

**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, AUGUST 1, 2006

In attendance: William McGowan

Steven Mollo

Lawrence Ryan

Robert Zuba

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

Mr. McGowan led the roll call. Mr. Paul Feeney, Mr. Jay Bombardier, and the vacant board member were 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.

Mr. McGowan dispensed with the Board's normal order of business in order to proceed with hearings. Regular business will be taken up after the hearings are adjourned.

HEARINGS:

There were three (3) hearings scheduled for today for which there is a court reporter. Mr. McGowan explained the Board's procedures for all individuals who were attending for the purpose of appealing violations.

The first appeal hearing on the agenda pertains to C.G. Electric., Inc. Mr. Charles Gendron was in attendance on behalf of C.G. Electric, Inc. Both he and Mr. Gaj were sworn in by the court reporter. Mr. Gaj then read the violation. Upon onsite investigation by DLT Investigator Robert Gaj on June 7, 2006 at Quest Diagnostics, 300 Tollgate Road, Warwick, RI, two (2) employees of C.G. Electric, Inc. were witnessed providing infrastructure cabling and termination for a data system requiring telecommunications licenses at the above location. C.G. Electric, Inc. and its employees, Mr. Gregg Staples and Mr. Richard Witty were not in possession of any form of RI Telecommunications Licenses. This is three (3) violations of RIGL 5-70-2 "Practices Prohibited" for contracting for work without a license and for having two (2) employees performing

telecommunications work without the proper licenses. C.G. Electric, Inc. also failed to make application for a permit with the city of Warwick. This is one (1) violation of RIGL 5-70-19(d) “Local Laws – Codes”. A fine in the amount of \$500 for each of four (4) violations was recommended.

Mr. Gendron stated that he respects Rhode Island’s rules and regulations, and that his company generally never comes into Rhode Island because they are not properly licensed. However, Quest Diagnostics is a big customer of theirs who operates all over New England. They were asked by Quest Diagnostics to come into Rhode Island to do this work. They normally would have refused, but Quest had an emergency and under those circumstances they felt obligated to do the work. Mr. Gendron stated that they did not pull new wires. There were two (2) existing wires that got relocated. C.G. Electric, Inc. was there late in the day, and Mr. Gaj was on-site at 4:00 p.m. Mr. Gendron stated that he is here to try to get the fines reduced. C.G. Electric, Inc. is aware that they are in violation, however, this is a first offense. Mr. Gaj confirmed that this is a first offense. Mr. Gendron also stated that they have applications ready to be submitted to get licensed in Rhode Island.

There were no further questions. Mr. Ryan made a motion that based on the testimony presented a finding of fact was made that a violation of RIGL 5-70 did occur on June 7, 2006 at Quest Diagnostics, 300 Tollgate Road, Warwick. Mr. Zuba seconded the motion. All

members voted in favor.

Mr. Ryan then made a motion that based on the testimony presented and finding of fact by the Board, the recommended fine of \$500 for each of four (4) violations for a total of \$2,000 be reduced to a total fine of \$500. Mr. Mollo seconded the motion. All members voted in favor.

The second appeal hearing on the agenda pertains to Mr. William Worthy. Mr. Worthy was in attendance and was sworn in by the court reporter. Mr. Gaj read the violation. On Wednesday, March 22, 2006, Robert Gaj, Chief Telecommunications Investigator witnessed Mr. William A. Worthy installing a telecommunications system, including infrastructure cabling and equipment for audio and video without any form of telecommunications contractor or technician license at the Foot Action USA Shoes store located on 400 Bald Hill Road, Warwick, RI . This is two (2) violations of RIGL 5-70-2 “Practices Prohibited”. Mr. Worthy also failed to make application with the City of Warwick for a permit to perform the above telecommunications work. This is a violation of RIGL 5-70-19(d) “Local Laws – Codes”. A fine in the amount of \$500 for each of three (3) violations for a total of \$1,500 was recommended.

Mr. Gaj witnessed Mr. Worthy installing two (2) flat panel monitors with speakers. Mr. Gaj stated that Mr. Worthy was just starting to do the installation, and that he hired an electrician to pull a permit for the

work. Mr. Worthy stated that he is a freelancer with a TST License. He was hired as a consultant, being a company that does audio and video systems. At that point, however, Mr. Worthy stated that he was aware that he was not properly licensed in Rhode Island, and that is when he hired Mr. Sisson, who is a licensed electrician, to do the job. Mr. Worthy stated that at the time Mr. Gaj was on the job, the equipment was being moved from the outside to inside. They were opening boxes to make sure none of the equipment was damaged. There was nothing pulled, nothing hung. It was the first time they had been to the job. Mr. Worthy stated that the plan was to have Mr. Sisson do the job, and Mr. Worthy would be there in case Mr. Sisson needed help with the portion of work he was licensed to perform. As soon as the Violation Notice was issued, they stopped the work. Mr. Worthy is in the process of getting his contractor's license, but he was told by Mr. Gaj that he had to clear this matter up first.

Mr. Gaj stated that approximately one (1) week prior to this incident, he noticed a van with the wording "Speaker Guy" on it. There was a telephone number on the van which Mr. Gaj called, and it turned out to be Mr. Worthy. At that time, Mr. Gaj informed Mr. Worthy that he could not contract work with the license he holds.

Mr. Worthy stated that the permit was applied for on March 22, 2006, which was the same day that Mr. Gaj was on the job for the violation.

