

**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, December 2, 2015

9:00am

In attendance: Timothy Byrne

Stanley Davies (Chair)

Robert J. Eva

Fred Foeri

Steven Gray

Michael Januario (arrived at 9:10am)

Jack King

Quinlan T. Regan

Anthony Vessella

Charles Wright

Board Member Dennis Brennan was 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 9:05am.

2.) Minutes of the November 4, 2015 Meeting: Charles Wright made a motion to accept the minutes of November 4, 2015 meeting as presented; seconded by Robert Eva 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, 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:

Anthony J. Spellman, Fire Inspectional Services – Violation 5294: Anthony Spellman of Fire Inspectional Services and Nicholas Ranone, RIDLT Chief Mechanical Investigator are sworn in for testimony. Mr. Ranone read the violation into the record.

LOCATION OF VIOLATION: Bristol Properties, 500 Wood St., Bristol, RI 02809

VIOLATION: On 8-3-2015, I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and witnessed Mr. James M. Drouin, an employee of Mr. Anthony J. Spellman, owner of Fire Inspectional Services, Bellingham, MA, threading a length of black iron pipe at an electric pipe machine. After approaching Mr. Drouin, he did admit that the length of pipe he was threading was for the repair / replacement of part of the fire sprinkler main that was defective. Upon further speaking to Mr. Spellman, he showed me the piping that was being replaced and did confirm that Mr. Drouin was there assisting with the repair work. Mr. Drouin does not hold any RI Sprinkler Fitter licenses that would allow him to engage in 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, unlicensed employees).

Also, the company vehicle that was on the job site was not lettered. This is one violation of RIGL 28-27-19 License displayed in place of business.

Two (2) violations at \$1,500.00 each; total \$3,000.00.

Mr. Ranone enters ten (10) documents: a copy of the violation and nine photographs; marked Exhibit A. Mr. Ranone is questioned by the Board.

Anthony Spellman provides testimony and is questioned by the Board.

Regarding Violation 5294, based on testimony and information presented, Timothy Byrne made a motion that a violation of RIGL § 28-27-6, Corporations and firms engaged in business and RIGL § 28-27-19 License displayed in place of business did occur. Charles Wright seconded the motion. Michael Januario abstained from the vote as he was late; all others were in favor. Motion passed.

Regarding the penalty for Violation 5294, Timothy Byrne made a motion to uphold the \$1,500.00 fine for RIGL § 28-27-6 for an unlicensed employee and for the violation of RIGL § 28-27-19 to give Mr. Spellman a period of time agreeable to Mr. Ranone to provide documentation that his company vehicle is being repaired and unavailable; if it is being then the fine be suspended for a period of one (1) year pending no further violations. However, if he does not then the fine should be imposed. Charles Wright seconded the motion. Michael Januario abstained from the vote as he was late; all others were in favor. Motion passed.

The Board's recommendation will be forwarded to the Department.

James M. Drouin – Violation 5293: Mr. Drouin is sworn in for

testimony. Mr. Ranone reads the violation.

LOCATION OF VIOLATION: Bristol Properties, 500 Wood St., Bristol, RI 02809

VIOLATION: On 8-3-2015, I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and witnessed Mr. James M. Drouin, an employee of Mr. Anthony J. Spellman, owner of Fire Inspectional Services, Bellingham, MA, threading a length of black iron pipe at an electric pipe machine. After approaching Mr. Drouin, he did admit that the length of pipe he was threading was for the repair / replacement of part of the fire sprinkler main that was defective.

Upon further speaking to Mr. Spellman he showed me the piping that was being replaced and did confirm that Mr. Drouin was there assisting with the repair work.

Mr. Drouin does not hold any RI Sprinkler Fitter licenses that would allow him to engage in 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.

Mr. Ranone is questioned by the Board. Mr. Drouin is questioned and provides testimony.

Regarding Violation 5293, Steven Gray made a motion that a violation

was committed. Charles Wright seconds the motion. All in favor. Motion passed.

Regarding the fine for Violation 5293, Steve Gray, made a motion, based on the testimony that the fine should be suspended for one (1) year pending no further violations. Charles Wright seconds the motion. The vote was 8:1 with Timothy Byrne in opposition. Motion passed.

The Board's recommendation will be forwarded to the Department.

Guy Clermont, Guy Clermont Plumbing & Heating, Inc. – Violation 5321: Guy Clermont of Guy Clermont-Plumbing and Heating was sworn in. Mr. Ranone reads the violation.

LOCATION OF VIOLATION: Leonard Linhores (residence), 16 Fairbanks Ave., East Providence, RI. 02914

VIOLATION: On 11-20, 2014, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Mr. Leonard Linhores against Mr. Guy Clermont, owner/operator of Guy Clermont Plumbing & Heating, Inc.

After visiting Mr. Linhores, I viewed the work that was done and obtained a written witness statement from him stating that he did in fact hire Mr. Clermont in July 2014 to install a complete central air

conditioning system in the attic of his home at the above mentioned location. He went on to explain that he filed a complaint because the central A/C system did not cool his home properly and he was not happy with some of the workmanship that Mr. Clermont did engage in.

I did speak with Mr. Clermont about this complaint, and he did admit to installing the central air conditioning equipment, all refrigeration piping, ductwork, and electrical with a helper.

Mr. Clermont does not hold any RI Refrigeration license that would allow him to engage in air conditioning work. This is one (1) violation of RIGL 28-27-28 Practices for which a license is required.

Also, no permit was issued with the City of East Providence. 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.

Mr. Ranone enters eight (8) documents: a copy of the violation, five (5) photographs and 2 pages of a witness statement marked as Exhibit A. Mr. Ranone is questioned by the Board.

