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

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PROCEEDINGS AT HEARING :

5 :

IN RE: :

6 :

BOARD OF EXAMINATION AND :

7 LICENSING TELECOMMUNICATIONS :

SYSTEMS CONTRACTORS, :

8 TECHNICIANS AND INSTALLERS :

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10

DATE: SEPTEMBER 4, 2007

11

TIME: 9:00 A.M.

PLACE: 1511 PONTIAC AVENUE

12

BUILDING 70

CRANSTON, RI

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15 PRESENT:

WILLIAM McGOWAN, CHAIRMAN

16 STEVE MOLLO
LAURENCE RYAN

17 ROBERT ZUBA
ROBERT GAJ, INVESTIGATOR

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RHODE ISLAND COURT REPORTING

23 747 NORTH MAIN STREET
PROVIDENCE, RI 02904

24 (401) 437-3366

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

2 THE CHAIRMAN: I'd like to call

3 the meeting to order. Mr. Zuba, if you'd call the
4 role.

5 MR. ZUBA: Steve Mollo.

6 MR. MOLLO: Here.

7 MR. ZUBA: Jay Bombardier. Paul
8 Feeney.

9 MR. FEENEY: Here.

10 MR. ZUBA: Larry Ryan. Bill
11 McGowan.

12 THE CHAIRMAN: Here.

13 MR. ZUBA: I'm here, Robert Zuba.

14 And Tom Chabot.

15 MR. CHABOT: Here.

16 THE CHAIRMAN: Mr. Chabot, I'd
17 like to welcome you to the board, look forward to
18 working with you. Congratulations.

19 Okay. We have minutes from our previous
20 meeting of May 1, 2007. If everyone has had an
21 opportunity to review the minutes, at this time
22 I'd like to entertain a motion to approve the
23 minutes from our last meeting, May 1st.

24 MR. FEENEY: So moved.

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1 THE CHAIRMAN: Mr. Feeney; is
2 there a second?

3 MR. ZUBA: Second.

4 THE CHAIRMAN: Seconded by
5 Mr. Zuba. All those in favor, please indicate so
6 by saying aye. Motion carries. Mr. Gaj, any
7 communications that we have before us?

8 MR. GAJ: No communications.

9 THE CHAIRMAN: No communications.
10 Okay. This morning we have one issue on the
11 agenda, that is a hearing that we have, American
12 Alarm & Communications. Representing American
13 Alarm & Communications, we have Mr. Sampson with

14 us.

15 And at this point in time, Mr. Gaj, I
16 would like you to please read for us, read for the
17 record, the allegation and the violation
18 concerning American Alarm & Communications.

19 MR. GAJ: Thank you, Mr. Chairman.
20 The violation is dated 4/24/07. Violation No. 3117.
21 Name on the violation is American Alarm &
22 Communications, 297 Broadway, Arlington,
23 Massachusetts. Location of the violation is the
24 99 Restaurant on Route 2 in Warwick, Rhode Island.
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1 The violation is on March 30, 2007, DLT
2 Investigator Robert Gaj witnessed Paul Baptista,
3 license number TST 1325 and Albert Medina, Jr.,
4 unlicensed, both employees of American Alarm &
5 Communications, Incorporated, providing
6 infrastructure cabling for a CCTV system.

7 American Alarm & Communications,
8 Incorporated contracted for and engaged in
9 telecommunications work which requires a Rhode
10 Island Telecommunications System Contractor
11 License. American Alarm & Communications is not
12 in possession of any form of Rhode Island
13 Telecommunications System Contractor, Technician
14 or Installer License. This is two violations of

15 Rhode Island General Law 5-70-2, practices
16 prohibited.

17 American Alarm & Communications,
18 Incorporated failed to make an application for
19 permit with the city of Warwick. This is one
20 violation of Rhode Island General Law 5-70-19 (d),
21 local laws and codes. Mr. Chairman.

22 THE CHAIRMAN: Thank you, Mr. Gaj.
23 So we've heard and evidence has been placed on the
24 record as far as the violation goes. At this

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1 point in time, I would ask Mr. Gaj and also
2 Mr. Sampson, you're going to testify for the
3 company, that for purposes of examination and
4 testimony, that you be sworn in prior to giving
5 that testimony.

