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1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF LABOR AND TRAINING  
2 DIVISION OF PROFESSIONAL REGULATION

3

4 .....

PROCEEDINGS AT HEARING :

5 :

IN RE: :

6 :

BOARD OF EXAMINATION AND :

7 LICENSING TELECOMMUNICATIONS :

SYSTEMS CONTRACTORS, :

8 TECHNICIANS AND INSTALLERS :

:

9 .....

10

DATE: AUGUST 1, 2006

11

TIME: 9:00 A.M.

PLACE: 1511 PONTIAC AVENUE

12

BUILDING 70

CRANSTON, RI

13

14

15 PRESENT:

WILLIAM McGOWAN, CHAIRMAN

16 STEVE MOLLO  
LAURENCE RYAN

17 ROBERT ZUBA  
ROBERT GAJ, INVESTIGATOR

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23 RHODE ISLAND COURT REPORTING

25 SEA VIEW AVENUE

24 EAST PROVIDENCE, RI 02915

(401) 437-3366

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1 (COMMENCED AT 9:15 A.M.)

2 THE CHAIRMAN: Good morning.

3 Welcome to the Board of Examination & Licensing,

4 Telecommunications. I'd like to declare the

5 meeting open, and I'd call upon Mr. Zuba to read

6 the roll.

7 MR. ZUBA: Steve Mollo?

8 MR. MOLLO: Here.

9 MR. ZUBA: Jay Bombardier? Paul

10 Feeney? Larry Ryan?

11 MR. RYAN: Here.

12 MR. ZUBA: Bill McGowan?

13 THE CHAIRMAN: Here.

14 MR. ZUBA: Robert Zuba; I'm here.

15 THE CHAIRMAN: We do have a  
16 quorum. I appreciate that.

17 MR. ZUBA: We do have a quorum.

18 THE CHAIRMAN: Once again, we'll  
19 dispense with the normal proceedings in the  
20 interest of moving things along for the folks who  
21 have come here for the hearings, and we can get  
22 into the minutes and communications later.

23 So, the first hearing we have scheduled  
24 is C.G. Electric, Incorporated. Do we have

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1 representatives? And just for the record, you are  
2 Charles Gendron?

3 MR. GENDRON: Yes, I am.

4 THE CHAIRMAN: Is anyone else here  
5 from the company?

6 MR. GENDRON: No, sir.

7 THE CHAIRMAN: Mr. Gendron, have a  
8 seat at the end of the table. And as we conduct  
9 the hearing, we're going to administer an oath,  
10 because you'll be asked to testify on behalf of  
11 C.G. Electric, along with Mr. Gaj on behalf of the  
12 Department of Labor & Training. So if I could ask  
13 the stenographer to administer the oath.

14 CHARLES GENDRON, ROBERT GAJ

15 (SWORN)

16 THE CHAIRMAN: Okay. Thank you,  
17 Mr. Gendron. There has been a citation issued.  
18 You're appealing that and that's what brings you  
19 today to the hearing. So the purpose of the  
20 hearing, for the Telecommunications Board  
21 assembled here, is to hear both sides and to  
22 render a decision.

23 So, I will assure you that we will  
24 listen to everything that you think you want to  
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1 say, bring to the table, we're going to listen to  
2 Mr. Gaj, and then we'll give you the opportunity  
3 to speak and we may ask you some questions as we  
4 go forward. This is a fair proceeding. And what  
5 we want to do is get to the facts, get to the  
6 evidence, and then render a decision.

7 MR. GENDRON: Okay.

8 THE CHAIRMAN: So if you're  
9 comfortable with that, at this point in time, I'd  
10 like to turn it over to Mr. Gaj on behalf of the  
11 Department of Labor & Training, to talk a little  
12 bit about the violation issued to C.G. Electric.

13 MR. GAJ: Thank you, Mr. Chairman.

14 The date of the violation is June 7, 2006. The

15 name on the violation is C.G. Electric,  
16 Incorporated; address of Boxcar Boulevard,  
17 Tewksbury, Mass. The location of the violation is  
18 Quest Diagnostics at 300 Toll Gate Road in  
19 Warwick.

20 The violation is upon on-site  
21 investigation, Department of Labor & Training  
22 Investigator Robert Gaj found two employees of  
23 C.G. Electric, Incorporated providing  
24 infrastructure cabling and termination for a data  
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1 system requiring telecommunication licenses. C.G.  
2 Electric and its employees, Mr. Gregg Staples and  
3 Mr. Richard Witty, are not in possession of any  
4 form of Rhode Island telecommunication licenses.

5 This is three violations of Rhode Island  
6 General Law 5-70-2, practices prohibited,  
7 contracting for and having two unlicensed  
8 employees performing telecommunications work  
9 without proper licenses.

10 C.G. Electric also failed to make  
11 application for a permit with the city of Warwick.  
12 This is one violation of Rhode Island General Law  
13 5-70-19 (d), local laws and codes.

14 It is further requested that the  
15 following penalty be imposed on the above

16 violator: Four violations at \$500 each, totaling  
17 \$2000, for violations of 5-70-6 (b) and 5-70-22.  
18 Mr. Chairman.

19 THE CHAIRMAN: Thank you, Mr. Gaj.  
20 Do any board members have any questions that they  
21 would like to ask of Bob Gaj at this time,  
22 relative to the violation?

23 MR. MOLLO: I do, Mr. Chairman.

24 THE CHAIRMAN: Yes, Mr. Mollo.

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1 MR. MOLLO: What type of  
2 installation was C.G. Electric performing?

3 MR. GAJ: Upon entering the site,  
4 which is a medical office, I found the two  
5 employees pulling a data cable in from the  
6 ceiling, down through the wall and about to  
7 terminate the connection. In fact, they initially  
8 made the wrong penetration in the wall and had to  
9 move it over about a foot-and-a-half.

10 Again, I questioned the employees for  
11 licenses or registration, and they had none. This  
12 is also at four o'clock in the afternoon, just for  
13 your information.

14 MR. RYAN: What type of system?

15 MR. GAJ: It was a computer system  
16 for a medical office. Apparently they did some

17 remodeling.

18 MR. RYAN: This is from the desk  
19 back to the service?

20 MR. GAJ: Apparently, it was left  
21 in the ceiling, by who, I don't know, and they  
22 brought it down from the ceiling down to the desk.

23 MR. RYAN: Okay.

24 THE CHAIRMAN: In all fairness,

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1 Mr. Gendron, you have an opportunity as well to  
2 ask Mr. Gaj a question if you would like to do  
3 that. This is not -- we're going to get to your  
4 testimony and your opportunity, but you have an  
5 opportunity to ask Mr. Gaj a question as well  
6 during that.

7 MR. GENDRON: Mr. Gaj, was there a  
8 connector already on the wire when it was down,  
9 when they had pulled it through?

10 MR. GAJ: No, there was not.

11 THE CHAIRMAN: Any further  
12 questions? Okay. At this point in time then,  
13 Mr. Gendron, I would like to give you an  
14 opportunity. You've heard the violation rendered  
15 against the company, you're representing C.G.  
16 Electric. We would like to give you the  
17 opportunity now to speak on behalf of your

18 company.

19 MR. GENDRON: First of all, I

20 respect Rhode Island's rules and regulations.

21 We've never, ever, come into the area because we

22 are definitely not licensed, and it's not

23 something we do all the time.

24 We have a customer that we've taken on

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1 that pretty much covers all of New England, and

2 they asked to us go to Rhode Island a couple of

3 times, we refused, but they had an emergency call

4 that they had. They had construction going on and

5 something happened to the main line on the server

6 wire coming in and we had to go down there to

7 relocate two lines in order to get them up and

8 running.

