

**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 2, 2015**

**In attendance: Timothy Byrne**

**Stanley Davies, (Chair)**

**Robert J. Eva**

**Fred Foeri**

**Michael Januario**

**Jack King**

**Anthony Vessella**

**Charles Wright**

**Board Members Dennis Brennan, Steven Gray and Quinlan T. Regan were not in attendance.**

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

**1.) Call to Order: Chair, Stanley Davies called the meeting to order at 9:10am.**

**2.) Minutes of the August 5, 2015 Meeting: Charles Wright made a motion to accept the minutes of August 5, 2015 meeting as presented; seconded by Mike Januario 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:**

**Richard Martir, Air-Mart Heating & Cooling – Violation 5165: Not present. Fine was paid before hearing. Hearing did not take place.**

**Gregory A. Luna – Violation 5166: Not present. Fine was paid before hearing. Hearing did not take place.**

**Almando Luna – Violation 5167: Not Present. Fine was paid before hearing. Hearing did not take place.**

**Violation 5224, 5225, 5226 and 5227: The following violations are grouped together for testimony: Heath E. Desso, Violation 5224; Jeffrey R. Azar, Violation 5225; Jason A. Boykin, Violation 5226 and Al Del Re, Liquid Ice Inc. Joel Goloskie, representing Violation 5224, 5225, 5226 and 5227 has no objection.**

**Al Del Re, owner of Liquid Ice, Inc. and Nick Ranone, Chief Mechanical Investigator, are sworn in for testimony. Heath E. Desso, Jeffrey R. Azar and Jason A. Boykin are not present. Mr. Del Re speaks on their behalf.**

**Nick Ranone reads Violation 5227 as summation of what occurred and provides testimony and is questioned by the Board. Mr. Ranone notes that Mr. Heath Desso (Violation 5224), Mr. Jeffrey Azar (Violation 5225) and Mr. Jason Boykin (Violation 5226) were also cited for working without a license.**

**Al Del Re, owner of Liquid Ice, Inc. provides testimony and is questioned by the Board.**

**Al Del Re – Liquid Ice Inc. – Violation 4227:**

**LOCATION OF VIOLATION: Cumberland Farms, 659 Reservoir Ave., Cranston, RI**

**VIOLATION: On 6-18-2015, I, Nicholas Ranone, Chief Mechanical Investigator, noticed a bucket truck aerial lift hoisting a refrigeration condensing unit to the roof, and three (3) Liquid Ice company vehicles in the parking lot at the above mentioned location. After further investigation, I witnessed three (3) employees of Liquid Ice Inc, Northborough, MA, Mr. Jeffrey R. Azar, Mr. Jason A. Boykin and Mr. Heath E. Desso, on the roof landing this condensing unit to its final resting destination. After speaking with all three (3) employees they did admit to being there to install an entire ice machine system. Mr. Azar, Mr. Boykin and Mr. Desso do not hold any RI refrigeration licenses that would allow them to engage in this installation. Furthermore, Mr. Del Re does not hold a RI Refrigeration Master license, nor does he have a licensed RI Refrigeration Master that is an officer of the corporation. This is two (2) violations of RIGL 28-27-6 Corporations and firms engaged in business (paragraph 1 and 2, licensed master is officer of corporation or entity possesses valid mechanical license. paragraph 2 b, licensed employees.).**

**Also, no permit was issued from the City of Cranston for this particular installation. This is one (1) violation of RIGL 28-27-20 State and municipal inspections and installation permits.**

**Upon inspection of the three (3) Liquid Ice company vehicles, none of them were properly lettered. This is one (1) violation of RIGL 28-27-19**

**License displayed in place of business.**

**Four (4) violations at \$1,500.00 each. Total \$6,000.00.**

**Regarding Violation 5227, Timothy Byrne made a motion that a violation of RIGL § 28-27-6 Corporations and firms engaged in business, RIGL § 28-27-20 State and municipal inspections and permits and RIGL § 28-27-19 License displayed in place of business did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Regarding the penalty for Violation 5227, Timothy Byrne made a motion that the fine of \$6,000.00 be upheld; seconded by Charles Wright and passed unanimously by the Board.**

**Heath E. Desso – Violation 5224:**

**LOCATION OF VIOLATION: Cumberland Farms 659 Reservoir Ave.  
Cranston, RI**

**VIOLATION: On 6-18-2015, I, Nicholas Ranone, Chief Mechanical Investigator, noticed a bucket truck aerial lift hoisting a refrigeration condensing unit to the roof at the above mentioned location. After further investigation, I witnessed three (3) employees of Liquid Ice Inc, Northborough, MA, Mr. Jeffrey R. Azar, Mr. Jason A. Boykin and Mr. Heath E. Desso, on the roof landing this condensing unit to its**