6 WELLS SAMPSON, ROBERT GAJ
7 (SWORN)

8 THE CHAIRMAN: Thank you very
9 much. Okay. We've heard the violation and at
10 this point in time, I would ask any board member
11 if they have any questions for Mr. Gaj.

12 MR. MOLLO: I have a question,
13 Mr. Chairman.

14 THE CHAIRMAN: Yes.

15 MR. MOLLO: Mr. Gaj, what exactly

16 were they installing, I don't see CCTV systems;
17 are they running the cable, putting the equipment
18 in?

19 MR. GAJ: They were attempting to
20 install a cable. And from what both individuals
21 told me, it's a one camera system, just to look at
22 the front door of the establishment because
23 apparently they're having a waitress or waiter
24 deliver food out to the cars out front.

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1 MR. MOLLO: Thank you.

2 THE CHAIRMAN: Does anyone else
3 have any questions for Mr. Gaj, any board member?

4 Mr. Sampson, in all fairness, do you
5 have any questions for the inspector at this point
6 in time that you would like to ask concerning the
7 violation just read into the record?

8 Mr. SAMPSON: I do. Is this my
9 opportunity to?

10 THE CHAIRMAN: This is your
11 opportunity to ask the inspector any questions,
12 and then after that you'll have the opportunity to
13 appear before us and give your version of the
14 events that transpired, but, you know, you can ask
15 him a question now concerning the violation that
16 he just read into the record.

17 MR. SAMPSON: No thanks.

18 THE CHAIRMAN: So then if there is
19 no further questions, then if I could ask you just
20 to go down to the end of the table and then we
21 would welcome you and give you the opportunity to
22 present your version of the facts, because our
23 interest here is to have a fair hearing and make
24 sure we hear all the facts and circumstances that

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1 gave rise to the violation. Thank you.

2 Mr. Sampson.

3 MR. SAMPSON: I appreciate that.

4 My name is Wells Sampson from American Alarm &
5 Communications based in Massachusetts at this
6 time. I did, my comments have three parts.

7 The first was I wanted to review the
8 facts of the situation. The second one is I'd
9 like to, I want to refer to a chapter in the law,
10 the Rhode Island law. And the third thing was, if
11 time permits, I did have several questions just
12 about talk on licensing in general because I do
13 intend to get my company properly licensed.

14 THE CHAIRMAN: We appreciate that
15 and we have ample time available. So whatever
16 questions you have, please ask them now and we can
17 confer with you after the hearing if you want. We

18 want to make sure you have a complete
19 understanding of the law and what your
20 responsibilities are and what it takes to get a
21 telecommunications license.

22 MR. SAMPSON: Thank you. First,
23 I'm going to go back to a little bit of history.
24 Our company purchased a company called Electro
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1 Systems based in Fall River back in 1994.

2 At the time, the owners of the company,
3 they were fully licensed as of 1996 in
4 telecommunications. The owner at that time failed
5 to maintain his current licensing and now that
6 license lapsed. So that is history that is
7 important, I believe.

8 The next bit of the facts, as Inspector
9 Gaj said, the CCTV surveillance system that was
10 going on at the 99 Restaurant was an add-on to an
11 existing system. It was not a new system, it was
12 adding a camera and a couple of monitors for some
13 new features that 99 was looking for.

14 We were also there to do some other
15 work, so that was simply a portion of some burglar
16 alarm work we don't really relate to this, to this
17 board. So that was, we did send a guy with the
18 best telecommunications license credentials that

19 we have.

20 However, I now know that I've now read
21 the law and read all the permitting laws and have
22 a much better feeling for what is required in the
23 state of Rhode Island.

24 **THE CHAIRMAN:** Not to interrupt,

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1 are you referring to Mr. Baptista?

2 **MR. SAMPSON:** I am, yes.

3 **THE CHAIRMAN:** He had a telecom
4 license, but not a contractor's license.

5 **MR. SAMPSON:** Correct. Correct.

6 So I do acknowledge that we had an issue that
7 Inspector Gaj had some legitimate concerns about
8 what we did, and I intend to make that right and
9 to correct that issue and as we move forward.

