

**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, October 5, 2016**

**9:00am**

**In attendance: Dennis Brennan**

**Timothy Byrne**

**Stanley Davies**

**Steven Gray**

**Michael Januario**

**Quinlan T. Regan**

**Anthony Vessella**

**Charles Wright**

**Board Members Robert Eva, Fred Foeri, and Jack King and were not in attendance.**

**Also in attendance were Nicholas Ranone, RIDLT Chief Mechanical Investigator and Sean Fontes, Executive Legal Counsel for DLT Legal Counsel.**

**1.) Call to Order: Chair, Timothy Byrne called the meeting to order at**

**9:15am.**

**2.) Minutes of the July 6, 2016 Meeting: Charles Wright made a motion to accept the minutes of July 6, 2016 meeting as presented; seconded by Dennis Brennan and passed unanimously by the Board.**

**3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Sean Fontes, Executive 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:**

**A motion made by Charles Wright to combine the testimony for Violations 5505, 5506, 5507, 5508 and 5509. This motion was seconded by Stanley Davies and the vote was unanimous.**

**Scivetti, Anthony-Total Facility Solutions-Violation 5505; Disley, Jason-Violation 5506; Nai, Joseph-Violation 5507; Anthony, Tyler Lee-Violation 5508 and Whitney, Brian-Violation 5509**

**Chief Nicholas Ranone, Anthony Scivetti, Jason Disley, Joseph Nai, and Tyler Lee Anthony were in attendance. Mr. Brian Whitney was not in attendance. Everyone was sworn in.**

**Chief Ranone reads the violation and submits 13 documents as Exhibit A for this hearing. Mr. Ranone was questioned by the Board and testifies.**

**LOCATION OF VIOLATION: Michael's Store, 371 Putnam Pike, Smithfield**

**VIOLATION: On 6-15-2016, I, Nicholas Ranone, Chief Mechanical Investigator, made a site visit to the above mentioned location and witnessed the installation of four (4) rooftop HVAC units by 4 employees of Total Facility Solution (TFS), Henniker, NH. After accessing the roof of the building I approached the 4 employees: Mr.**

**Jason F Disley, foreman; Mr. Tyler Lee Anthony; Mr. Joseph F Nai and Mr. Brian Whitney. All four men admitted to engaging in the replacement of 4 of the 6 rooftop units at that time. None of the 4 men hold any RI Refrigeration or Pipefitter licenses which would have been required for this replacement installation. This is 1 violation of RIGL 28-27-6 (2)(b). After checking with the Town of Smithfield, I found that no mechanical permit was issued for this installation. This is 1 violation of RIGL 28-27-20. There were 2 company vehicles on site that were unlettered. This is 1 violation of RIGL 28-27-19. This is 3 violations totaling \$4,500.**

**Mr. Scivetti submits 7 documents as Exhibit B for this hearing. Mr. Scivetti is questioned by the Board and testifies.**

**Mr. Disley is questioned by the Board and testifies.**

**Mr. Nai is questioned by the Board and testifies.**

**Regarding Violation 5505, a motion was made by Quinlan T. Regan that a violation did occur. Anthony Vessella seconded the motion and the Board unanimously agreed.**

**Regarding the fine for Violation 5505, a motion was made by Charles Wright to suspend the fine of \$4,500.00 for one (1) year pending no further violation(s) occur within that year. Steven Gray seconded that motion; the Board voted, six (6) in favor and 1 opposed (Brennan).**

**Regarding Violation 5506, a motion was made by Quinlan T. Regan that a violation did occur regarding RIGL 28-27-28. Charles Wright seconded that motion and the Board unanimously agreed.**

**Regarding the fine for Violation 5506, a motion was made by Quinlan T. Regan to uphold the fine for \$1,500.00. Dennis Brennan seconded that motion. The Board voted fine (5) in favor and two (2) opposed. (Gray and Regan).**

**Motion to re-consider the fine for Violation 5506 was made by Michael Januario and seconded by Charles Wright; and the vote was unanimous.**

**Regarding the fine for Violation 5506, a motion was made by Michael Januario to suspend the fine of \$1,500.00 for one (1) year pending no further violation(s) occur within that year. Charles Wright seconded that motion; the Board voted, five (5) in favor and 2 opposed (Gray and Regan).**

**Regarding Violation 5507, a motion was made by Quinlan T. Regan that a violation did occur regarding RIGL 28-27-28. Charles Wright seconded that motion and the Board unanimously agreed.**

**Regarding the fine for Violation 5507, a motion was made by Michael Januario to suspend the fine of \$1,500.00 for one (1) year pending no further violation(s) occur within that year. Charles Wright that seconded motion; the Board voted, five (5) in favor and 2 opposed (Gray and Regan).**

