

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

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

**Cranston, RI 02920**

**Friday, May 6, 2015**

**In attendance:**

**Timothy Byrne**

**Stanley Davies, (Chair)**

**Fred Foeri**

**Steven Gray**

**Bobby Joe Harris**

**Michael Januario**

**Jack King**

**Quinlan T. Regan**

**Charles Wright**

**Board Members Dennis Brennan and Robert J. Eva were not in attendance.**

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

**1.) Call to Order: Chair, Stanley Davies called the meeting to order at 9:08am.**

**2.) Minutes of the April 3, 2015 Meeting: Charles Wright made a motion to accept the minutes of April 3, 2015 meeting as presented; seconded by Tim Byrne and passed unanimously by the Board.**

**3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Val Lombardi, DLT Legal Counsel, reminds board members that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest, financial or otherwise, and should recuse from hearing and voting on the matter. Legal Counsel is available for any questions.**

**4.) Violation Appeal Hearings:**

**David R. Raposa – Raposa Climate Control Systems – Violation 5002: David R. Raposa is sworn in for testimony. Attorney Stephen Burke represents Mr. Raposa. Attorney Burke waived the reading of the violation and addressed the Board that a settlement was proposed to Assistant Director Joseph Degnan and Mr. Degnan advised to present**

it to the Board. Any recommendation from the Board is presented to the Director. Tim Byrne made a motion to hear the violation on the record and then move on the violation at that point. Michael Januario agreed that the Board should hear the violation as they normally do. Charles Wright seconded the motion and it was passed unanimously.

Attorney Burke waives the reading of the violation. For purposes of the minutes the violation is as follows:

#### **Violation 5002**

**Name of Violator: David R. Raposa – Raposa Climate Control Systems**

**Location of Violation: RI Nutrition, 883 W. Main Rd., Middletown, RI 02842**

**Violation: On 11-21-2014, I, Nicholas Ranone, Chief Mechanical Investigator and Mr. Robert Fratus, Chief Electrical Investigator, witnessed Mr. David R. Raposa, owner of Raposa Climate Control Systems, servicing a packaged rooftop HVAC unit on the roof at the above mentioned location. When we approached Mr. Raposa he stated that he received a call from the property manager, Ms. Jean Alvanas, that the heat in the business stated above was not working. After speaking with Ms. Alvanas it was confirmed that she did call Mr. Raposa for this service call. Ms. Alvanas did go on to say that she does call Mr. Raposa for HVAC service at other properties that she manages.**

**Mr. Raposa is not licensed to do this type of work in the State of RI. A Refrigeration and / or Pipefitter Master license would be needed. This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.**

**Furthermore, the pick up truck that Mr. Raposa had on site did have his company logo imprinted on it. Also, Mr. Raposa is advertising for Plumbing, Heating and Air conditioning on the internet. Mr. Raposa does not hold a plumbing, pipefitting or refrigeration license with the State of RI, which would allow him to advertise. This is one (1) violation of RIGL 28-27-19 License displayed in place of business.**

**Two (2) violations at \$1,500.00 each. Total \$3,000.00.**

**Attorney Burke presents the case and settlement to the Board.**

**The Board continued hearing the violation. Nicholas Ranone provides testimony. Mr. Ranone and Mr. Raposa are questioned by the Board. Attorney Burke question parties.**

**Tim Byrne made a motion that a violation of RIGL 28-27-28 Practices for which a license is required did, in fact, occur. Regarding the violation of RIGL 28-27-19 License displayed in place of business, Mr. Byrne moves to relieve the violation. Therefore there was only one**

**act. Charles Wright seconded the motion. There is discussion. All were in favor. Motion carries.**

**Attorney Burke addressed the board.**

**Regarding Violation 5002 and the fine pertaining to the violation of “Practices for which license is required”, Tim Byrne made a motion that the fine of \$1,500.00 be upheld. The motion is seconded by Quinlan T. Regan. There is discussion. The motion passes unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**\*\*Testimony for Violations 5048, 5049 and 5050 was heard together. Ismail Ouldsfiya (owner of TempTec Mechanical), Robert Garrin, John Silva and Nicholas Ranone, Chief Mechanical Investigator are sworn in for testimony.**

**Nicholas Ranone reads violation 5048.**

**Violation 5048: Ismial Ouldsfiya, TempTec, 84 Sprague St, Providence, RI 02907.**

**Location of Violation: Kinsley Bldg., 334 Westminster St., Providence, RI 02909**

**Violation: On 1-23-2015, I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and approached Mr. Robert J. Garrin and Mr. John W. Silva, two (2) employees of TempTec Mechanical, Providence, RI. Both Mr. Garrin and Mr. Silva admitted to me that they were installing duct work on that particular job. Neither Mr. Garrin nor Mr. Silva hold a Sheet Metal license, nor are they registered apprentices with the State of RI that would allow them to engage in this type of work.**

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

**Mr. Ranone informs that Violation 5049 for John W. Silva reads the same. Violation 5050 for Robert J. Garrin reads the same.**

**Testimony for violations 5048, 5049 and 5050 is heard together. Nicholas Ranone, Ismail Ouldsfiya, Robert Garrin and John Silva provide testimony and are questioned by the board.**

**Ismail Ouldsfiya, TempTec – Violation 5048:**

**Relative to Violation 5048, Charles Wright made a motion that Violation 5048 did occur; seconded by Tim Byrne and passed unanimously by the Board.**