10 The one when I was reading through the
11 law, I read Chapter -- Title 5, Businesses and
12 Professions, Chapter 5-70, Telecommunications,
13 Section 5-70-6. And I'm reading here under
14 subsection it says, the title is "Unauthorized
15 Practice Prohibited Criminal Penalties and
16 Injunctions," and under Paragraph B, it says, "Any
17 individual partnership or corporation which is
18 found to have violated Subsection K of this
19 section, after notice and hearing before the board

20 of Examination and Licensing of Telecommunications
21 Systems Contractors, Technicians and Installers,
22 and approved by the Director of Labor and Training
23 shall be obligated to pay a fine of not more than
24 \$500 for the first offense."

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1 A fine of not more than \$500 for the
2 first offense. "And a fine of not less than \$500
3 and no more than \$1,000 for each subsequent
4 offense." So what I am asking today is based on
5 that clause, that the board consider the initial
6 penalty of \$1,500 on the good faith that we're
7 going to be complying going forward now that
8 we've -- we're getting on board.

9 THE CHAIRMAN: Thank you.

10 MR. SAMPSON: That is my first
11 request, not that I am in a position to request
12 much of anything, but I do at least feel that that
13 is a question worth asking.

14 THE CHAIRMAN: Your request will
15 be duly noted and considered. If I could just ask
16 you maybe if we could just focus on what you just
17 stated. Have mentioned that the license for, was
18 it Electro Systems? They had a valid contractor's
19 license?

20 MR. SAMPSON: Correct.

21 **THE CHAIRMAN:** The company that
22 you purchased. When did that lapse?

23 **MR. SAMPSON:** The last copy that I
24 have is from 1996 and had the full endorsements of
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1 all four of the speciality categories.

2 **THE CHAIRMAN:** So it was a while
3 ago.

4 **MR. SAMPSON:** It was. He spent a
5 number of days coming in trying to figure out how
6 to get reinstated. Of course he's terrified of
7 taking the exam, and that actually gets to some of
8 the other questions because I want to get multiple
9 people able to pass the exam, but he is concerned
10 about having to pass the exams and what to do to
11 study and so forth.

12 So certainly if there were a way for him
13 to pay penalties and then be reinstated as he was,
14 I'm sure he would consider that.

15 **THE CHAIRMAN:** Okay. What is the
16 board's pleasure, do you want to ask any questions
17 now or do you want Mr. Sampson to proceed? With
18 that, we'll allow you to proceed.

19 **MR. SAMPSON:** So we kind of
20 covered one of my several questions which was is
21 there any possible way for the individual that

22 formerly, Paul Pettit was his name, is there any
23 possible way for him to become relicensed without
24 having to take the exam, simply by paying

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1 penalties in arrears and paying his fees from
2 prior years? And so that's a question I'm hoping
3 can be answered.

4 THE CHAIRMAN: Vice Chairman
5 Feeney, that would be one of your specialties,
6 would you like to address that, please.

7 MR. FEENEY: The requirement is a
8 two-year. Now, this is under rules and
9 regulations of the board. That you have a
10 two-year period from day of expiration to renew
11 without re-examination.

12 THE CHAIRMAN: So 1996.

13 MR. FEENEY: To '98.

14 THE CHAIRMAN: So to answer your
15 question, he would have had two years to pay a
16 penalty, and not have to be re-examined.

17 At this point, you know, he would have
18 to sit for the exam. We do have some
19 recommendations, selected materials, you know, to
20 help out. We do have, is it quarterly scheduled
21 or monthly scheduled?

22 MR. GAJ: Monthly.

23 **THE CHAIRMAN:** To take the
24 examination so, you know, we do all that we can to
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1 help Mr. Pettit prepare by giving whatever we have
2 available. But he missed the opportunity based
3 upon the fact he let the license lapse for such a
4 lengthy period of time.

5 **MR. SAMPSON:** Okay. Well that
6 actually brings me right to my next question then.

7 **THE CHAIRMAN:** Great.

8 **MR. SAMPSON:** Which is last time I
9 was here during the summer, this gentleman
10 suggested that I review some of that material that
11 you just referred to, guidance on studying for the
12 exam and preparing for the exam.

13 What I did find was quite a broad
14 reference to a number of reference materials,
15 including the Rhode Island State Building Code,
16 National Electric Code. ANSI, EIA-TIA Standards,
17 568, 569, 570; as well as Harry Newton's Telecom
18 Dictionary.