9 They're a company that any time you go

10 into the hospital for a blood test, everything

11 goes through Quest Diagnostics for results. So

12 under those circumstances, we did go down there

13 knowingly, myself knowingly and the other owner of

14 the company knowingly, that there's a chance that

15 we could be running into a problem going down

16 there.

17 Just from past experience hearing

18 through the other contractors that Rhode Island

19 has strict rules, blah-blah-blah, at that time, we  
20 do quite a bit of work for these people, so I took  
21 the chance, you know, on going down there, but we  
22 didn't pull new wires. It was an existing line,  
23 two existing lines that got relocated. I don't  
24 know what kind of construction was going on

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1 on-site at that time, but I did know that their  
2 server was down. And that's the reason why we  
3 were there late that day. We weren't there for  
4 eight hours working.

5 I'm just here just to try to get the  
6 fine reduced. I know that we did the wrong thing.  
7 We don't have any prior convictions with you, with  
8 you people. And it wasn't like we were pulling  
9 multiple data lines, even trying to run 20 or 30  
10 data lines in a building. It was just basically  
11 repairs, last minute.

12 THE CHAIRMAN: Okay. Thank you.  
13 We certainly appreciate your honesty, and I'm not  
14 aware of any previous citations rendered against  
15 you. If there were, I guess we're going to hear  
16 about that. I also understand Quest Diagnostics,  
17 they have offices throughout the state. I think  
18 the system relies on them to do tests for  
19 bloodwork, whatever, hospital systems. Once

20 again, I appreciate your honesty.

21 Is it fair to say, Mr. Gaj, that there  
22 hasn't been any other violations, that you're  
23 aware, of C.G. Electric?

24 MR. GAJ: I'm not aware of any

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1 other violations.

2 THE CHAIRMAN: Pretty much what  
3 Mr. Gendron had stated; there was no denial that  
4 this took place, they knew they were wrong?

5 MR. GAJ: I'm in agreement.

6 THE CHAIRMAN: Have you made any  
7 effort to get a Rhode Island Telecommunications  
8 license, especially if Quest is your account?

9 MR. GENDRON: We're in the  
10 process. We have applications that are going in  
11 to you as we speak right now, just to try to take  
12 the test to get a couple of guys licensed and the  
13 company can get licensed also.

14 Again, it's not like we're looking to  
15 come here to do work, but due to what happened  
16 here, Quest Diagnostics is a good account for us,  
17 so we don't want to take the chance of losing that  
18 account.

19 THE CHAIRMAN: So Quest is  
20 predominantly in Massachusetts as well?

21 MR. GENDRON: All over the New

22 England area, New Hampshire, Maine.

23 THE CHAIRMAN: All right. Any

24 other board members have any questions of Mr. Gendron?

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1 MR. MOLLO: I do, Mr. Chairman.

2 THE CHAIRMAN: Yes, Mr. Mollo.

3 MR. MOLLO: Mr. Gendron, Quest has  
4 a lot of locations in Rhode Island, do you perform  
5 work at those sites also?

6 MR. GENDRON: Not as of right now.  
7 We do, since we had the situation come up, we have  
8 a company that we're going to be working with down  
9 here until we get licensed. Basically, we're  
10 going to sub the work out.

11 MR. MOLLO: No further questions,  
12 Mr. Chairman.

13 THE CHAIRMAN: Mr. Zuba.

14 MR. ZUBA: There was some other  
15 work done at a different Quest location, across  
16 the street from that, it was a little bit more  
17 extensive; did you work at that location?

18 MR. GENDRON: Not that I know of.

19 MR. ZUBA: In Massachusetts do you  
20 normally pull a permit for telecommunications  
21 work?

22 MR. GENDRON: All the time.

23 MR. ZUBA: All the time. So

24 you're familiar with the procedure?

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1 MR. GENDRON: I'm definitely  
2 familiar with the procedure. To be honest, if I  
3 had to relocate a line, I probably wouldn't pull a  
4 permit.

5 MR. ZUBA: That particular  
6 location I'm familiar with because I inspect in  
7 that area. And there was construction in the  
8 offices, there was three different Quest locations  
9 they were doing work in. And the one across the  
10 street was more extensive. We didn't catch the  
11 telecom guys in there. They were going in at  
12 night. We had no idea. One of the clerks  
13 indicated there was eight people working on  
14 telecom.

15 MR. GENDRON: I don't have eight  
16 people in the telecom division. I concentrate on  
17 electrical and we have like two guys that do just  
18 data calls.

19 MR. ZUBA: Thank you.

20 THE CHAIRMAN: And the two  
21 individuals on this are Mr. Staples and Mr. Witty?

22 MR. GENDRON: Yes.

23 THE CHAIRMAN: Okay. Mr. Gaj, if  
24 I could give you a copy of this violation. The  
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1 date on that, is it June 13, 2006; is that the  
2 date that they were discovered?

3 MR. GAJ: No. It was June 7th.

4 THE CHAIRMAN: It was June 7th.

5 MR. GAJ: That was the date the  
6 violation was typed.

7 THE CHAIRMAN: So the date of the  
8 violation is June 13th; but the actual violation  
9 occurred on June 7th?

10 MR. GAJ: Correct.

11 THE CHAIRMAN: Is that fair to  
12 say, June 7th was the date, Mr. Gendron?

13 MR. GENDRON: I know it was within  
14 that range. I'm not positive on that.

15 THE CHAIRMAN: I just wanted to  
16 clarify for the record. Any further questions for  
17 either witness, Mr. Gaj or Mr. Gendron?  
18 Mr. Gendron, do you have any further questions for  
19 Mr. Gaj?

20 MR. GENDRON: No, thank you.

21 THE CHAIRMAN: I guess to be fair  
22 here, do you have any questions for anybody?

23 MR. GAJ: I have no other

24 comments.

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1           **THE CHAIRMAN:** I said we're going  
2 to be fair. Then at this point in time, I would  
3 move to close the testimony of the hearing without  
4 any further objection and move to the violation  
5 itself that was issued.

6           And violation is issued to C.G. Electric,  
7 2 Boxcar Boulevard, Tewksbury, Mass. Violation of  
8 Telecommunications Law, Rhode Island General Law  
9 5-70-1.

10           In this instance, these three violations  
11 were using unlicensed employees, Mr. Staples and  
12 Mr. Witty, and having those employees perform  
13 telecommunications work without proper licenses,  
14 and also failing to make application for permit  
15 from city of Warwick which is a violation of  
16 5-70-19 (d), local laws and codes. So, do I hear  
17 a motion from the board on the violation?

18           **MR. RYAN:** Make a motion to reduce  
19 it to \$500.

20           **THE CHAIRMAN:** Let me just, at  
21 this point at least, the first thing we want to do  
22 is talk about the violation that occurred. And  
23 then the second motion that we would entertain  
24 would be to discuss the fine. So at this point in

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1 time, what we want to rule on is the violation and  
2 the merits of the violation and then move to the  
3 fine after that, if that sounds fair. I should  
4 have said that prior to starting. Mr. Ryan, want  
5 to rephrase the motion?

6 MR. RYAN: Yes. I'll take it back  
7 for a second. But if this C.G. Electric was only  
8 there for a couple of hours and he did come  
9 through and he's forthcoming, I would think that  
10 his -- the fine could be adjusted.

11 THE CHAIRMAN: I agree with you  
12 wholeheartedly. I think the first thing we want  
13 to do is just rule on the violation, whether it  
14 occurred based upon the testimony, and I think  
15 it's fair to say that based upon the testimony,  
16 the violation did occur. So if we could get that  
17 on the record, that the violation occurred, if we  
18 have a motion for that and get that seconded, then  
19 what we'll do after that is get into the fine.