**final resting destination.**

**After speaking with all three (3) employees they did admit to being there to install an entire ice machine system.**

**Mr. Desso does not hold any RI Refrigeration license which would allow him to engage in this type of work.**

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

**Regarding Violation 5224, Heath Desso, Charles Wright made a motion that a violation of RIGL § 28-27-28 Practices for which license required did occur; seconded by Robert Eva and passed unanimously by the Board.**

**Regarding the penalty for Violation 5224, Heath E. Desso, Charles Wright made a motion to uphold the fine of \$1,500.00 per RIGL § 28-27-24; seconded by Robert Eva and passed unanimously by the Board.**

**Jeffrey R. Azar – Violation 5225:**

**LOCATION OF VIOLATION: Cumberland Farms, 659 Reservoir Ave., Cranston, RI**

**VIOLATION: On 6-18-2015, I, Nicholas Ranone, Chief Mechanical Investigator, noticed a bucket truck aerial lift hoisting a refrigeration condensing unit to the roof at the above mentioned location. After further investigation, I witnessed three (3) employees of Liquid Ice Inc, Northborough, MA, Mr. Jeffrey R. Azar, Mr. Jason A. Boykin and Mr. Heath E. Desso, on the roof landing this condensing unit to its final resting destination.**

**After speaking with all three (3) employees, they did admit to being there to install an entire ice machine system.**

**Mr. Azar does not hold any RI Refrigeration license which would allow him to engage in this type of work.**

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

**Regarding Violation 5225 for Jeffrey Azar, Timothy Byrne made a motion that a violation of RIGL § 28-27-28 did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Regarding the penalty for Violation 5225, Timothy Byrne made a motion to uphold the fine of \$1,500.00; seconded by Charles Wright and passed unanimously by the Board.**

**Jason A. Boykin – Violation 5226:**

**LOCATION OF VIOLATION: Cumberland Farms, 659 Reservoir Ave., Cranston, RI**

**VIOLATION: On 6-18-2015, I, Nicholas Ranone, Chief Mechanical Investigator, noticed a bucket truck aerial lift hoisting a refrigeration condensing unit to the roof at the above mentioned location. After further investigation, I witnessed three (3) employees of Liquid Ice Inc, Northborough, MA, Mr. Jeffrey R. Azar, Mr. Jason A. Boykin and Mr. Heath E. Desso, on the roof landing this condensing unit to its final resting destination.**

**After speaking with all three (3) employees, they did admit to being there to install an entire ice machine system.**

**Mr. Boykin does not hold any RI Refrigeration license which would allow him to engage in this type of work.**

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

**Regarding Violation 5226 for Jason Boykin, Charles Wright made a motion that a violation of RIGL § 28-27-28 Practices for which a license is required did occur; seconded by Timothy Byrne and Robert Eva. After discussion, the motion passed unanimously by the Board.**

**Regarding the penalty for Violation 5226, Charles Wright made a motion to uphold the fine of \$1,500.00 per RIGL § 28-27-24; seconded by Timothy Byrne and passed unanimously by the Board.**

**Violation 5248 & Violation 5249: Testimony for Violation 5248 and Violation 5249 is heard concurrently as they result from the same investigation. Ronald Barth, respondent; Joel Freitas, Construction Manager for Pierce Refrigeration; and Justin Freitas, respondent, are sworn in for testimony. Nicholas Ranone was previously sworn. Mr. Ranone reads Violations 5248 and 5249.**

**Nicholas Ranone provides testimony and is questioned by the Board.**

**Joel Freitas, Construction Manager for Pierce Refrigeration, provides testimony and is questioned by the Board.**

**Ronald P. Barth – Violation 5248:**

**LOCATION OF VIOLATION: Restaurant Depot, 140 Kenwood St, Cranston, RI 02907**

**VIOLATION: On 6-30-2015, I, Nicholas Ranone, Chief Mechanical Investigator, noticed two (2) Pierce Refrigeration vans parked outside of the above mentioned location. Upon entering the parking lot and approaching three (3) employees of Pierce Refrigeration, Mr. Celso P. Figueira, Mr. Ronald P. Barth and Mr. Justin Freitas, I witnessed Mr.**

**Figueira and Mr. Freitas working together installing copper piping on a refrigeration condensing unit. After speaking with Mr. Barth, he claimed to be the lead employee on the job site and admitted to helping with this particular installation.**