19 Given that those standards are about a
20 thousand dollars apiece, at least one place that I
21 found them. It's an extremely wide, vast volume
22 of knowledge, and coming from Massachusetts,
23 there's a lot of specific guidance on what exactly

24 the questions will be, what sections are covered,

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1 at least some guidance from where the focus is

2 going to be to be able to pass the exam.

3 And I did not see any information of

4 that sort that would, other than saying that

5 25 percent would be National Electric Code and

6 laws and regulations. And no less than 60 percent

7 will be on technical material. That was -- I'm

8 giving you some feedback from somebody who wants

9 to try to comply.

10 And the amount of detail given to assist

11 in preparation for the exam is very, at least what

12 I could find. Help me; is there something else?

13 Is there a crash course that is offered that is a

14 capsulation of what you need to know for the exam?

15 Is there any structure in place like that, even

16 consultants that are offering their services to

17 help guide you through material? Even courses

18 that are geared towards helping students prepare

19 and pass the exam?

20 These are all things that I am used to

21 in terms of helping people. I know in

22 Massachusetts we had a seven-year period where we

23 were losing a third of our licensees. Over that

24 seven-year period, there was growth in the market

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1 of almost twice, two times growth.

2 And it wasn't until we got some of these
3 questions answered that I'm asking now that we
4 finally turned around the loss of licensees.
5 Which we would have more revenue for the state and
6 more people that were capable of complying with
7 the laws.

8 So I'm sincerely asking if there is any
9 advice that the board can offer so we can, my goal
10 is to have multiple people, not that I do that
11 much business in which Rhode Island, but
12 potentially we could. And it could naturally grow
13 that way if we get properly licensed multiple
14 people, that's our goal.

15 My goal is to fix the issue for my
16 company anyway and if there is anything that you
17 can offer, I would certainly be grateful.

18 THE CHAIRMAN: Mr. Gaj.

19 MR. GAJ: Typically I would meet
20 with the people who are attempting to take the
21 exam and offer them advice, where to look. So if
22 you wanted to have them contact me, I would be
23 happy to speak with them.

24 National Electric Code sounds like a

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1 large amount of information to learn, but it's
2 basically just the Communications Chapter. Just a
3 very small chapter in a large code book.

4 There are other reference sources of
5 material out there that would give you the
6 specific information that you want as far as
7 EIA-TIA Codes, ANSI Standards. I'd be happy to
8 offer that up to your people taking the exam.

9 MR. SAMPSON: So how will that
10 work, call and set up an hour meeting?

11 MR. GAJ: Call any day, e-mail
12 even.

13 THE CHAIRMAN: My experience is
14 that Mr. Gaj and the Division of Professional
15 Regulation are always willing to extend a helping
16 hand as far as trying to give people the
17 opportunity to ascertain whatever knowledge they
18 can.

19 I think the principal here is that we're
20 here to help people succeed and not try to make
21 people fail. And even if there is a question as
22 to answers on the exam or whatever, there is an
23 appeal process where we've had individuals come
24 before the board who may not have passed the

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1 examination and, you know, just had specific

2 questions on a question that they had gotten
3 wrong.

4 And, I mean, I've seen board members
5 sitting around this table long after the meeting
6 in an effort to try to help people in that
7 process. So I would take Mr. Gaj up on his offer
8 and I've seen he's been very helpful because once
9 again, we're looking to help people succeed and we
10 appreciate your candor, we appreciate your honesty
11 and your willingness to comply with all of the
12 mandate and licensing requirement out there.

13 So we really appreciate that. So we'll
14 help you, and Mr. Gaj would be the person to
15 answer whatever question you have or any of your
16 employees, any questions that they have.

17 MR. SAMPSON: Thank you.

18 THE CHAIRMAN: You're welcome.

19 MR. SAMPSON: I'm sure we'll be
20 taking you up on that.

21 THE CHAIRMAN: Good. Great.

22 MR. SAMPSON: Thank you. The next
23 question relates to telecommunications, this board
24 and its jurisdiction over fire alarm. And I was

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1 here last time, there wasn't a quorum, so we
2 didn't actually have a meeting, we had sort of an

3 informal question and answer session which was
4 very helpful to me.