20 I believe everything you're saying about  
21 the honesty of the witnesses, and also obviously  
22 the integrity and credibility associated with the  
23 testimony, we will look at that fine at the next  
24 step. So, first the violation, and it's a little

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1 bit different. There's been some changes in the  
2 rules and we have to operate a little bit  
3 differently than what we're used to. I understand  
4 Mr. Ryan is another great founding father of this  
5 legislation, not as old as Mr. Feeney.

6 MR. RYAN: Want me to move the  
7 violation? We'll hold --

8 THE CHAIRMAN: Make a motion a  
9 violation stands?

10 MR. RYAN: Yes.

11 THE CHAIRMAN: Is there a second  
12 to that?

13 MR. ZUBA: Yes.

14 THE CHAIRMAN: Seconded by Mr. Zuba.  
15 Any discussion? All those in favor, please  
16 indicate by saying aye?

17 The next order of business is  
18 entertaining a motion on the fine. Right now it's  
19 stipulated at \$2000 per Rhode Island General Law  
20 5-70-6 (b) and 5-70-22, so is there a motion on  
21 the \$2000 fine that was assessed? Mr. Ryan.

22 MR. RYAN: I make a motion that it  
23 be reduced to \$500.

24 THE CHAIRMAN: Is there a second?

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1 MR. MOLLO: I second it.

2           **THE CHAIRMAN:** Seconded by  
3 **Mr. Mollo.** So the motion is that the requested  
4 \$2000 fine be reduced to \$500, you know, once  
5 again, based upon the testimony that occurred at  
6 the hearing; is there any discussion on that  
7 motion?

8           **MR. ZUBA:** Discussion.

9           **THE CHAIRMAN:** Yes.

10          **MR. ZUBA:** That's on the total  
11 amount, the \$2000, and you're not breaking down  
12 the unlicensed people versus the permit?

13          **THE CHAIRMAN:** No. Right now, the  
14 total amount was \$2000 for all the violations, and  
15 the motion on the table is to reduce it to \$500  
16 for all the violations that were discussed and  
17 issued in the citation.

18          **MR. ZUBA:** Okay. Fair enough.

19          **THE CHAIRMAN:** Any further  
20 discussion? All right. All those in favor,  
21 indicate so by saying aye? Opposed? Motion  
22 carries. All right. So, do you have any further  
23 questions?

24          **MR. GENDRON:** No, sir.

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1           **THE CHAIRMAN:** So that fine has  
2 been reduced from \$2000 to \$500.

3 MR. GENDRON: Do I need any  
4 paperwork on that?

5 THE CHAIRMAN: You'll receive it  
6 in a couple of weeks. And I do want to thank you  
7 on behalf of the board.

8 MR. GENDRON: I want to thank you  
9 for giving me the chance. I understand the  
10 repercussions if it ever were to happen again.

11 THE CHAIRMAN: So the hearing for  
12 C.G. Electric has been closed. Next on the agenda  
13 we have a Mr. William Worthy here; is that true?

14 MR. WORTHY: Yes.

15 THE CHAIRMAN: Mr. Worthy, how are  
16 you today?

17 MR. WORTHY: I'm fine.

18 THE CHAIRMAN: You're here to  
19 represent yourself?

20 MR. WORTHY: Myself.

21 THE CHAIRMAN: And this is a  
22 violation that was issued to you on behalf of work  
23 that was done at Foot Action USA Stores, 400 Bald  
24 Hill Road, Warwick; is that correct?

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1 MR. WORTHY: Yes.

2 THE CHAIRMAN: All right.

3 Mr. Worthy, Mr. Gaj has already been sworn in, so

4 we'd ask you to take oath.

5 WILLIAM AUSTIN WORTHY

6 (SWORN)

7 THE CHAIRMAN: Okay. Thank you,

8 Mr. Worthy, for attending today, and I think

9 you've had the opportunity to witness how we

10 conduct business here. And the fact of the matter

11 is it's the goal of the Telecommunications Board

12 to get all the facts at our disposal, based upon

13 your testimony, based upon the testimony of

14 Mr. Gaj, and then make a decision based upon that.

15 Do you have any questions before we begin?

16 MR. WORTHY: No.

17 THE CHAIRMAN: Mr. Gaj, I'd like

18 to turn it over to you and ask you to explain to

19 us the violation that was issued by the department.

20 MR. GAJ: Thank you, Mr. Chairman.

21 The name on the violation is William Worthy of 7

22 Trappers Lane, East Greenwich, Rhode Island. The

23 location of the violation is the Foot Action USA

24 Shoe Store at 400 Bald Hill Road in Warwick, Rhode

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1 Island.

2 Violation: On Wednesday, March 22,

3 2006, Robert Gaj, Chief Telecommunications

4 Investigator, witnessed Mr. William A. Worthy

5 installing a telecommunications system, including  
6 infrastructure cabling and equipment for audio and  
7 video without any form of telecommunications  
8 contractor or technician license at the above  
9 location. This is two violations of Rhode Island  
10 General Law 5-70-2, practices prohibited.

11 Mr. Worthy also failed to make  
12 application with the city of Warwick for a permit  
13 to perform the above-listed telecommunications  
14 work. This is a violation of Rhode Island General  
15 Law, 5-70-19 (d).

16 It is requested that the following  
17 penalties be imposed on the violator: \$1,500 fine  
18 per Rhode Island General Law 5-70-6 (b) and 5-70-22.  
19 Mr. Chairman.

20 THE CHAIRMAN: Thank you, Mr. Gaj.  
21 Does any board member have any questions of Mr. Gaj  
22 at this time relative to the violations issued?

23 MR. MOLLO: I do, Mr. Chairman.

24 THE CHAIRMAN: Yes, Mr. Mollo.

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1 MR. MOLLO: Mr. Gaj, can you give  
2 me a little more detail on what Mr. Worthy was  
3 installing?

4 MR. GAJ: ATV system. It was flat  
5 panel monitors with speakers. Mr. Worthy and his

6 crew, two individuals, just starting to do the  
7 installation.

8 Mr. Worthy also pointed out that  
9 apparently he hired an electrician who was at  
10 Warwick City Hall as we were speaking to pull a  
11 permit for the installation. I believe you have a  
12 copy of that, that permit. Mr. Worthy had his  
13 tools, ladders and, again, two individuals that  
14 were employees just starting to do the work.

15 MR. MOLLO: Thank you,

16 THE CHAIRMAN: Mr. Zuba, Mr. Ryan,  
17 do you have any questions for Mr. Gaj at this  
18 time?

19 MR. ZUBA: No.

20 MR. RYAN: No, I don't.

21 THE CHAIRMAN: Mr. Worthy, you  
22 have an opportunity if you have any questions for  
23 Mr. Gaj at this point in time to ask him any  
24 questions.

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1 MR. WORTHY: No questions.

2 THE CHAIRMAN: There being no  
3 further questions of Mr. Gaj, Mr. Worthy, we allow  
4 you the opportunity to speak on behalf of the  
5 action that transpired on March 22nd.

6 MR. WORTHY: Sure. I'm a

7 free-lancer. I do hold a TST license. I was kind  
8 of hired as a consultant by a company that does  
9 big box stores, auto and video systems. At that  
10 point, I knew that I did not have a contractor's  
11 license to go and do the job. I hired Mr. Sisson  
12 to come and do the job, who is a master  
13 electrician.

14           And I was there with my cousin and  
15 another gentleman, another subcontractor. We got  
16 to the job, we were taking all the equipment.  
17 There was -- Foot Action didn't take the full  
18 space of, I guess, the building that they were  
19 going to take and there was like a hallway on the  
20 on the outside, separating two locations. All the  
21 equipment was getting moved from one side to  
22 inside.

23           While one of my guys were bringing a  
24 ladder in, my guys, my cousin and the

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1 subcontractor, were going through the boxes to  
2 make sure -- this was our first time on-site, we  
3 were making sure that nothing was damaged in the  
4 boxes.

