

**BOARD OF EXAMINERS OF TELECOMMUNICATIONS SYSTEM
CONTRACTORS, TECHNICIANS AND INSTALLERS**

Minutes of Meeting of Tuesday, December 6, 2005

In Attendance: Paul Feeney

Robert Zuba

William McGowan

Mr. William McGowan, Chairperson, called the meeting to order at 9:40 a.m.

Robert Zuba read the roll call. The above members were present for today's meeting. Members absent for today's meeting were Lawrence Ryan, Steven Mollo, Jay Bombardier, and the vacant board member position. There was not a quorum.

Due to the lack of quorum acceptance of the minutes of the Tuesday, November 1, 2005 was postponed until the January 3, 2006 meeting or at the next meeting where there is a quorum.

There is no correspondence before the Board.

The next order of business is hearings. There was one (1) hearing scheduled for today for which there is a court reporter. That hearing

was in regards to Colony Communications, Inc., Mr. James L. McDevitt. Mr. McDevitt came from Lexington, Massachusetts to be in attendance for today's meeting. Therefore, Mr. McDevitt was given the opportunity to either reschedule his hearing until next month when there is a full quorum, or to give testimony under oath today, and the Board will vote on the testimony at the next meeting where there is a quorum. Mr. McDevitt was also advised that if he wished he could be in attendance on the day of the vote. Mr. McDevitt decided he would like to give testimony under oath today, and allow the Board to make its decision at its next meeting where there is a quorum.

Both Mr. Robert Gaj, Chief Telecommunications Investigator and Mr. McDevitt were sworn in by the court reporter. Mr. Gaj read the violation. On September 22, 2005 at approximately 2:35 p.m. Mr. Gaj, Chief Investigator for the Department of Labor & Training made a site investigation at Famous Footwear, 622 George Washington Highway, Lincoln, RI. At that time, he found that Mr. James L. McDevitt contracted for and engaged in the installation of a telephony system while not in possession of a telecommunication system contractor (TSC) license with a telephony certification. The Town of Lincoln permit #2005-363 stated that the work was voice & data cabling/system installation and programming. Mr. Gaj informed the Board the Mr. McDevitt does hold a Telecommunication system contractor (TSC) license, however, he has a data certification only. The electrical permit, which Mr. Gaj provided a copy of to the Board, was taken out on September 26, 2005, four (4) days after the alleged

violation occurred. Mr. McDevitt was issued a fine of \$250 for each of two (2) violations of RIGL 5-70-2 “Practices Prohibited”, for a total of \$500. The Board had no questions for Mr. Gaj.

Mr. McGowan informed the Board that we do have a communication from Mr. McDevitt dated October 31, 2005 requesting an appeal of this violation. Mr. McGowan then asked Mr. McDevitt to provide the Board with his testimony. Mr. McDevitt stated that he does not dispute that he

installed a telephone system at the Famous Footwear location noted above, however, he was surprised to find out that his license was only applicable to the data endorsement. Mr. McDevitt stated that when he first applied for a telecommunication system contractor’s (TSC) license under the grandfathering period, his application was for voice and data endorsements. Never having seen a Rhode Island telecommunications license besides his own, Mr. McDevitt assumed the endorsements he requested had been granted under the grandfathering. He was never informed differently, and did not know that each endorsement had to appear on his license. He therefore believed he was properly licensed to perform the work mentioned above.

Mr. McDevitt asked Mr. Gaj to pull out his original application, and Mr. Gaj did. There was in fact an application requesting both voice and

data endorsements under the grandfathering. However, the Board at the time reviewed the application and did not feel Mr. McDevitt had provided sufficient information to grant him the voice endorsement on his license. They therefore only granted the data endorsement. Mr. McDevitt was surprised to hear this since he has some data experience, but his primary experience is with telephones.

Mr. McDevitt informed the Board that he does not do a lot of work in Rhode Island. Usually the work he does is maintenance of telephone systems. He was also surprised that the Town of Lincoln issued him a permit if he was not properly licensed, however, Mr. Gaj explained that the clerk who takes the permit information is not as versed with what license certifications are required for each job as the electrical inspector. Typically the permit information is reviewed by the electrical inspector who would have found that Mr. McDevitt was not properly licensed to perform the work he applied for.

Mr. Paul Feeney suggested that if the information were able to be provided to the Board to supplement the information Mr. McDevitt provided in his original application regarding his qualifications and experience with various telephone companies and training, etc., this will assist the Board when this matter comes up for a vote. That information will be included with Mr. McDevitt's testimony prior to the Board making a decision.

Mr. Feeney asked Mr. Gaj to provide Mr. McDevitt with the website for

trade licensing so that he can have access to the laws, rules and regulations.

Mr. McDevitt will be sent a hearing notice if he wishes to attend next month's meeting of the Telecommunications Board when this matter comes up for a vote.

There were no further questions, and the hearing was closed.

Mr. Valentino Lombardi, Legal Counsel for the Department of Labor & Training introduced Ms. Gail Theriault, the newly appointed Executive Counsel for the Department of Labor & Training. Ms. Theriault informed the Board that she would like them to think about any training they might be interested in as a Board, such as ethics training or training regarding the administrative procedures act, she would be amenable to setting something up for them. Mr. McGowan said the Board would be very interested in taking refresher classes on those subjects. He also said because of the nature of the telecommunications industry and the constant changes in it, the Board would like to prepare a study guide and materials for people that are up-to-date. What they currently have is very outdated.

Mr. Feeney also informed Ms. Theriault that they have had some frustration in fine tuning the law which provides for the exemption of licensing to Cox and Verizon employees. When the law was written

and Cox came onto the scene, they only did cable TV. Now they are involved in telephone systems as well, and that was not the intent of the original exemption.

There was no further business before the Board.

The meeting adjourned at 10:00 a.m.

The next meeting of the Board of Examination and Licensing of Telecommunication System Contractors, Technicians and Installers is scheduled for Tuesday, January 3, 2006 at 9:00 a.m. in Building 70 of the RI Department of Labor & Training, second floor conference room.