**Mr. Barth was working with an expired RI Refrigeration Journeyman 1 license (5-31-2015).**

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

**Regarding Violation 5248 Ronald Barth, Timothy Byrne made a motion that a violation of RIGL § 28-27-28 Practices for which a license is required did occur; seconded by Charles Wright and passed unanimously by the Board.**

**Regarding the penalty of \$1,500.00, Timothy Byrne made a motion the fine of \$1,500.00 be suspended for one year pending no further violation.**

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

**Justin Freitas – Violation 5249: The violation number on the agenda was erroneously listed at 5248. The correct violation number is 5249.**

**LOCATION OF VIOLATION: Restaurant Depot, 140 Kenwood St, Cranston, RI 02907**

**VIOLATION:** On 6-30-2015, I, Nicholas Ranone, Chief Mechanical Investigator, noticed two (2) Pierce Refrigeration vans parked outside of the above mentioned location. Upon entering the parking lot and approaching three (3) employees of Pierce Refrigeration, Mr. Celso P. Figueira, Mr. Ronald P. Barth and Mr. Justin Freitas, I witnessed Mr. Figueira and Mr. Freitas working together installing copper piping on a refrigeration condensing unit. After speaking with Mr. Barth, he claimed to be the lead employee on the job site and admitted to helping with this particular installation.

Mr. Freitas does not hold any RI Refrigeration license which would allow him 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.

Regarding Violation 5249 Justin Freitas, based upon testimony presented, Timothy Byrne made a motion that a violation of RIGL § 28-27-28 Practices for which a license is required did occur; seconded by Charles Wright. Byrne, Eva, Foeri, Januario, Vessella and Wright were in favor. King opposed. With a vote of six (6) in favor and one (1) opposed, the motion passed. There is discussion.

Regarding the penalty of \$1,500.00, Timothy Byrne made a motion that the fine of \$1,500.00 be suspended for one (1) year; seconded by Charles Wright. There is discussion. After discussion the motion passed unanimously.

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

**Eric J. Castro – Violation 5198: Eric Castro, respondent; E. Patrick Luther, Chief Plumbing Investigator for RIDLT are sworn in for testimony. Attorney Steven Wright represents Eric Castro. Nicholas Ranone, having previously been sworn, reads the violation.**

**LOCATION OF VIOLATION: Scarborough State Beach Pavilion, 970 Ocean Rd, Narragansett, RI 02882**

**VIOLATION: On 6-4-2015, Mr. E. Patrick Luther, Chief Plumbing Investigator, and I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and viewed numerous hand tools and a set of refrigeration gauges spread out inside the pavilion next to an ice cream machine with the side panel removed. After approaching Mr. Eric J. Castro he explained that he was called to service this particular machine because it was not operating properly, and he did admit to servicing this machine at this particular time. Mr. Castro does not hold any RI refrigeration license which would allow him to do this type of work. This is one (1) violation of RIGL 28-27-5 Practices for which master or contractor license required.**

**Also, Mr. Castro did not have a company name or license numbers displayed on his vehicle. 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.**

**Nicholas Ranone provides testimony and is questioned by the Board. Attorney Wright questioned Mr. Ranone.**

**There is discussion of RIGL § 28-27-28(2).**

**E. Patrick Luther provides testimony and is questioned by the Board and Attorney Wright.**

**A packet of 9 photographs is entered as Exhibit A.**

**Eric Castro is questioned by the Board and Attorney Wright.**

**Fred Foeri made a motion to wait on advice from legal counsel. There was no second. Motion failed.**

**Regarding Violation 5198, Charles Wright made a motion that a violation did occur of RIGL § 28-27-5 Practices for which master or contractor license required and RIGL § 28-27-19 License displayed in place of business; seconded by Timothy Byrne. There is discussion. Timothy Byrne addressed the board regarding Mechanical Board Rules and Regulations for the Refrigeration Journeyman Class 2 license paragraph 3 and the statute regarding the conveyance of**

**solids and liquids. After discussion a vote was taken. There was no opposition. Therefore, the motion passed unanimously.**

**Regarding the penalty of \$3,000.00, Timothy Byrne made a motion to uphold the fine of \$3,000.00; seconded by Charles Wright and passed unanimously by the Board.**

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

**End of hearings**

**Mr. Castro addressed the board regarding obtaining a license. Board members recommend Mr. Castro speak with Chief Mechanical Investigator, Nicholas Ranone.**

**5.) Old Business - Review of proposed changes to Rules & Regulations and proposed licenses: Not addressed**

**6.) Adjournment: Motion to adjourn made by Charles Wright; seconded by Michael Januario. All were in favor. The meeting adjourned at 10:37am.**