**Regarding Violation 5508, a motion was made by Quinlan T. Regan that a violation did occur regarding RIGL 28-27-28. Charles Wright seconded that motion and the Board unanimously agreed.**

**Regarding the fine for Violation 5508, a motion was made by Michael Januario to suspend the fine of \$1,500.00 for one (1) year pending no further violation(s) occur within that year. Charles Wright seconded that motion; the Board voted, five (5) in favor and 2 opposed (Gray and Regan).**

**Regarding Violation 5509, a motion was made by Quinlan T. Regan that a violation did occur regarding RIGL 28-27-28. Charles Wright seconded that motion and the Board unanimously agreed.**

**Regarding the fine for Violation 5509, a motion was made by Michael**

**Januario to suspend the fine of \$1,500.00 for one (1) year pending no further violation(s) occur within that year. Charles Wright seconded that motion; the Board voted, five (5) in favor and 2 opposed (Gray and Regan).**

**Jarett, David-North American chimney & Gutter Corp.-Violation 5520  
Mr. David Jarett was in attendance. Mr. Jarett was sworn in.**

**Chief Ranone reads the violation and submits 4 documents as Exhibit A for this hearing. Chief Nick Ranone reads the violation.**

**LOCATION OF VIOLATION: Wayne Marsocci (residence), 96 Helen Avenue, Coventry, RI 02816**

**VIOLATION: On 7-13-16, I, Nicholas Ranone, Chief Mechanical Investigator, received a complaint from Mr. Wayne Marsocci against North American Chimney & Gutter Corporation for the estimate given to him for the installation of one (1) stainless steel chimney liner.**

**On 7-14-16, I visited Mr. Marsocci at his home to obtain a written witness statement and a copy of the estimate given to him for this installation. After further investigation, I found that no one in the company holds a RI Decorative Heating Appliance (DHA) license which would allow them to contract for the installation of chimney**

**liners.**

**This is one (1) violation of RIGL 28-27-5 Practices for which master or contractor license required.**

**Chief Ranone is questioned by the Board and testifies.**

**Mr. David Jarett is questioned by the Board and testifies.**

**Regarding Violation 5520, a motion was made by Charles Wright that a violation did occur regarding RIGL 28-27-5. Michael Januario seconded that motion and the Board unanimously agreed.**

**Regarding the penalty for Violation 5520, Charles Wright made a motion that the fine of \$1,500.00 be upheld; seconded by Anthony Vessella and passed unanimously by the Board.**

**Fraser, Cecelia J.-Fraser Engineering Company, Inc-Violation 5523  
Cecelia J. Fraser is in attendance and is sworn in.**

**Chief Ranone reads the violation and submits 12 documents as Exhibit A for this hearing.**

**LOCATION OF VIOLATION: Brown University, 4 Young Orchard Avenue, Providence, RI 02909**

**VIOLATION: On 8-16-2016, I, Nicholas Ranone, Chief Mechanical Investigator, acting on a tip, made a site visit to the above mentioned location and approached Mr. Eric P. Tucker and Mr. Daniel G. Becker, two (2) employees of Fraser Engineering Co. Inc., Newton, MA. Mr. Tucker and Mr. Becker both admitted to engaging in the demo of the existing heating hot water boiler and installing the new heating hot water boiler along with the new temporary domestic hot water boiler.**

**Both Mr. Tucker and Mr. Becker hold valid RI pipefitter journeyman 1 licenses which would allow them to do this type of work. After further investigation, I found that Fraser Engineering Co. does employ Mr. Jeffrey W. Hancock who does hold a valid RI Pipefitter Master 1 license (#7463). Mr. Hancock did have a local mechanical permit issued for this installation but he is not listed as an officer of the corporation.**

**This is one (1) violation of RIGL 28-27-6 Corporations and firms engaged in business. (paragraph 1, the licensed master is an officer of the corporation).**

**Mr. Ranone is questioned by the Board and testifies.**

**Ms. Fraser submits 13 pages as Exhibit B and is questioned by the Board and testifies.**

**Regarding Violation 5523, a motion was made by Quinlan T. Regan that a violation did not occur. Charles Wright seconded the motion and the Board unanimously agreed.**

**There is no motion for a fine.**

#### **5.) Revocation / Suspension Hearings for unpaid fines**

**None**

#### **6.) Old Business**

**There was a general discussion by the Board.**

**7.) Adjournment: Motion to adjourn made by Charles Wright; seconded by Quinlan T. Regan. All were in favor. The meeting adjourned at 10:55am.**