5           And when I was bringing some of the  
6 equipment from next door inside, that's when I saw  
7 Mr. Gaj in there, looking and seeing what was

8 going on. There was absolutely nothing pulled,  
9 nothing hung. It was the first time we were in  
10 there, so I was just getting acclimated to the  
11 building, waiting for Butch to come in.

12 The plan was Butch was going to come and  
13 do the job and if he wanted me to help him with  
14 the job, I would do the portion of the work that  
15 my license allows me, which is the sound system,  
16 and get the job done by Foot Action. It was a  
17 last minute job. They called me up. I really  
18 didn't even want to do it. And then I put them in  
19 contact with Mr. Sisson.

20 As you know, the license was being  
21 pulled at the same time that Mr. Gaj came into the  
22 building. And that's it. I have a copy of my  
23 license, which I'm sure you guys already have, but  
24 I have a copy of the permit that was pulled.

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1 It was a cease and desist, so  
2 immediately following the violation, my cousin and  
3 I left, taking my ladder. And Mr. Sisson, because  
4 I believe that the cease and desist was against  
5 me, because he pulled the permit, he continued to  
6 finish the job.

7 This is my first violation. I mean, I'm  
8 in the process of getting my contractor's license,

9 but Mr. Gaj told me I can't take the test until  
10 this is cleared up. I've never been in trouble  
11 with the law, so I follow rules. And like I said,  
12 I didn't want to do the job with my name on it  
13 because I didn't have the permit, which I'm trying  
14 to get. I've always gone through Bob, ask him  
15 what I need to do, what steps to do in order to be  
16 able to do this type of commercial work.

17 THE CHAIRMAN: Is that fair to  
18 say, Mr. Gaj? Had some communications, he's in  
19 the process of applying for the contractor's  
20 license?

21 MR. GAJ: He hasn't made  
22 application as of yet, but I'm sure he's intending  
23 to do that once this situation is cleared up.

24 Approximately a week or so prior to this

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1 incident, I noticed a van up in Lincoln, Rhode  
2 Island with the name "Speaker Guy" on it. I think  
3 it was advanced something or other. There was a  
4 phone number, so I made the phone call because  
5 there was no license number listed on the vehicle,  
6 and it turned out to be Mr. Worthy. And I  
7 informed him that he shouldn't be contracting work  
8 with his technician's license and that was the end  
9 of that until this incident arose a week later, a

10 week or so later.

11 THE CHAIRMAN: So I see the  
12 electrical permit, Mr. Worthy. An electrical  
13 permit, the application was March 22, '06, which  
14 is the same day of the violation. So are you  
15 saying that Mr. Sisson was taking out the  
16 application while you were speaking with Mr. Gaj?

17 MR. WORTHY: Correct. I was the  
18 consultant. I was there to speak with the  
19 customer.

20 THE CHAIRMAN: So the estimated  
21 cost of complete installation was \$900; is that  
22 fairly accurate?

23 MR. WORTHY: Yes. They supplied  
24 all the equipment. He was just running all the  
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1 wire.

2 THE CHAIRMAN: Now, is Mr. Sisson  
3 a licensed telecommunications --

4 MR. WORTHY: He's a master  
5 electrician.

6 THE CHAIRMAN: So he doesn't have  
7 a telecommunications license as well?

8 MR. GAJ: No. But he has an "A"  
9 license for master contractor.

10 THE CHAIRMAN: Any other board

11 members have any questions for Mr. Worthy?

12 MR. ZUBA: Mr. Worthy, you said  
13 you were going to assist Mr. Sisson in the  
14 install?

15 MR. WORTHY: Yes.

16 MR. ZUBA: Are you an employee of  
17 Mr. Sisson?

18 MR. WORTHY: I'm sure he would  
19 have written me a check as subcontractor.

20 MR. ZUBA: No. I asked if you  
21 were an employee?

22 MR. WORTHY: No. No, I'm not.

23 MR. ZUBA: And you said you would  
24 be a subcontractor to Mr. Sisson?

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1 MR. WORTHY: Yes. If he needed  
2 the help.

3 MR. ZUBA: In other words, if  
4 you're not licensed to contract for a company, how  
5 could you be a subcontractor?

6 MR. WORTHY: He could hire me for  
7 my services. I still hold a TST license; does  
8 that mean I can't work?

9 MR. ZUBA: Well, under a master  
10 electrician, you would have to have a "B" license  
11 to work. In other words, your TST, you would have

12 to work for a TST, which he does not hold.

13 MR. WORTHY: I was not aware of  
14 that. When I came in to find out what I needed to  
15 do to conduct this work, I was never told of any  
16 of that.

17 MR. ZUBA: Usually the General  
18 Laws, if you read the General Laws.

19 MR. WORTHY: I was never supplied  
20 any of that information.

21 THE CHAIRMAN: Does he have a copy  
22 of the blue book with the law in it?

23 MR. GAJ: Not at this point. It's  
24 all available on line.

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1 THE CHAIRMAN: That's why I was  
2 asking if Mr. Sisson was a telecommunications  
3 contractor. You can work under him with a TST  
4 license if he was telecommunications contractor,  
5 but master electrician is totally different.  
6 We're talking about telecommunications  
7 specifically here. Do you do a lot of work in the  
8 state of Rhode Island?

9 MR. WORTHY: Not commercial, no.  
10 My business is to sell home theater equipment,  
11 hence, "Speaker Guy."

12 THE CHAIRMAN: Okay.

13 MR. ZUBA: So you install home  
14 theaters?

15 MR. WORTHY: Preexisting wiring,  
16 yes. So if somebody brings a television from me,  
17 I'd bring it to their house, unbox it, and stick  
18 it on their stand.

19 MR. ZUBA: Do you install the  
20 speakers also, the wiring?

21 MR. WORTHY: If it's already been  
22 prewired, correct. Sometimes they have speakers,  
23 wireless now, and those types of things.

24 MR. ZUBA: I think you should get

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1 a copy of the rules and regulations to find out  
2 what you can and can't do.

3 THE CHAIRMAN: We can provide that  
4 for you today before you leave.

5 MR. WORTHY: Okay.

6 THE CHAIRMAN: Any further  
7 questions for Mr. Worthy? Mr. Gaj, do you have  
8 any questions?

9 MR. GAJ: No.

10 THE CHAIRMAN: Mr. Worthy, any  
11 further questions for Mr. Gaj?

12 MR. WORTHY: No. I think I have  
13 everything out there.

14           **THE CHAIRMAN:** Once again, we  
15 appreciate your honesty and candor.

16           **MR. WORTHY:** When I applied for my  
17 business license with the Secretary of State, I  
18 told them what my intentions were and all that,  
19 and they told all the things that I need to go and  
20 do and I thought I did them all correctly.

21           I know I worked for another company for  
22 a number of years as an installer of sound  
23 systems, so I just kind of followed their  
24 practice, kind of as my own consultant, and then  
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1 selling retail.

2           **THE CHAIRMAN:** Okay. If there are  
3 no further questions, we move on to the next step  
4 in the proceeding and that is the violation  
5 itself. And as I mentioned, as far as the fines  
6 and penalties, that would be a second violation  
7 that we'd have to render a motion on.

8           So as far as the initial violation of  
9 the actions that took place on Wednesday,  
10 March 22nd when Mr. Worthy was alleged to have  
11 installed a telecommunication system, including  
12 infrastructure and cabling equipment, two  
13 violations were issued, Rhode Island General Law  
14 5-70-2, practices prohibited.

