

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

Minutes of Meeting of Tuesday, February 7, 2006

In Attendance: Paul Feeney

Robert Zuba

Jay Bombardier

Steven Mollo

Mr. Paul Feeney, Vice-Chairperson, called the meeting to order at 9:10 a.m.

Robert Zuba read the roll call. The above members were present for today's meeting. Members absent for today's meeting were William McGowan, Larry Ryan, and the vacant board member position. There was a quorum.

Mr. Feeney asked Mr. Robert Gaj, Chief Telecommunications Investigator, if there were any communications before the Board, and there were not.

Mr. Feeney stated that according to our agenda, there is a hearing scheduled for today for which there is a court reporter. The hearing pertains to Sounds Good. Mr. Gaj and Mr. Robin McCune, President

of Sounds Good were sworn in by the court reporter.

Mr. Gaj read the violation. On October 19, 2005, city of Woonsocket Building Official Donald Gagnon found four (4) employees of Sounds Good Corporation (Tim Vandorn, Nathaniel Soles, Greg Brett, and Nicholas Kingleytan) providing infrastructure cabling for an audio/video system at a Commercial Building/Restaurant located on 24 Main Street, Woonsocket, RI. This work required Rhode Island Telecommunications System Technician's licenses. Sounds Good Corporation contracted for and engaged in telecommunications work requiring a Rhode Island Telecommunications System Contractor's license. Sounds Good Corporation and its on-site employees do not possess any form of Rhode Island Telecommunications System Contractor, Technician or Installer license. Sounds Good Corporation also failed to make application for a permit with the City of Woonsocket. This was six (6) violations of RIGL 5-70-2 "Practices Prohibited" and one (1) violation of RIGL 5-70-19(d) "Local Laws – Codes".

Mr. McCune thanked the Board for the opportunity to address them regarding the above matter. Mr. McCune stated that he made an effort to obtain what he was going to need to do business in Rhode Island. He normally does business in Massachusetts, and was contracted by a resident of Massachusetts to do this job. Back in July, he looked on the internet and talked to someone in the Contractor's Registration Board. He was told that if he was only

doing commercial contracting he did not need to register with them. At the time, he did not know there was a difference between registration and licensing in Rhode Island. On the first day of the job, when they were starting, he went to get a permit. He couldn't get in touch with anyone from the City of Woonsocket, and somehow on the following day, he was directed to Bob Gaj's extension. Mr. Gaj informed him that he required a Rhode Island TSC license and his employees required a Rhode Island TST license to do the job in question. At that time, Mr. McCune pulled his employees off the job.

Mr. McCune felt he must have raised some red flags with all his inquiries, and prior to his employees being able to get themselves and their materials off the job, an investigator was sent to the job. Mr. McCune stated that he got the individual who contracted him in touch with another contractor who is licensed in Rhode Island as a Telecommunications System Contractor. That company is Access Automation. They applied for a permit, and are in the process of completing the work. They are out of Blackstone, MA, and are properly licensed in Rhode Island. Mr. McCune is looking for some leniency from the Board, because he felt he did try to do what was right.

Mr. McCune brought in copies of the website pages he got from the Contractor's Registration Board, which said that registration was

limited to residential work as established by law. Mr. McCune also provided the Board with copies of his company's certification from CEDIA.

Mr. Zuba asked Mr. McCune how long he has been in business, and Mr. McCune informed the Board he has been in business for 3 ½ years, mainly doing work in Massachusetts. Mr. McCune stated that in Massachusetts and New Hampshire, to obtain a permit, no license is required. Upon questioning by Mr. Zuba as to the procedure for obtaining a permit in Massachusetts, Mr. McCune stated that you must explain the job, its value, and then pay the fee for the permit.

Mr. McCune stated that he does have the information needed to obtain the correct license in Rhode Island, and he and one of his employees did take the exam in December. The exam results are being held pending the outcome of this appeal hearing.

Mr. Bombardier asked Mr. McCune how much of the job had been completed prior to their pulling out of it? Mr. McCune stated that before the inspector showed up, a days worth of work was done which equaled approximately 60% of what they needed to get done for pre-wire. There were about 20 – 40 cables dropped. At the time the investigators showed up, the wires were being rolled up. They were trying to clean it up so that another contractor could just come in and finish the work, and get an inspector in to approve the work.

Mr. Mollo asked Mr. McCune what happened when he went to the Woonsocket Building Official's Office on October 18, 2005. Mr. McCune said he spoke to the secretary in an attempt to obtain a permit. At that time, he asked her what the story was with regards to the need for a license, because he hadn't heard anything from the office. She said she thought he needed a license, and contacted the Electrical Inspector. He sat in the office for about an hour and never heard back from the Electrical Inspector. He spoke to Bob Gaj the next day, and Mr. Gaj was the only one who gave him any correct information.

Mr. McCune informed the Board that the work his company performed showed that they did good work, the new company felt they could sign off on it, and the inspector signed off on it.

Mr. Bombardier made a motion in regards to the violation of RIGL 5-70-2 pertaining to contracting telecommunications work without a license. Based on the testimony, Mr. McCune attempted to understand the Rhode Island licensing requirements, and therefore, Mr. Bombardier recommends the \$500 fine be suspended for a 12-month period pending any further violations. Mr. Mollo seconded the motion. All voted in favor, with the exception of Mr. Zuba who voted in opposition. The motion passed by majority vote.

Mr. Bombardier made a motion in regards to the violation of RIGL

5-70-2 pertaining to engaging in telecommunications work without a license. Based on the testimony, Mr. McCune attempted to understand the Rhode Island licensing requirements, and therefore, Mr. Bombardier recommends the \$500 fine be suspended for a 12-month period pending any further violations. Mr. Mollo seconded the motion. All voted in favor, with the exception of Mr. Zuba who voted in opposition. Mr. Feeney abstained. The motion passed by majority vote.

Mr. Bombardier made a motion in regards to the four (4) violations of RIGL 5-70-2 pertaining to unlicensed employees performing telecommunications work. Based on the testimony, Mr. McCune attempted to understand the Rhode Island licensing requirements, and therefore, Mr. Bombardier recommends the \$250 fine for each of four (4) violations, for a total of \$1,000 be suspended for a 12-month period pending any further violations. Mr. Mollo seconded the motion. All voted in favor. The motion passed unanimously.

Mr. Bombardier made a motion in regards to the violation of RIGL 5-70-19(d) "Local Laws – Codes" for failure to obtain a permit. Based on the testimony, Mr. McCune is aware of the requirements as they relate to the permitting process, and therefore, Mr. Bombardier recommends the \$250 fine be upheld. Mr. Mollo seconded the motion. All voted in favor. The motion passed unanimously.

This concluded the hearings.

The next order of business was approval of the minutes of the previous meeting on Tuesday, January 3, 2006. Everyone had an opportunity to review the minutes. Mr. Mollo made a motion to approve the minutes as submitted. Mr. Zuba seconded the motion. All members voted in favor.

There was no further business before the Board. Mr. Zuba made a motion to adjourn at 10:00 a.m. Mr. Mollo seconded the motion. All members voted in favor.

The next meeting of the Board of Examination and Licensing of Telecommunication System Contractors, Technicians and Installers is scheduled for Tuesday, March 7, 2006 at 9:00 a.m. in Building 70 of the RI Department of Labor & Training, second floor conference room.