**Regarding the penalty for Violation 5048, Charles Wright made a**

**motion to uphold the fine of \$1,500.00 per RIGL 28-27-24; seconded by Tim Byrne and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**John W. Silva – Violation 5049:**

**Pertaining to Violation 5049, Tim Byrne made a motion that violation did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Regarding the penalty for Violation 0549, Tim Byrne made a motion that the fine of \$1,500.00 be upheld; seconded by Charles Wright and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Robert J. Garrin – Violation 5050:**

**Quinlan T. Regan made a motion that a violation did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Regarding the penalty, Quinlan T. Regan made a motion that the fine of \$1,500.00 be imposed; seconded by Tim Byrne and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Edward D. Barboza – Violation 5068: Edward D. Barboza is sworn in for testimony. Nicholas Ranone was previously sworn. Nicholas Ranone reads the violation.**

**Violation written 2/19/15; Violation #5068**

**Name of Violator: Edward D. Barboza**

**Location of Violation: Steven D. Vander Pyl (residence), 60 McCabe Ave., Pawtucket, RI 02861**

**Violation: On 2-13-2015, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Mr. Steven Vander Pyl against Mr. Edward Barboza (license # MP002244), regarding a boiler that Mr. Barboza installed without being properly licensed and not obtaining a permit from the City of Pawtucket for this installation at the above mentioned location.**

**I visited Mr. Vander Pyl at his home and viewed the boiler installation and obtained a written witness statement stating that he did in fact witness Mr. Barboza and "his helper" do the entire installation.**

**On 2-18-2015, I spoke with Mr. Barboza and he did admit that "he and his helper" did engage in the entire boiler installation.**

**Mr. Barboza does hold a valid RI Master Plumber's license (MP002244 ) which does not allow boiler installations. Mr. Barboza would need to hold a RI Pipefitter Master 1 or 2 license in order to engage in this type of work.**

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

**This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.**

**Two (2) violations at \$1,500.00 each. Total \$3,000.00.**

**Nicholas Ranone and Edward Barboza provide testimony and are questioned by the Board.**

**Regarding Violation 5068, Charles Wright made a motion that a violation did occur; seconded by Quinlan T. Regan. Fred Foeri, Steven Gray, Bobby Joe Harris, Michael Januario, Jack King, Quinlan T. Regan and Charles Wright were in favor. Tim Byrne abstained.**

**Regarding the penalty for Violation 5068, Fred Foeri made a motion to reduce the fine of \$3,000.00 to \$1,000.00; seconded by Charles Wright. Fred Foeri, Steven Gray, Bobby Joe Harris, Michael Januario, Jack King, Quinlan T. Regan and Charles Wright were in favor. Tim Byrne abstained.**

**The recommendation will be forwarded to the Director.**

**Deshanna S. Samii – Extra Mile Home Improvement LLC – Violation 5047: Ali Samii, an owner of Extra Mile Home Improvement LLC, is sworn in for testimony. Nicholas Ranone reads the violation.**

**Violation written: 1/29/2015; Violation #5047**

**Name of Violator: Deshanna S. Samii, Extra Mile Home Improvement LLC**

**Location of Violation: Internet**

**Violation: On 11-12-2014, it was brought to my attention that Mr. Deshanna S. Samii, Extra Mile Home Improvement LLC, 166 Valley St. Providence, was advertising on the internet, and his company vehicle was lettered with services that he provides for, that would require a RI Decorative Heating Appliance (DHA) license.**

**On 11-13-14, I placed a call to Mr. Deshanna S. Samii and explained to him that in order for him to advertise for these particular services he must hold a RI DHA license. I also noted to him that he must remove all ads and lettering from his company vehicle in order to comply with RI law.**

**On 1-13-2015, it was again brought to my attention that some of the ads and the lettering on the company vehicle were still present.**

**This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business.**

**Nicholas Ranone and Ali Samii provide testimony and are questioned by the board.**

**Tim Byrne made a motion that a violation of RIGL 28-27-6 did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Regarding the fine Tim Byrne made a motion to suspend the fine of \$1,500.00 for a period of one year pending no further violations. The motion was seconded by Charles Wright and passed unanimously by the Board.**

**The recommendation will be forwarded to the Director.**

**Brian J. Borzell – AES Chimney – Violation 5073: Does not appear. Notice of the hearing was sent to Bryan Borzell March 20, 2015 for the hearing by both certified and regular mail. Delivery could not be confirmed. Tim Byrne made a motion to notify for the next meeting; seconded by Charles Wright and passed unanimously. The matter is to be rescheduled.**

**5.) Discussion on the policy on “like for like” licenses from another state for qualifications for testing: Tim Byrne addressed the Board regarding out of state licenses used as qualifications for testing. Using Massachusetts as an example, the pipefitting law does not include the installation of gas. In Rhode Island pipefitting law it is unlimited gas. Therefore the Massachusetts pipefitting license is not equivalent to the RI license. Pipefitting and Gas fitting are a separate license in Massachusetts. Concern for allowing testing based on the MA pipefitting license is expressed as individuals will have no background in gas. There is discussion of “like” licenses used for qualifications for testing.**

**There is a need for a change in Rules and Regulations to establish clear standard criteria. Any grey area should come before the Board.**

**It is recommended that out of state license applications come before the Mechanical Board for approval.**

**It is requested to have a line item on future agendas for out of state applications.**

**6.) Old Business - Review of proposed changes to Rules & Regulations and proposed licenses: Passed.**

**7.) Adjournment: Motion made by Charles Wright to adjourn. There being no opposition, the meeting adjourned at 10:31am.**