15           **Mr. Worthy failed to make application as**  
16 **well to do the telecommunications work, a**  
17 **violation of 5-70-19, ascertaining an electrical**  
18 **permit. So, is there a motion on the violations?**

19           **MR. ZUBA: I make a motion after**  
20 **hearing his testimony that the violation stand.**

21           **THE CHAIRMAN: Violation stands;**  
22 **is there a second?**

23           **MR. RYAN: Second.**

24           **THE CHAIRMAN: Any discussion?**

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1 **Okay. All those in favor, please indicate so by**  
2 **saying aye? And any opposed? Motion carries.**

3 **Okay.**

4           **The second motion we'd be looking at**  
5 **would be whether or not to sustain the fine that**  
6 **was issued by the department in the amount of**  
7 **\$1,500 for the combined violations of Rhode Island**  
8 **General Laws 5-70-6 (b) and 5-70-22; do I hear a**  
9 **motion on the fine?**

10           **MR. RYAN: I make a motion that**  
11 **the fine stands as is.**

12           **THE CHAIRMAN: Okay. Motion is on**  
13 **the table that the fine stands as it is; is there**  
14 **a second?**

15           **MR. ZUBA: Second.**

16           **THE CHAIRMAN:** Second. Any  
17 discussion? Okay. All of those in favor of the  
18 motion, please indicate so by saying aye?  
19 Opposed? The motion carries.

20           All right, Mr. Worthy, you heard the  
21 action taken by the board. You will be notified  
22 by mail of the action that we took and exactly  
23 what your rights are going forward. The board's  
24 recommendation is to the director, and then the  
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1 director will send Mr. Worthy a notice. And then  
2 I would recommend, can we get Mr. Worthy a copy of  
3 that blue book with the laws in it that he can  
4 take with him before he leaves today?

5           **MR. GAJ:** Yes, sir. I can do  
6 that.

7           **THE CHAIRMAN:** I recommend you  
8 pick that up at the desk and maybe just make it  
9 clear yourself on exactly what the rules and  
10 regulations are. And once again, thank you for  
11 coming today. Appreciate that.

12           **MR. WORTHY:** Okay.

13           **THE CHAIRMAN:** Let's take a  
14 two-minute recess.

15           **(OFF THE RECORD)**

16           **THE CHAIRMAN:** The next item on

17 the agenda is Freedom Security Systems. And I  
18 believe someone has signed up by the name of Joe.  
19 You're Mr. Maggio, so if I could ask you to stand,  
20 please, for the oath.

21 **JOSEPH MAGGIO**

22 **(SWORN)**

23 **THE CHAIRMAN:** Thank you,  
24 Mr. Maggio. All right. So, you've had the

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1 opportunity to witness the prior two proceedings;  
2 do you have any questions on the procedures that  
3 we utilized here?

4 **MR. MAGGIO:** No.

5 **THE CHAIRMAN:** Thank you very  
6 much. So Mr. Gaj, I'd ask you to speak about the  
7 violation issued for, it looks like Monday, May  
8 22, 2006.

9 **MR. GAJ:** Thank you, Mr. Chairman.  
10 The name on that violation is Freedom Security  
11 Systems, Incorporated; 393 Jerico Turnpike, suite  
12 201, Mineola, New York. Location: The Subway  
13 Sandwich Shop, Main Street, Pascoag, Rhode Island.

14 Violation reads: On Monday, May 22,  
15 2006, Robert Gaj, Chief Telecommunications  
16 Investigator, witnessed an employee of Freedom  
17 Security Systems, Incorporated finishing the

18 installation of equipment and cabling for a closed  
19 circuit television system at the above-listed  
20 location.

21 Freedom Security Systems, Incorporated  
22 and its employee, Mr. Dustin Butterfield, are not  
23 in possession of any form of Rhode Island  
24 Telecommunications License, which is required for  
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1 this work. This is three violations of Rhode  
2 Island General Law 5-70-2, practices prohibited,  
3 for contracting telecommunications work without a  
4 license, engaging in telecommunications work  
5 without a license, and having an unlicensed  
6 employee.

7 Freedom Security Systems also failed to  
8 make application for permit with the town of  
9 Burrillville. This is one violation of Rhode  
10 Island General Law 5-70-19 (d).

11 This company has received two verbal  
12 warnings in the past and one written warning and  
13 one fine in the past. It is requested that a  
14 \$4,000 penalty be imposed on Freedom Security  
15 Systems, per Rhode Island General Law 5-70-6 (d)  
16 and 5-70-22. Mr. Chairman.

17 THE CHAIRMAN: Okay. Thank you,  
18 Mr. Gaj. Do any board members have any questions

19 of Mr. Gaj, relative to the violation issued?

20 MR. ZUBA: One question.

21 THE CHAIRMAN: Yes.

22 MR. ZUBA: You indicated that the  
23 violations were \$4,000?

24 MR. GAJ: Yes. Fines were doubled

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1 on the basis of this is the second.

2 MR. ZUBA: And the check in the  
3 back is for \$6,000?

4 MR. GAJ: That's the past  
5 violation.

6 THE CHAIRMAN: Mr. Zuba was making  
7 reference to a history that the board members have  
8 been provided with prior violations and penalties  
9 issued to Freedom Security Systems, just for the  
10 record. Any other questions for Mr. Gaj?

11 Mr. Maggio, as I stated to the previous  
12 two individuals representing their company, you  
13 have an opportunity as well to ask Mr. Gaj any  
14 questions based upon the testimony that he just  
15 rendered, so do you have any questions for Mr. Gaj  
16 relative to the violation?

17 MR. MAGGIO: No, sir.

18 THE CHAIRMAN: There being no  
19 further questions at this time for Mr. Gaj, I

20 would then allow Mr. Maggio to speak on behalf of  
21 Freedom Security Systems.

22 MR. MAGGIO: Thank you very much,  
23 Mr. Chairman. Actually, I have several issues  
24 that I would like to raise. And I'll try to do

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1 them in some order that I think makes some sense.

2 Firstly, upon receiving the \$6,000 fine,  
3 I have an organization of about 170 employees. I  
4 own the company, run it with my wife and my son.  
5 Gave a former employee a directive to not enter  
6 the state again until our licensing issues were  
7 resolved. That employee is no longer with us for  
8 a variety of reasons, not the least of which is  
9 this particular situation that we find ourselves  
10 in again.

11 THE CHAIRMAN: I don't mean to  
12 interrupt you, but are we referring to Mr. Dustin  
13 Butterfield?

14 MR. MAGGIO: James Kelly. He's no  
15 longer employed by Freedom. I believe that at one  
16 point Mr. Kelly contacted Mr. Rossi, who is here  
17 with us today, and asked Mr. Rossi to do work for  
18 us on a subcontractor basis. And I believe  
19 Mr. Rossi has done that, has actually performed  
20 work.

21           Actually, there's a job in question that  
22 is before you with the sandwich shop, particularly  
23 that Mr. Rossi eventually did finally pull the  
24 permit for. And I believe Mr. Gaj is aware of  
0037

1 that and I believe that is probably part of the  
2 documentation now.

3           **THE CHAIRMAN:** Let me interrupt  
4 you; is it your intent to have Mr. Rossi testify  
5 on your behalf?

6           **MR. MAGGIO:** I certainly would not  
7 have any objection to you asking Mr. Rossi any  
8 questions.

9           **THE CHAIRMAN:** If that is the  
10 intent, Mr. Rossi would have to be administered  
11 the oath if he's going to give testimony on  
12 behalf. If he's not, we really can't accept  
13 hearsay evidence, you know what I mean? So we're  
14 here to get at the facts, the testimony.

15           You basically were administered the  
16 oath, you represent the company. Mr. Rossi hasn't  
17 signed up that he was going to speak, and if  
18 that's the intention, then we can get there, he'd  
19 just have to be sworn in.