5 I appreciate that you guys stayed for
6 that. My understanding leaving the meeting last
7 time was that to do fire alarm in Rhode Island,
8 you can't do so unless have you a telecom license.
9 Maybe I'm not phrasing it correctly, but that's
10 the feeling I left with, that if my company had an
11 AF and a BF license in Rhode Island to do fire
12 alarm, that I would not be able to connect them to
13 send signals over the Public Communications
14 Network unless I had the five various telecom
15 licenses.

16 And I then, of course, reread the law
17 once again and I reread Section 5-70-7 which
18 covers the exemptions. And my understanding under
19 Clause 6, where a person is work exempt, at least
20 the way I read it, was different from what I
21 understood in the meeting. Which was, this
22 chapter shall exempt, it does not have the
23 obligation to any holder of electrical
24 contractor's license, Certificate A, or the holder

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1 of an electrician's journeymen's license,
2 Certificate B, issued by Rhode Island Department
3 of Labor & Training."

4 And so, I wasn't -- I just wasn't
5 seeing in black and white where this board has
6 jurisdiction over an AF or a BF, trying to connect
7 a fire alarm. I was hoping you could show me the
8 reference so that I could properly cite that when
9 I'm complying with the laws.

10 THE CHAIRMAN: Mr. Gaj.

11 MR. GAJ: AF, BF licenses are
12 under the purview of the electrical board. I'd
13 rather not speak for the electrical board. So
14 you'd have to contact them and get that
15 information.

16 As far as any connection to a telephony
17 system, that would require a license, but other
18 than that, this board has nothing to do with fire
19 alarm systems.

20 MR. SAMPSON: And that's the
21 all-important piece. Connecting it to some kind
22 of communication system is, it's going to happen,
23 so does that mean that electricians have to pull a
24 permit to do their fire alarm and they also have

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1 to pull a permit under the telecommunications law
2 to connect to the phone line?

3 THE CHAIRMAN: If I could, you
4 know, just for the purposes of the hearing, I

5 guess I would like to focus on the violation
6 first, and then if you want to ask us any
7 questions after that, we'd be more than happy to.

8 I think you've been -- I guess the
9 intent of allowing some of the previous questions
10 was to help you ascertain licenses, but if you
11 have another specific issue out there, then maybe
12 we should address that after we conclude the
13 hearing here. And once again, we'd be more than
14 happy to do that.

15 MR. SAMPSON: That's fine. I do
16 have just a final couple of questions relating to
17 permitting which does apply to this issue at hand.

18 THE CHAIRMAN: Okay. All right.

19 MR SAMPSON: If I could just add
20 those. First of all, is a permit required for a
21 service call to repair an existing
22 telecommunications system?

23 In other words, where do you guys draw
24 that line that in terms of an -- is it above \$100,

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1 is it above \$500; do you have --

2 THE CHAIRMAN: What type of permit
3 are you referring to?

4 MR. SAMPSON: Under the building
5 code to pull a permit for doing telecommunications

6 work.

7 **THE CHAIRMAN:** The initial
8 install, you're talking about something that's
9 already been initially permitted, initially
10 installed, working for a period of time and now
11 there is some sort of repair issue?

12 **MR. SAMPSON:** Right.

13 **THE CHAIRMAN:** Maybe our
14 representative from the code, Mr. Zuba, could
15 address that. Bob, not to put you on the spot,
16 could you answer that for me, please?

17 **MR. ZUBA:** Sure. What normally
18 happens is if it is a minor repair, if you're
19 putting in a card for some type of telephone
20 system without any additional work, you wouldn't
21 need a permit.

22 If you're physically disconnecting and
23 removing something, a permit is required.
24 Installing a new hand set, if it had to be wired,

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1 you would need a permit. Additionally, if you add
2 additional hand sets, a permit would be required.
3 Hopefully that clarifies it for you.

4 **MR. SAMPSON:** Yes, thank you.

5 Well, then my final question is, is there any
6 uniformity among permit fees among the 39 cities

7 and towns?

8 **THE CHAIRMAN:** I mean, really, I
9 doubt it. And I'm not so sure the board has any
10 jurisdiction over what a particular city and town
11 decides to charge for a permit fee. And based
12 upon the economy in the state of Rhode Island and
13 some of the cities and towns out there, I'm sure
14 those fees are going up dramatically, but that is
15 not anything that the board has any jurisdiction
16 over.

17 **MR. SAMPSON:** There is no control
18 or uniformity? I read that in the law it was up
19 to the individual towns.