Guy Clermont is questioned by the Board.

Regarding Violation 5321, Timothy Byrne made a motion that a violation was committed. There was a discussion regarding the

violation. Charles Wright seconds the motion. All were in favor. Motion passed.

Regarding the fine for Violation 5321, Timothy Byrne made a motion that the fine be upheld. Anthony Vessella seconds the motion. All were in favor. Motion passed.

The Board's recommendation will be forwarded to the Department.

The hearing for Violations 5361, 5362 and 5363 were held collectively as the three (3) violations are related to the same incident (employer and employees). William Stedman, President, Stedman & Kazounis Plumbing and Heating Inc, Eric Ficazzola, employee and Darren Tourgee, employees were absent from today's hearing. Nick Ranone confirmed for the Board that these individuals received notice of the hearing. William Kazounis, Vice-President, Stedman & Kazounis Plumbing and Heating Inc was present and sworn in. Nick Ranone read the violations.

Mr. Ranone enters seven (7) documents: a copy of the violation, six (6) photographs marked as Exhibit A.

Mr. Kazounis provides testimony and is questioned by the Board.

Eric P. Ficazzola – Violation 5361:

LOCATION OF VIOLATION: Donn & Rose Sconim (residence), 21 Anna Olivo Ct., Narragansett, RI 02882

VIOLATION: On 10-20-15, I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and witnessed Mr. Erik P. Ficazzola and Mr. Darren D. Tourgee, two (2) employees of Stedman & Kazounis Plumbing & Heating, Charlestown, RI, engaging in the installation of one (1) oil fired hot water boiler.

Mr. Ficazzola holds a valid RI Journeyman Plumber's license (# JP007509), which does not allow him to install boilers. To install a hot water boiler in the State of RI you will need to hold a RI Pipefitter's license or you must be a registered pipefitter apprentice.

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

Regarding Violation 5361, Charles Wright made a motion that a violation was RIGL § 28-27-28 was made. Quinlan Regan seconds the motion. All were in favor. Motion passed.

Regarding the fine for Violation 5361, Charles Wright made a motion to suspend the fine for one (1) year pending no other violations. Fred Foeri seconds the motion. All were in favor. Motion passed.

Darren D. Tourgee – Violation 5362:

LOCATION OF VIOLATION: Donn & Rose Sconim (residence), 21 Anna Olivo Ct., Narragansett, RI 02882

VIOLATION: On 10-20-15, I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and witnessed Mr. Erik P. Ficazzola and Mr. Darren D. Tourgee, two (2) employees of Stedman & Kazounis Plumbing & Heating, Charlestown, RI, engaging in the installation of one (1) oil fired hot water boiler. Mr. Tourgee does not hold any RI Pipefitter's license.

To install a hot water boiler in the State of RI you will need to hold a RI Pipefitter's license or you must be a registered pipefitter apprentice.

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

Regarding Violation 5362, Charles Wright made a motion that a violation was committed. Quinlan Regan seconds the motion. All were in favor. Motion passed.

Regarding the fine for Violation 5362, Charles Wright made a motion to suspend the fine for one (1) year pending no other violations. Robert Eva seconds the motion. All were in favor. Motion passed.

**William L. Stedman, Stedman & Kazounis Plumbing & Heating Inc. –
Violation 5363:**

**LOCATION OF VIOLATION: Donn & Rose Sconim (residence), 21
Anna Olivo Ct., Narragansett, RI 02882**

**VIOLATION: On 10-20-15, I, Nicholas Ranone, Chief Mechanical
Investigator, made a site visit to the above mentioned location and
witnessed Mr. Erik P. Ficazzola and Mr. Darren D. Tourgee, two (2)
employees of Stedman & Kazounis Plumbing & Heating, Charlestown,
RI, engaging in the installation of one (1) oil fired hot water boiler. Mr.
Ficazzola and Mr. Tourgee do not hold any RI Pipefitter's licenses, nor
are they registered apprentices in the State of RI which would allow
them to do this type of work.**

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

**Also, after checking with the Town of Narragansett, no permit was
issued for this boiler installation. 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.

**Regarding Violation 5363, Charles Wright finds there were violations
of RIGL(s) § 28-27-6 (paragraph 2, section b) and 28-27-20: There
were two violations and moved they be upheld. Quinlan Regan**

seconds the motion. All were in favor. Motion passed.

Regarding the fine for Violation 5363, Charles Wright made a motion to uphold the fine of \$3,000.00; seconded by Tim Byrne. All were in favor. Motion passed.

The Board's recommendation will be forwarded to the Department.

End of violation hearings

5) Korey Paul – Petition board to take the RI Pipefitter Journeyman 1 license exam

Nick Ranone addressed the Board that Korey Paul is present and seeking leniency in taking the RI PJ 1 Examination. Mr. Paul holds a Massachusetts Pipefitter Journeyman Unrestricted license which is not equivalent to the RI Pipefitter Journeyman 1 license.

Mr. Paul provides his testimony and is questioned by the Board. The Board reviewed material presented by Mr. Paul.

Regarding the Mr. Paul's petition to take Pipefitter Journeyman 1 license exam, based on information and documentation presented, Timothy Byrnes made a motion to deny the request. Charles Wright seconds the denial. All were in favor. Request denied.

The Board's recommendation will be forwarded to the Department.

6.) Old Business - Review of proposed changes to Rules & Regulations and proposed licenses: Charles Wright addressed the Board. Mr. Wright is working on the rules and regulations with Mr. Ranone and will bring them to the board for review and approval.

7.) Adjournment: Motion to adjourn made by Charles Wright. All were in favor. The meeting adjourned at approximately 10:47am.