20           **MR. MAGGIO:** Anything to help this  
21 process, Mr. Chairman.

22 THE CHAIRMAN: We just want to get  
23 the facts out in front of us.

24 MR. MAGGIO: Understood.

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1 Mr. Rossi, I believe, is here for that purpose, if  
2 called upon, if he is. And if he's not, then I  
3 guess he can state that now if you'd like, but I'm  
4 fine with him participating.

5 THE CHAIRMAN: If he's going to  
6 represent your company, that's your call, it's not  
7 our call. So if that's what your intent is, then  
8 we can go that way.

9 MR. MAGGIO: Certainly I'd invite  
10 Mr. Rossi to represent my company.

11 THE CHAIRMAN: Okay.

12 MR. MAGGIO: Relative to this.

13 THE CHAIRMAN: Are you going to  
14 give testimony?

15 MR. ROSSI: If need be.

16 THE CHAIRMAN: I'd ask you to sign  
17 here and then go sit next to Mr. Maggio.

18 FRANK S. ROSSI

19 (SWORN)

20 THE CHAIRMAN: Okay. All right.

21 MR. MAGGIO: Shall I continue?

22 THE CHAIRMAN: Yes. I don't mean

23 to interrupt.

24 MR. MAGGIO: The transaction with  
0039

1 the sandwich shop is a situation whereby my  
2 feeling is that we had asked Mr. Rossi to do the  
3 physical installation.

4 I had my gentlemen go in there evidently  
5 to go ahead and train the customer on the system.  
6 The system is a DVR, which is digital video  
7 recorder attached to cameras. The same type of  
8 system that can be purchased on the internet by  
9 any business owner in this or any other state,  
10 that they can call upon to install, either put it  
11 up themselves if they which, probably not legally,  
12 but they certainly could hire someone like  
13 Mr. Rossi in their state who is licensed to do so.

14 Mr. Rossi performed that installation to  
15 the best of my knowledge, now that I'm  
16 backtracking and looking into all the details.  
17 And this particular client, of course, is now  
18 having an issue with me, with the company. I  
19 think Mr. Gaj is aware of this, has spoken with  
20 this particular person.

21 This transaction is what's called a  
22 "lease transaction" or "third party lease  
23 transaction," which I don't know if this further

24 complicates matters, but Freedom Systems is paid

0040

1 for the job by a third party. That third party

2 then bills the client.

3 So this particular customer entered into

4 an agreement through us, through Freedom, to pay X

5 amount of dollars per month for X amount of time,

6 and that's how they pay for the system. I just

7 want to get a whole bunch of facts on the table

8 and let you sort out what you think is relevant.

9 And Mr. Gaj will direct us, I'm sure, one way or

10 another.

11 So this transaction is in the balance,

12 hangs in the balance. This particular client is

13 rejecting to make the payments to the bank. The

14 work was done. This is an issue in and of itself.

15 THE CHAIRMAN: With all due

16 respect, I think the purposes for the scope of our

17 hearing here is we have to focus on the violation

18 that was issued, and in this case, you know, we're

19 talking about one of your employees, a Mr. Dustin

20 Butterfield, who was not -- allegedly did not have

21 a Rhode Island Telecommunications License, working

22 in a Subway Sandwich Shop on Main Street, Pascoag,

23 Rhode Island.

24 Also, the other issue we're looking at

0041

1 is whether or not there was a permit pulled with  
2 the town of Burrillville to do the work, okay. So  
3 that's what we're looking at. So, I'm just trying  
4 to understand what we are here for -- where we are  
5 here.

6 Mr. Rossi wasn't witnessed doing the  
7 work. My assumption is Mr. Rossi has a  
8 contractor's license. Did Mr. Rossi pull the  
9 permit with the town of Burrillville?

10 MR. MAGGIO: Yes.

11 THE CHAIRMAN: He did. Do we have  
12 a copy of the permit? We do. So this is, the  
13 permit is dated June 20, 2006, and the act is May  
14 22, 2006. So you're saying that when the cease  
15 and desist was issued, then you went to Rossi? I  
16 thought you said you went to Rossi because you  
17 knew he had a license first to do the work. It  
18 looks like here you went to him after the fact.

19 MR. MAGGIO: I'd like to refer to  
20 Frank, if he knows. Do you know if that was the  
21 case?

22 MR. ROSSI: They called me after  
23 the fact.

24 MR. MAGGIO: Apparently we

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1 installed the system and then went to Mr. Rossi  
2 after the fact to pull the permit.

3 THE CHAIRMAN: So on May 22, 2006,  
4 you installed a system using an unlicensed  
5 contractor to do business in Rhode Island, and  
6 also, you never pulled out the electrical permit?

7 MR. MAGGIO: That is correct.

8 THE CHAIRMAN: We just want to  
9 concentrate on May because that's the violation.  
10 Okay. All right. Anything else?

11 MR. MAGGIO: Well, I guess I came  
12 today to ask for consideration considering one  
13 fine was already paid in the sum of \$6,000, and  
14 that to my knowledge, we were not working in the  
15 state of Rhode Island because of that fine paid,  
16 because I certainly wouldn't want to have my fines  
17 doubled and have that happen again.

18 My people seem to have not followed my  
19 instruction, and we are in this situation once  
20 again. So I come before you today to ask for your  
21 consideration regarding the next fine, the \$4,000  
22 fine, and then to talk a little bit about a  
23 conversation that I had with Mr. Gaj in terms of  
24 trying to rectify the situation once and for all

0043

1 and get my proper licensing in the state so that I

2 can work legally.

3           Of course, Mr. Gaj informed me that  
4 until the \$4,000 was paid, there wouldn't be any  
5 further discussion. So I felt it necessary to  
6 come here this mornings to say that there is  
7 nothing more that I want than to operate legally  
8 in the state.

9           And I have with me a notarized letter of  
10 my son who has been installing these systems for  
11 the last six years, who I would like to be the one  
12 to take the test to qualify for the license. And  
13 I have my New York State License with me, that I  
14 thought you might want to see, but I also have  
15 with me some credentials about my company that I  
16 would like to present for consideration, if that  
17 is something that's done. I don't know.

18           **THE CHAIRMAN:** We'd be more than  
19 happy, during testimony, whatever you wanted to  
20 give the board, we'd be more than happy to see.

21           **MR. MAGGIO:** Thank you for that.

22           **THE CHAIRMAN:** We can make it part  
23 of the record for our consideration. So if you  
24 have that and want to hand that out to us...

0044

1           **MR. MAGGIO:** I would be very happy  
2 to. The purpose of me bringing this is just to

3 establish the fact that my company has been around  
4 for nine years. We've installed thousands of such  
5 systems. I've received citations from the FBI for  
6 my work in terms of video capturing, capturing  
7 video data having to do with the 9/11 incident.

8 I have here for you to peruse a book of  
9 testimonial letters. Those testimonial letters  
10 indicate some of the benefits that my clients  
11 receive by having our system. And this is what  
12 makes Freedom unique of all of the people that  
13 install camera systems, we have developed a  
14 program.

15 We call it a Loss Prevention Management  
16 Program. And what it does is it instructs a  
17 business owner how to deal with issues that they  
18 face in their business, thus creating not just  
19 value in the system, but a brighter future for the  
20 business owners. So, I give this to each client,  
21 custom made for their business, and it's a set of  
22 protocols that address all the issues that are  
23 important to business owners, to be able to use in  
24 business.

0045

1 THE CHAIRMAN: Can the record  
2 reflect the information that has been distributed  
3 to the board members on behalf of Mr. Maggio's

4 company? Thank you. Does any board members have  
5 any questions relative to Mr. Maggio's testimony  
6 at this point in time?