20 **MR. ZUBA:** Yes. It depends on,
21 under the building code what happens is it depends
22 on the cost to the department. In other words,
23 they can't make a profit on it, so whatever it
24 costs that department to operate, they regulate
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1 the fees accordingly.

2 **MR. SAMPSON:** Do any you know of a
3 place where you can capture the information on how
4 much each one is? Or is that simply send a letter
5 to each town and ask them for it?

6 **THE CHAIRMAN:** Most towns have web
7 sites where that information is readily available.

8 Maybe some of the smaller ones don't, but I live
9 in North Kingston and every fee you can imagine is
10 posted on there.

11 MR. SAMPSON: Is there a uniform
12 form that is the same for all towns or is that
13 different as well?

14 MR. ZUBA: State form.

15 MR. SAMPSON: So there is a state
16 form.

17 MR. ZUBA: Building permits come
18 under the Building Commission.

19 MR. SAMPSON: Okay. And whether
20 it's fire alarm, whether it's electrical, whether
21 it's telecom; it's all the same?

22 MR. ZUBA: All the same.

23 MR. SAMPSON: Thank you. Okay.
24 Well that was my list. Thank you for giving me

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1 the time.

2 THE CHAIRMAN: I appreciate that.
3 Obviously you've asked some pretty intelligent
4 questions and we hope we've answered them. At
5 this point, does any board member have any
6 questions for Mr. Sampson relative to the
7 violation before us?

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

9 THE CHAIRMAN: Yes.

10 MR. MOLLO: Mr. Sampson, we have a
11 problem. This violation occurred in April, have
12 you since applied for any licensing in Rhode
13 Island?

14 MR. SAMPSON: The answer is we,
15 good question, Paul Baptista at the time of this
16 infraction was preparing his paperwork to sit for
17 the contractor's license, and we had a plan in
18 place that he would transfer that over to the
19 company, and that he would become the qualifying
20 agent for Rhode Island.

21 Since this infraction, he's been unable
22 to sit for that exam until this issue is cleared
23 up. We had to wait for the summer to have this
24 hearing, so that's kind of where we are.

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1 MR. MOLLO: So no application has
2 been made for a contractor's license on behalf of
3 your company?

4 MR. GAJ: If I may, it's been
5 held, there has been an application.

6 MR. MOLLO: But is there an actual
7 application that's been held?

8 MR. GAJ: Yes.

9 MR. MOLLO: Thank you. No further

10 questions, Mr. Chairman.

11 **THE CHAIRMAN:** Any other questions
12 by any board members? I guess I would just like
13 to clarify, you had asked a question 5-70-6(b)
14 where it talked about the initial fine of not more
15 than \$500.

16 There is actually three separate
17 violations here, so each one carried that initial
18 \$500 fine on the violation, okay. The violation
19 you had two technicians or two employees,
20 Mr. Baptista, Mr. Medina, so that is two separate
21 violations and the third violation was the fail to
22 make application for permit with the city of
23 Warwick. Yes, Mr. Gaj.

24 **MR. GAJ:** If I may just clarify

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1 that, the two initial violations are for
2 contracting for telecommunications work without a
3 contractor's license and engaging in
4 telecommunications work without a license and the
5 third violation is the lack of a permit for that
6 job.

7 **THE CHAIRMAN:** Thank you.

8 **MR. GAJ:** The two individuals were
9 verbally warned on the site and not issued a
10 violation, nor was the employer issued a violation

11 for two unlicensed employees.

12 THE CHAIRMAN: Thank you for the
13 clarification, Mr. Gaj. Mr. Feeney, did you have
14 a question?

15 MR. FEENEY: No.

16 THE CHAIRMAN: Any further
17 questions? Mr. Sampson, do you have any further
18 questions that you would like to address the board
19 or Mr. Gaj?

20 MR. SAMPSON: Nothing that I
21 haven't already covered, I'm still curious about
22 the fire alarm issue.

23 MR. ZUBA: When they talk about
24 the A License and B License, that is all

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1 encompassing under the electrical board. The AF
2 and BF, that's a slice of that, that license. So
3 you can ask that board the particulars on the AF
4 and BF. We all spoke about the A, which is higher
5 than the AF.

