsulavitch provide testimony and are questioned by the Board.

Regarding Violation 4716, Charles Wright made a motion that two (2) violations did occur; seconded by Fred Foeri and passed unanimously by the Board.

Charles Wright made a motion that the fine of \$1,000.00 per RIGL 28-27-24 be upheld; seconded by Fred Foeri and passed unanimously by the Board.

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

William Harfst – Viol 4758: William Harfst does not appear. Notice of today's hearing was sent to William Harfst at 269 Great Rd, North Smithfield, RI 02896 by both certified and regular mail. The certified mail was returned by the post office. The regular mail was not. Having confirmed notice, the Board proceeded with the hearing. Nicholas Ranone, having been previously sworn, reads the violation into the record.

DATE WRITTEN: 1/9/2014; VIOLATION #: 4758

NAME OF VIOLATOR: William Harfst, 269 Great Rd, North Smithfield, RI 02896

LOCATION OF VIOLATION: Vixen Styles, 722 Tiogue Ave., Coventry, RI 02816

VIOLATION: On 12-5-2013, I, Nicholas Ranone, received a complaint from Mr. Randy Burt against Mr. William Harfst. On 12-6-2013, I met with Mr. Burt at the above mentioned location which is a clothing store owned by his daughter. He informed me that in August 2013, with a verbal contract, he hired Mr. Harfst to install a complete HVAC system for his daughter at Vixen Styles. Mr. Burt showed me the installation of a hot air furnace, an air conditioning coil and duct work in the attic and a condensing unit outside in the back of the building, all of which Mr. Burt witnessed Mr. Harfst and his two (2) employees install. I have a written witness statement from Mr. Burt confirming this installation.

For Mr. Harfst to contract for and engage in this type of work in the State of RI, he must hold a Pipefitter Master License, a Refrigeration Master License and a Sheet Metal Master license. Mr. Harfst does not hold any of these licenses in the State of RI. This is six (6) violations of RIGL 28-27-5 Practices for which master or contractor license required.

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

Seven (7) violations at \$500.00 each. Total \$3500.00.

Nicholas Ranone submits evidence: Exhibit A, four (4) pages, consisting of a witness statement by Randy Burt (3 pages) and a copy of a text message (1 page); Exhibit B, the returned certified mail of the hearing notice.

Nicholas Ranone provides testimony and is questioned by the Board.

Charles Wright made a motion that Violation 4758 did occur and seconded by Quinlan T. Regan. There was no opposition. Motion carried.

Charles Wright made a motion that the requested fine of \$3,500.00 per RIGL 28-27-24 be upheld and seconded by Quinlan T. Regan. There was no opposition.

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

End of hearings.

**5. – Revocation Hearing – Thomas H. Brightman Jr – Viol 4772:
Thomas H. Brightman, Jr. is sworn in for testimony. Nicholas Ranone, Investigator, was previously sworn. Mr. Ranone reads the**

violation.

Date Written: 01/27/2014; Violation #: 4772

Name of Violator: Thomas H. Brightman, Jr. – SMM1 0006785, 50 Cedar Dr, No. Stonington, CT 06359

Location of Violation: Taco Bell Dowling Village Rt. 146A No. Smithfield, RI 02896

Violation: On 10-23-2013, Mr. Thomas H Brightman Sr. (father of Thomas H. Brightman Jr., SMM1 #00006785) did contract, engage and take a permit out with the Town of No. Smithfield for the installation of duct work for himself as a sheet metal contractor at the above mentioned location. Mr. Brightman Sr. does not hold any license to do this type of work in the State of RI.

I, Nicholas Ranone, Chief Investigator, obtained a notarized letter, written and signed by Thomas H. Brightman Jr. and Thomas H. Brightman Sr. stating "My father is authorized to use these credentials. He is allowed to sign permits in place of me". I also spoke with Mr. Brightman, Jr. and he stated that he did write this letter.

This is three (3) violations of the below referenced RIGL 28-27-21 Grounds for Revocation of License (3), (4), (6).

RIGL 28-27-21 (3) Knowingly hiring, directly aiding or assisting any

person to engage in the work specified for a pipefitter or refrigeration/air conditioning or fire protection sprinkler contractor/sprinkler fitter master or journeyperson or sheet metal contractor or journeyperson sheet metal worker when that person does not have a license as provided in this chapter.

RIGL 28-27-21 (4) Willfully and fraudulently loaning his or her license to any other person for the purpose of permitting that person to engage in any work in violation of this chapter.

RIGL 28-27-21 (6) Willfully violating any of the provisions of this chapter including the rules, regulations and licensing criteria guide promulgated under this chapter.

In the alternative, the three (3) violations cited above are each subject to a \$500.00 fine for a total of \$1,500.00.

Nicholas Ranone enters documents as exhibits: Exhibit A, Mechanical Permit; Exhibit B, Letter.

Testimony is provided.

Legal Counsel addressed the Board.

Testimony and discussion continues.

In relation to Violation 4772, Charles Wright made a motion that a violation did not occur. Motion was seconded by Quinlan T. Regan and Bobby Joe Harris.

The motion was clarified by Charles Wright that a violation did not occur and be dismissed and no revocation of license. The motion was seconded by Fred Foeri. The motion passed unanimously.

6. – Discussion of Possible limited fire sprinkler license: Discussed in conjunction with Agenda item #7.

7. – Discussion of Rules and Regulation changes: Discussed in conjunction with Agenda item #6.

Charles Wright, board member, addressed the Board and submitted files regarding revised Rules and Regulations and proposed licenses.

Mr. Wright recommends holding a special meeting to for the board review the material as a board to approve the changes and proposed licenses and / or make any corrections or changes. Mr. Wright informed the board of some to the recommendations.

There is discussion of proposed limited fire sprinkler license.

Board members request a separate special meeting for review the

material.

8. – Discussion of RIGL 28-27-21: Passed

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