7 MR. ZUBA: Yes. I have a  
8 question.

9 THE CHAIRMAN: Okay.

10 MR. ZUBA: Mr. Maggio, you  
11 indicate that your employees did not follow your  
12 instructions?

13 MR. MAGGIO: Yes.

14 MR. ZUBA: As far as the operation  
15 of your business, I'm not sure how it operates,  
16 but normally I would say a customer would call the  
17 office, your office would take the call, and then  
18 send the workers out to the job site? Or would  
19 the workers act as subcontractors and get the call  
20 directly?

21 MR. MAGGIO: Actually, how it  
22 would happen is we would actually -- a sales  
23 person would make a visit and then a sale would  
24 ensue and then it would then be installed. That

0046

1 would be called into the office and we dispatch  
2 installers.

3 MR. ZUBA: Sales person is on your  
4 payroll?

5 MR. MAGGIO: That is correct.

6 Straight commission sales person.

7 MR. ZUBA: Are you familiar with

8 the regulations, the licensing law? Just read

9 this first sentence, "Practices prohibited. It is

10 unlawful for any person not in compliance with

11 this chapter to engage in or to offer to design,

12 install, alter, service, or test communications in

13 the state as defined in this chapter."

14 So, you're offering a service that

15 you're not licensed for?

16 MR. MAGGIO: I understand now.

17 MR. ZUBA: I'm just trying to

18 clarify how your operation was as far as trying to

19 follow the operations of the state.

20 MR. MAGGIO: Yes. Well, I think

21 it was clear that I didn't understand the

22 regulations initially. We got the initial fine

23 for \$6,000. That was paid. I said, "Please, do

24 not go into Rhode Island under any circumstances.

0047

1 We're under violation. We have to pursue correct

2 licensing if we're going to go there. That was

3 not adhered to and we wound up here again.

4 MR. ZUBA: That's why we're here?

5 MR. MAGGIO: Right.

6 MR. ZUBA: Thank you.

7 MR. MAGGIO: I did have a couple  
8 of other documents. This is our license in New  
9 York State. And this is something that I believe  
10 Mr. Gaj will eventually want to have in terms of  
11 our qualifying for taking the test, if necessary.

12 THE CHAIRMAN: Any further  
13 questions?

14 MR. ZUBA: Yes. I have other  
15 questions. Your employees, as far as -- I'm  
16 trying to listen to your operation of your  
17 business, how do they get to that particular job  
18 site on May 22nd?

19 MR. MAGGIO: It's a probability  
20 that they simply what we call, "cold canvassed  
21 it," they made an appointment. They walked in and  
22 made an appointment.

23 MR. ZUBA: Without going through  
24 the office?

0048

1 MR. MAGGIO: That's correct. Made  
2 the sale. Then the sale comes into the office.  
3 And then installers are dispatched.

4 MR. ZUBA: So you're saying a  
5 sales person or an installer went to this  
6 particular job site on May 22nd? You must have

7 some record of it?

8 MR. MAGGIO: May 22nd, I believe

9 is the date of the violation, so therefore, it had

10 to be one of my installers, so that's when

11 Mr. Butterfield, who is a technician, went to do

12 the installation.

13 MR. ZUBA: So this happened to

14 prior to the sale?

15 MR. MAGGIO: No. The sale would

16 happen prior to the installation.

17 MR. ZUBA: In other words, you

18 were there prior to May 22nd, one of your

19 employees?

20 MR. MAGGIO: Yes. That's correct,

21 sometime prior.

22 MR. ZUBA: They wrote the order up

23 for the installer to go there?

24 MR. MAGGIO: Correct.

0049

1 MR. ZUBA: Against your orders?

2 MR. MAGGIO: Correct.

3 MR. ZUBA: Thank you.

4 MR. MAGGIO: Just one other

5 document I'd like to enter, if I may, Mr. Chairman.

6 This is our Better Business Bureau with thousands

7 of customers, and you can take a look and see the

8 sort of service that we give to our customers.

9 And I hold a New York State license now since  
10 1995, without any sort of issue.

11 So, I just would like to make the point  
12 that we are certainly qualified and capable of  
13 doing this work. We are not doing it in  
14 compliance obviously. That is a big problem. It  
15 has to be resolved. I want to resolve it. And I  
16 was only asking for consideration with regard to  
17 the \$4,000 to move forward. Either way, I'll move  
18 forward, and I would like to work in the state.  
19 And I would like to do that within the rules and  
20 regulations.

21 THE CHAIRMAN: All right. Thank  
22 you. Any further questions?

23 MR. ZUBA: I have another  
24 question. Have you applied for licensing in this  
0050

1 state?

2 MR. MAGGIO: Not yet. I have it  
3 right here in front of me. I'm about to do  
4 exactly that.

5 THE CHAIRMAN: Your son is who you  
6 intend to have sit to take the license to be a  
7 contractor?

8 MR. MAGGIO: Correct.

9 THE CHAIRMAN: Because I saw he  
10 had six years of experience.

11 MR. MOLLO: Mr. Maggio, you're  
12 just making application for license now? I didn't  
13 see the application --

14 THE CHAIRMAN: Sorry, Steve.  
15 That's just a letter of recommendation for Mr. Maggio's  
16 son, Thomas, who is going to apply.

17 MR. MAGGIO: Yes.

18 MR. MOLLO: So the application for  
19 licensing has just been submitted, say, within the  
20 last 30 days; am I correct?

21 MR. MAGGIO: The application has  
22 not been submitted. It could not be submitted  
23 until the fine was addressed. And already having  
24 paid a \$6,000 fine, I thought that I would like to

0051

1 explain this all to you before I paid the \$4,000  
2 to go ahead and get the proper licensing to see if  
3 there was anything that could be done about it.

4 MR. MOLLO: My question would be  
5 relevant to after you paid the \$6,000 fine, why  
6 didn't you submit an application for licensing  
7 then?

8 MR. MAGGIO: There was a gap.  
9 This particular individual who was in charge of

10 getting licensing, this Mr. Kelly that I mentioned  
11 before, was tasked with that responsibility. He  
12 hadn't obviously, and not even so much to my  
13 knowledge, moved forward with that process. He  
14 was terminated in mid-June, and I then waited for  
15 the opportunity to get before you.

16 MR. MOLLO: Thank you. No further  
17 questions, Mr. Chairman.

18 THE CHAIRMAN: Was Mr. Kelly the  
19 salesman who discussed the Subway Sandwich Shop?

20 MR. MAGGIO: No, sir. Mr. Kelly  
21 was my director of operations.

22 THE CHAIRMAN: Who was the  
23 salesman who went to the Subway Sandwich Shop in  
24 advance of the installation that took place on May  
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1 22nd?

2 MR. MAGGIO: I'm not sure. I  
3 could get that. It's somebody who worked for me,  
4 yes. I could get that if that's required.

5 THE CHAIRMAN: And based on that  
6 sale, Mr. Butterfield, who you testified was one  
7 of your technicians, did go out on May 22nd?

8 MR. MAGGIO: Yes, that's correct.

9 THE CHAIRMAN: That's the focus of  
10 our investigation. Everything that transpired on

11 May 22nd, that's what gave rise to this. That's  
12 pretty much what we want to -- whatever internal  
13 controls you have, is something we as a board  
14 don't have any control over. Mr. Rossi has come  
15 to testify on behalf of your company; is there  
16 anything else you would like to add?

17 MR. ROSSI: No.

18 THE CHAIRMAN: Mr. Gaj?

19 MR. GAJ: If I could, Mr. Chairman,  
20 the electrical permit that I believe each board  
21 member has, was applied for by Mr. Rossi well  
22 after the installation, as you've indicated. And  
23 the reason for that application is the owner of  
24 the sandwich shop was concerned about the safety  
0053

1 of the installation, as well as I was, at the  
2 initial meeting with Mr. Butterfield and at the  
3 time of the violation.