6 THE CHAIRMAN: While you're here,
7 I believe the electrical inspector may be
8 available and you can ask that question before you
9 leave today, right.

10 MR. SAMPSON: I plan to, yes.

11 THE CHAIRMAN: At this point in

12 time, we've heard the testimony, we've had lively
13 discussion. I think we understand the
14 circumstances that gave rise to the violation.
15 Everyone has had the opportunity to ask their
16 questions and ascertain any further knowledge of
17 the need, based upon all of the evidence of that
18 has been presented, does any board member at this
19 point in time have a motion to make concerning the
20 violation on hand? Mr. Feeney.

21 MR. FEENEY: Mr. Chairman, based
22 upon the evidence presented, I move that we find
23 that the violations did occur and that the
24 respondent engaged in performing work as stated in

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1 the charge without proper license and that the
2 respondent failed to obtain permit prior to
3 starting the work at said location; does that
4 cover all three?

5 THE CHAIRMAN: Okay. That's a
6 motion that's been placed before us; is there a
7 second to the motion?

8 MR. MOLLO: Second.

9 THE CHAIRMAN: Second by
10 Mr. Mollo. Any discussion on the motion? If
11 there is no further discussion, all those in favor
12 of the motion, please indicate so by saying aye.

13 Motion carries. Any opposed? No. Okay, motion
14 carries.

15 Okay. So that's the decision that's been
16 rendered as far as the violations go. Now, as far
17 as the fine in place. Right now there is three
18 separate violations listed, a total of \$1,500. Is
19 there a motion from the board relative to the
20 fines based upon the evidence that's been
21 presented today? Mr. Feeney.

22 MR. FEENEY: Mr. Chairman, based
23 upon the finding that a violation, violations did
24 occur, I move that the board suspend the fine for
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1 a period of one year and if the respondent has no
2 further violation, that it be dismissed.

3 THE CHAIRMAN: A second?

4 MR. MOLLO: I need some
5 clarification on that.

6 THE CHAIRMAN: We could -- to
7 clarify the motion, we have to second it first and
8 then we would have discussion.

9 MR. MOLLO: I'll second the
10 motion.

11 THE CHAIRMAN: At which point in
12 time, I guess you could take back your second.

13 MR. MOLLO: That is what I was

14 thinking.

15 **THE CHAIRMAN:** So the motion has
16 been made by Mr. Feeney, duly seconded by
17 Mr. Mollo. Now, is there any discussion on the
18 motion in place?

19 **MR. MOLLO:** Mr. Feeney, is your
20 intention that they obtain a contractor's license
21 within the year's time?

22 **MR. FEENEY:** Yes. Quite frankly,
23 I was looking at the guidance provided to us here
24 and kind of restricts what we're suggesting, not
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1 that we can't use our own wording, I think it is
2 more the formality that the legal department is
3 concerned about.

4 I'd certainly have no objection to an
5 amendment to include that as part of that. We
6 might refer to our legal guru as to how to do
7 that, to tie them together. I think the
8 respondent has been quite open, you know, so we
9 want to give them the opportunity to become
10 licensed but we don't want to be ignored.

11 **MR. MOLLO:** Correct.

12 **THE CHAIRMAN:** So the question
13 being is for the intent of the motion is to
14 suspend the fine based upon the fact that a

15 license, contractor's license will be ascertained
16 in the next year?

17 MR. FEENEY: Yes. I feel that is
18 necessary to tie it in.

19 THE CHAIRMAN: That is not part of
20 the motion so at this point in time we'd ask for
21 legal law.

22 MR. FEENEY: Yes. An amendment to
23 the motion that's on the floor.

24 THE CHAIRMAN: Well, the motion
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1 that's on the floor doesn't address anything about
2 the licensing.

3 MR. FEENEY: Correct. We have to
4 amend that motion.

5 THE CHAIRMAN: I'm not sure
6 whether or not we can legally amend that. Would
7 you mind if I asked for a legal opinion?

8 MR. FEENEY: Not at all.

9 THE CHAIRMAN: I'm not so sure Val
10 is what we could call a guru, but he has a
11 brilliant legal mind.

12 MR. FEENEY: He's the best we have
13 right now.

14 MR. LOMBARDI: Mr. Chairman, this
15 has come up not only at your board, but at other

16 boards concerning this factor of making conditions
17 on the suspension, that certain factors be
18 considered with regard to obtaining licensing.