Mr. Gaj informed the Board that Mr. Sisson does possess a Master

Electrician's license (Class A), however, Mr. Worthy is not an employee of Mr. Sisson.

Mr. Worthy stated that he was not aware that as a TST, he could only work for a TSC license holder. He cannot work for a Class A Master Electrician license holder, who does not have a TSC license. His job is to sell home theater equipment. He does install home theaters that have pre-existing wiring.

Mr. Zuba suggested that Mr. Worthy get a copy of Rhode Island's Telecommunications Law (RIGL 5-70) and rules and regulations so that he knows what work he can do under the license he holds. Mr. Worthy was told that Mr. Gaj would provide him with the above.

Mr. Zuba made a motion that based on the testimony presented a finding of fact was made that a violation of RIGL 5-70 did occur on March 22, 2006 at Foot Action USA Shoes, 400 Bald Hill Road, Warwick, RI. Mr. Ryan seconded the motion. All members voted in favor.

Mr. Ryan then made a motion that based on the testimony presented and finding of fact by the Board, the recommended fine of \$500 for each of three (3) violations for a total of \$1,500 be upheld. Mr. Zuba seconded the motion. All members voted in favor.

The final appeal hearing on the agenda pertains to Freedom Security

Systems. Mr. Joe Maggio was in attendance on behalf of Freedom Security Systems, and was sworn in by the court reporter.

Mr. Gaj read the violation. On May 22, 2006, Mr. Robert Gaj, Chief Telecommunications Investigator witnessed an employee of Freedom Security Systems, Inc. finishing the installation of equipment and cabling for a closed circuit television system at the Subway Sandwich Shop located on Main Street in Pascoag, Rhode Island. Freedom Security Systems, Inc. and its employee, Mr. Dustin Butterfield are not in possession of any form of RI telecommunications license which is required for this work. This is three (3) violations of RIGL 5-70-2 "Practices Prohibited" for contracting telecommunications work without a license, engaging in telecommunications work without a license, and having an unlicensed employee performing telecommunications work. Freedom Security Systems, Inc. also failed to make application for a permit with the Town of Burrillville. This is one (1) violations of RIUGL 5-70-19(d) "Local Laws – Codes". This company has received two (2) verbal warnings, one (1) written warning, and one (1) fine in the past. A fine in the amount of \$1,000 for each of four (4) violations for a total of \$4,000 was recommended. The recommended fines were the maximum because this company has received numerous warnings and has been cited in the past.

Mr. Maggio stated that he has approximately 170 employees. Upon receiving the fine of \$6,000 in the past, he gave that employee a directive not to enter the state of Rhode Island again until he was

properly licensed. That employee is no longer with the company. This is Mr. James Kelly. At one point, Mr. Kelly contracted with Mr. Frank S. Rossi and asked him to do work for him on a sub-contracting basis. Mr. Rossi did finally pull the permit for the Subway Sandwich Shop to do the installation. Mr. Frank Rossi was then sworn in by the court reporter. Mr. Maggio stated that Mr. Rossi performed the installation and the client is now having an issue with Freedom Security Systems. This was a third party lease transaction. The client has rejected making payments to the bank. Mr. McGowan informed Mr. Maggio that this hearing only pertains to the licensing issue as to Mr. Dustin Butterfield being properly licensed to do the work, and whether a permit was pulled. The permit was dated June 20, 2006, which was well after the violation had occurred on May 22, 2006. Freedom Security Systems installed the system and went to Mr. Rossi after the fact to pull the permit.

Mr. Maggio came to this hearing today to ask the Board for consideration because one fine was already paid in the amount of \$6,000. His employees are not listening to his directive to not come into Rhode Island to perform telecommunications work until they are properly licensed. Mr. Maggio would like to get properly licensed, but he was told that he cannot do that until this matter is cleared up. He did bring his and his sons qualifications to the Board to be entered into the record.

Mr. Gaj informed the Board that the electrical permit was applied for

by Mr. Rossi well after the installation occurred. The reason for this was that the sandwich shop was concerned with the installation due to the lack of a valid telecommunications license. Mr. Rossi pulled the permit to check the work and make sure it was done to code, and to get it inspected. He took responsibility for the installation. The work has been inspected and is up to code.

Mr. Zuba made a motion that based on the testimony presented a finding of fact was made that a violation of RIGL 5-70 did occur on May 22, 2006 at the Subway Sandwich Shop, Main Street, Pascoag, RI.

Mr. Mollo seconded the motion. All members voted in favor.

Mr. Zuba then made a motion that based on the testimony presented and finding of fact by the Board, the recommended fine of \$1000 for each of four (4) violations for a total of \$4,000 be upheld. This company has had numerous warnings in the past and has been cited and paid fines for the same violation. They are aware of Rhode Island's licensing laws. Mr. Mollo seconded the motion. All members voted in favor.

This concluded the appeal hearings.

The next order of business is approval of minutes of the last meeting held on June 6, 2006. Mr. Mollo made a motion to approve the minutes as submitted. Mr. Ryan seconded the motion. All members voted in favor.

The Board then reviewed test applications.

There was no further business before the Board.

A motion to adjourn was made by Mr. Mollo at 11:00 a.m., and seconded by Mr. Zuba. 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, September 5, 2006 at 9:00 a.m. in Building 70, Department of Labor & Training, second floor conference room, Cranston, RI 02920.