4 And I just -- I can only speculate that  
5 Freedom called Mr. Rossi to check out the job  
6 possibly after the Subway Shop owner complained  
7 about it. And Mr. Rossi just pulled a permit to  
8 check the work that was done and to accept any  
9 kind of responsibility for that work, to make sure  
10 it was done within code. I just wanted to clarify  
11 that for the board, the reason for Mr. Rossi's

12 appearance here, to my knowledge, was just to  
13 state that.

14           **THE CHAIRMAN:** But his license now  
15 is at risk, but if anything happens to that job,  
16 it's his license that pulled the permit and so he  
17 would be --

18           **MR. GAJ:** It is. He has inspected  
19 the job and I believe the town inspector also  
20 inspected it and everything is fine there. Also,  
21 if I may, Mr. Chairman, over the past year to two  
22 years --

23           **THE CHAIRMAN:** I was going to ask  
24 you about the history.

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1           **MR. GAJ:** My encounters with  
2 Freedom Security Systems, all the employees tend  
3 to come out of Massachusetts, and I'm under the  
4 impression that there's a Massachusetts office,  
5 possibly in Sudbury, Mass. I've also called the  
6 state of Massachusetts, the Commonwealth of  
7 Massachusetts, to inquire if Freedom has a license  
8 in Massachusetts, and apparently they don't have a  
9 license in Massachusetts to operate as well.

10           Again, over the past year or two, I've  
11 been asking or sending Freedom employees on their  
12 way as indicated in past violations, such as the

13 7/11 store in Providence, the Easy Mart in  
14 Gloucester, Elite Pizza in Burrillville. And  
15 apparently there is some kind of communication  
16 problem with Freedom where they're not getting the  
17 idea that they need to be licensed, hence the  
18 \$6,000 violation the first time and the \$4,000  
19 violation this time.

20 THE CHAIRMAN: Okay. Board have  
21 any questions of either Mr. Gaj or Mr. Maggio?

22 MR. ZUBA: I have a question for  
23 Mr. Rossi, but I don't know if that's pertinent at  
24 this time.

0055

1 THE CHAIRMAN: He's here.

2 MR. ZUBA: Mr. Rossi, the permit  
3 application indicated two wired surveillance  
4 cameras?

5 MR. ROSSI: Yes.

6 MR. ZUBA: So did you wire them or  
7 did Freedom wire them?

8 MR. ROSSI: Freedom wired them.

9 MR. ZUBA: So in other words, the  
10 wording on the permit is incorrect?

11 MR. ROSSI: That's for the work  
12 that was done. That's what the permit is for. It  
13 was basically in communication with Freedom and

14 Mr. Gaj to get out because the customer was  
15 nervous over what was going on. I went through  
16 everything to make sure everything was up to code.

17 MR. ZUBA: But normally when you  
18 take out a permit, and in this case you indicate  
19 that you would either finish a job started by  
20 others or complete it, so we would know the  
21 history of the job.

22 MR. ROSSI: Right. You think I  
23 would be doing that. That's incorrect on my part.  
24 Also, I have a question for the board. I spoke to  
0056

1 Mr. Gaj about it. Me being a contractor in the  
2 company, if a company approaches me from  
3 out-of-state and wants me to be a subcontractor,  
4 if they are not licensed in the state, I've talked  
5 to Mr. Gaj over this, we are not allowed to do  
6 work for an unlicensed company; is that correct?

7 MR. ZUBA: If it's an unlicensed  
8 company, no.

9 MR. ROSSI: -- Frank, could you do  
10 a job for us? We couldn't. Everything would have  
11 to go through our company.

12 MR. ZUBA: Have to directly --

13 MR. ROSSI: Right. I couldn't do  
14 the work for Freedom and they would issue me a

15 check as a subcontractor. He would have to be  
16 licensed for me to be his subcontractor?

17 MR. ZUBA: Right.

18 MR. ROSSI: Just to clarify. Just  
19 so I know, because I was unaware of that.

20 THE CHAIRMAN: Today the purpose  
21 of the hearing is based upon a violation. If  
22 there's any questions relative to licensing, I'd  
23 ask that it take place after the hearing. But I  
24 have a question for you, Mr. Zuba, if you don't

0057

1 mind?

2 MR. ZUBA: Sure.

3 THE CHAIRMAN: Is it my  
4 understanding that once an individual goes and  
5 demonstrates their license to either a city or  
6 town, whether they did the work or not, they're  
7 liable for that work?

8 MR. ZUBA: That's correct.

9 THE CHAIRMAN: All right.

10 Anything further? Mr. Maggio, do you have any  
11 questions for Mr. Gaj?

12 MR. MAGGIO: No, sir.

13 THE CHAIRMAN: Okay. So there  
14 being no further testimony or questions at this  
15 point in time, I'd like to focus our attention on

16 the violations issued Monday, May 22nd, where  
17 Mr. Gaj witnessed an employee of Freedom Security  
18 finishing the installation of equipment and  
19 cabling for a closed circuit television system at  
20 the Subway Sandwich Shop, Main Street in Pascoag.

21 There were three violations of Rhode  
22 Island General Law 5-70-2, practices prohibited,  
23 work, contracting of telecommunications work  
24 without a license, engaging in telecommunications  
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1 work without a license, and having an unlicensed  
2 employee. As well as the fact that Freedom failed  
3 to make an application for permit in the town of  
4 Burrillville, where the work was being done. One  
5 violation of Rhode Island General Law 5-70-19 (d).

6 There have been two verbal warnings to  
7 Freedom Security, one written warning, and one  
8 fine that was rendered in the amount of \$6,000 in  
9 the past, which is undisputed evidence for the  
10 purposes of the record. So that's the violation;  
11 is there a motion from the board on the violation  
12 issued?

13 MR. ZUBA: I believe after hearing  
14 the testimony here that the violation stand.

15 THE CHAIRMAN: Motion the  
16 violation stands; is there a second?

17 MR. MOLLO: Second.

18 THE CHAIRMAN: Second. Any  
19 discussion? There being no discussion; all those  
20 in favor of the violation standing, please  
21 indicate so by saying aye? Opposed? Motion  
22 carries.

23 The second phase is the \$4,000 fine  
24 which was rendered pursuant to the violations of  
0059

1 Rhode Island General Law 5-70-6 (b) and 5-70-22.  
2 Four violations at \$1,000 each. Is there a motion  
3 relative to the monetary fines rendered by the  
4 Department of Labor & Training?

5 MR. RYAN: Make a motion that the  
6 fine stands.

7 THE CHAIRMAN: Motion the fine  
8 stands; is there a second?

9 MR. MOLLO: Second.

10 THE CHAIRMAN: Second. Any  
11 discussion? All those in favor of the motion that  
12 the fine stands at \$4,000, please indicate so by  
13 saying aye? Opposed? Motion carries. You'll be  
14 notified in writing of the actions taken by the  
15 board, Mr. Maggio.

16 I thank you and Mr. Rossi for attending.  
17 At this point, I'll declare the hearings over, and

18 I would excuse our stenographer.

19 (CONCLUDED AT 10:30 A.M.)

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1 CERTIFICATE

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5 I, Claudia J. Read, Notary Public, do hereby  
6 certify that I reported in shorthand the foregoing  
7 proceedings, and that the foregoing transcript  
8 contains a true, accurate, and complete record of  
9 the proceedings at the above-entitled hearing.

10

11 IN WITNESS WHEREOF, I have hereunto set my  
12 hand this 14th day of August, 2006.

13

14

15

16

17 CLAUDIA J. READ, NOTARY PUBLIC/CERTIFIED COURT  
REPORTER

**18 MY COMMISSION EXPIRES NOVEMBER 2, 2008.**

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