19 And unfortunately they can't be done
20 under our law. It is not a system whereby you can
21 hold a fine over someone's head until they do
22 something. It is just not possible to do. You
23 can suggest it, but that's all you can do and it
24 would be up to the individual.

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1 Of course, don't forget the individual
2 has got this fine standing over their head for a
3 period of a year. If they do anything else within
4 that period, this fine revives and then they'll
5 have that plus any other violation.

6 But that is the only thing you can do.
7 You can't force them to get a license. It is
8 their free will to do so if they so choose.
9 Again, this has been asked of the legal department
10 for other boards also.

11 **THE CHAIRMAN:** I think the point
12 is well made by Val. The fact of the matter is
13 that if this motion is approved, the fine of 1,500
14 would be abated for a year subject to the fact
15 that there be no further violations.

16 If there are any further violations,

17 then that abatement ends and that fine would come
18 due as well as whatever fines were encompassed in
19 the next violation, so it behooves the individual
20 or the corporation to conform with the law and get
21 the license.

22 **MR. LOMBARDI:** And it is always a
23 situation that if the entity, if the individual
24 decides, wants to continue working in Rhode
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1 Island, then they will comply and get the proper
2 license.

3 We've had some people who say, "Well,
4 I'll never come back to Rhode Island to do any
5 work any longer." And that's it, and that's the
6 option that they have. If they're want to work in
7 Rhode Island, get the license. And if they don't
8 want to get the license, then they'll never work
9 in Rhode Island again. So those are the options.

10 **THE CHAIRMAN:** We usually have
11 Mr. Gaj stationed right at the border.

12 **MR. FEENEY:** Does he collect
13 tolls?

14 **THE CHAIRMAN:** So there is a
15 motion that has been made, it's been duly
16 seconded, we are discussing that motion now.
17 Steve, you're comfortable with what we just

18 discussed after you seconded it?

19 MR. MOLLO: Yes, Mr. Chairman.

20 THE CHAIRMAN: Any further

21 questions or discussion of the motion?

22 MR. ZUBA: Just to add, Paul, that
23 that was just an example of an idea, if you so
24 choose it, that reduction. In other words it is

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1 not mandatory to ask, it's only an example as
2 listed on the form.

3 THE CHAIRMAN: His motion to abate
4 the fine for a period of one year.

5 MR. ZUBA: Right.

6 THE CHAIRMAN: I don't think, it
7 is not precedent setting. Everything is based
8 upon the evidence that's been presented at this
9 hearing. It doesn't mean that we're bound to that
10 at the next hearing we have.

11 I think if I could speak for our
12 illustrious vice chairman, if it's based upon the
13 candor of the witness and his willingness to
14 comply with all the existing laws. I think one of
15 the technicians has applied for the examination
16 now.

17 And it looks like, at least for me, he
18 wants to do everything to comply with all the

19 state laws in place. And I think Mr. Feeney,
20 recognizing that, is making a judgment based upon
21 this particular hearing and the evidence.

22 MR. FEENEY: Quite correct,
23 Mr. Chairman.

24 THE CHAIRMAN: Thank you very

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1 much. I a lot of faith in this gentleman here,
2 our Founding Father; does that answer your
3 question?

4 MR. ZUBA: That answers my
5 question.

6 THE CHAIRMAN: Sorry. Any further
7 questions? So at this point in time, a motion has
8 been made, duly seconded, no further discussion;
9 all those in favor, please indicate so by saying
10 aye. Those opposed?

11 MR. ZUBA: Opposed.

12 THE CHAIRMAN: One opposed. All
13 right. So, for the record, why don't we read the
14 role just so we can officially register who is in
15 favor and who is opposed? All those in favor,
16 Mr. Mollo, Mr. Feeney, Mr. Chabot and Mr. Zuba
17 opposes. And there is no tie, so the chairman
18 doesn't have to vote. Okay. Motion carries,
19 3-to-1. Anything else before us as far as the

20 hearing goes? Okay. So I would move that the
21 hearing be closed, although we're still open to do
22 business for the board.

23 (CLOSED AT 9:54 A.M.)

24 * * * * *

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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 8th day of September, 2007.

13

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16

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

18 MY COMMISSION EXPIRES NOVEMBER 2, 2008.

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