

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF TELECOMMUNICATIONS SYSTEM
CONTRACTORS, TECHNICIANS AND INSTALLERS**

1511 Pontiac Avenue

Building 70 – 2nd Floor Conference Room

Cranston, RI

401.462.8538

TUESDAY, MAY 2, 2006

In attendance: William McGowan

Paul Feeney

Lawrence Ryan

Steven Mollo

Chairperson, Mr. William McGowan called the meeting to order at 9:15 a.m.

Mr. McGowan led the roll call. Mr. Robert Zuba, Mr. Jay Bombardier, and the vacant board member are not present for today's meeting. There was a quorum.

The first order of business was communications. There were no

communications before the board today.

The next order of business was approval of the minutes of the Tuesday, March 7, 2006 meeting of the Telecommunications Board. There was no quorum at the April 4, 2006 meeting, and therefore, approval of minutes was suspended until today's meeting. All Board members had an opportunity to review the minutes of the March 7, 2006 meeting. Mr. Feeney made a motion to approve the minutes as submitted. Mr. Mollo seconded the motion. All members voted in favor.

The next order of business was a vote on testimony which was taken at the April 4, 2006 meeting of the Board in regards to the violation issued to MinuteMan Services, Inc. A court reporter was in attendance today to provide a record of the vote. No action was taken at the April meeting because there was no quorum, however, Mr. John Minsk was in attendance for that meeting, and agreed to provide testimony which would be voted on at the next meeting in which a quorum existed. Mr. Minsk was notified by certified and regular mail of today's meeting, and was informed that he had the option of coming to hear the vote if he chose to do so.

Mr. Gaj read the violation again. On Thursday, February 2, 2006 at approximately 10:30 a.m. upon site investigation at Marshalls on Oaklawn Avenue, Cranston, RI, DLT Investigator Robert Gaj found Mr. Mark Spacek, an employee of Dealer Technology Integrators, Inc. and

Mr. John Minsk, an employee of MinuteMan Services, Inc. and sub-contractor for Dealer Technology Integrators, Inc. just starting to install infrastructure cabling and equipment for a data system. MinuteMan Services, Inc. and its employee, John Minsk are not in possession of any type of Rhode Island telecommunications license required for this work. This is two (2) violations of RIGL 5-70-2 “Practices Prohibited” – (unlicensed contractor and unlicensed employee). MinuteMan Services, Inc. also failed to make application with the City of Cranston for a permit. This is a violation of RIGL 5-70-19(d) “Local Laws/Codes”. Dealer Technology Integrators, Inc. was cited separately. As of this time, Mr. Gaj has had no response from Dealer Technology Integrators, Inc., nor has he received payment for the fine of \$1,500 that was issued to them.

Mr. Gaj again informed the Board that upon site investigation at the above location, he witnessed Mr. Minsk on a ladder with his head in the ceiling. When Mr. Gaj questioned Mr. Minsk as to whether he was licensed in Rhode Island, Mr. Minsk stated that he was not, but that his partner might be. When Mr. Gaj questioned Mr. Minsk’s partner, Mr. Mark Spacek of Dealer Technologies, Inc., he was informed that Mr. Spacek also did not have a license. DTI was cited separately for their violation in the amount of \$1,500, which they did pay. Mr. Minsk during testimony stated that he did not work for DTI. He was only being trained to perform these installations so that he could work for them in other states at various other Marshall’s stores.

The transcript was reviewed by all Board members in detail.

Mr. Feeney made a motion that a finding of fact was made that Mr. Minsk of MinuteMan Services, Inc. was in fact contract for and engage in the installation of cabling and equipment for a data system in violation of RIGL 5-70-2 (2 violations), and that MinuteMan Services, Inc. failed to make application for a permit with the city of Cranston in violation of RIGL 5-70-19(d). Therefore, the Board recommends the fine of \$500 for each of three (3) violations for a total of \$1,500 be upheld. Mr. Mollo seconded the motion. All members voted in favor.

The next order of business relates to Starlight Communications. Mary Ellen McQueeney Lally addressed the Board and informed them that she was contacted by Mr. Jim Norton, Attorney for Starlight Communications. Starlight has appealed the \$7,000 fine which was issued to them to the Superior Court, however, at this time, Mr. Norton has put an offer to the Board to reduce the fine to \$500 to end the appeal.

After a brief discussion on this matter, a discussion took place as to possibly agreeing to a reduction of the fine to \$3,500 and that Starlight Communications take responsibility for their violations, and require that this agreement in no way would set a precedent for future cases of this type. This would be a final offer. Mr. Gaj informed the Board that at no time in the past three (3) years since this violation upheld has Starlight Communications made an attempt to become

licensed, and that to his knowledge, they are still working without a license in violation of RIGL 5-70. Mr. McGowan stated that if they are in fact still working without a license, then Mr. Gaj should be issuing violations to them in this regard. Mr. Gaj does not agree that a deal should be made with Starlight Communications. Ms. McQueeny Lally will look into everything the Board discussed, and will put together what a draft settlement would look like in a case like this. If Mr. Gaj cites Starlight for continued violations of the law, it will not only help the Department, but in the prosecution of this case, the Judge hearing it will also see that the company is still flagrantly violating the law.

A motion to adjourn was made by Mr. Mollo at 9:50 a.m., and seconded by Mr. Feeney. 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, June 6, 2006 at 9:00 a.m. in Building 70, Department of Labor & Training, second floor conference room, Cranston, RI 02920.