

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINATION & LICENSING
TELECOMMUNICATIONS SYSTEM CONTRACTORS,
TECHNICIANS AND INSTALLERS
1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room
Cranston, RI 02920**

Tuesday, March 5, 2013

9:00 A.M.

In attendance: Jay Bombardier, Sr.

G. Thomas Chabot

Paul Feeney

William McGowan, Chair

Steven Mollo, Laurence E. Ryan, Jr. and Robert Zuba were not in attendance.

Also in attendance: Mary Ellen McQueeny-Lally, Legal Counsel; Robert Gaj, Chief Licensing Examiner; and Joseph Degnan, Assistant Director.

1. - Call to Order:

Meeting was called to order at 9:05am by William McGowan. A roll

call was taken and the following members were present: Jay Bombardier, Sr., G. Thomas Chabot, Paul Feeney and William McGowan. There is a quorum.

2. - Minutes:

Paul Feeney made a motion to accept the minutes of the previous meeting on December 4, 2012 as written; seconded by G. Thomas Chabot and passed unanimously by the Board.

3. - Conflict of Interest:

In consideration of time and respondents this agenda item was heard after the hearings. Upon completion of the hearings, Mary Ellen McQueeny-Lally, Legal Counsel, addressed the Board reminding the Board they are subject to the conflict of interest law in RI. Board should refrain from discussion and voting on any matters they, a family member or business associate may have an interest in. Legal counsel is available if necessary.

4. - Violation Appeal Hearings:

William McGowan, Chair, explains the hearing procedures to the respondents.

AVD, Inc – Peter Marszalek, Sr., President – Viol # 4477: Peter

Marszalek, President of AVD, Inc, and Robert Gaj, Investigator, are sworn in for testimony. Robert Gaj reads the violation into the record.

DATE ON VIOLATION: 12/18/12

VIOLATION # 4477, – AVD Inc., Peter Marszalek Sr., President –150 R. Lexington, St, Waltham, MA 02452

LOCATION OF VIOLATION: Herb Chambers Cadillac, Rt. 2, Warwick, RI

INVESTIGATOR: Robert Gaj

VIOLATION DATE: 12/04/12

VIOLATION: AVD, Inc. contracted for, and engaged in, the installation of data cabling requiring possession of a valid Rhode Island Telecommunication Systems Contractor license. AVD, Inc. is not in possession of a valid Rhode Island Telecommunication Systems Contractor license as required in RIGL 5-70 to contract for, and engage in, the installation of data cabling. This is two violations of Rhode Island General Law-Title 5, Chapter 70-2 Practices Prohibited - unlicensed telecommunication system contractor.

AVD, Inc. utilized an unlicensed technician to perform this data cabling work. This is one violation of Rhode Island General Law-Title 5, Chapter 70-2 Practices Prohibited - unlicensed technician. AVD, Inc. employee: Wesley Rush.

AVD, Inc. failed to apply for a permit with the City of Warwick for the

installation of data cabling. This is one violation of Rhode Island General Law-Title 5, Chapter 70-19d Local laws/codes.

Mr. Gaj presents the chairman with 8 photos of the AVD worksite to be entered into evidence. Robert Gaj provides testimony. Board Chair, William McGowan enters a packet as Exhibit 1: Notice of Violation; notice to Mr. Marszalek to attend today's hearing; AVD, Inc corporate paperwork from Massachusetts; 8 photographs mentioned by Mr. Gaj and AVD Inc website printouts. All later marked as Exhibit 1

The board questions Mr. Gaj. Jay Bombardier inquired about a copy of a license for Stephen Briere that is part of the packet presented. Mr. Gaj interviewed Mr. Briere but did not see him working on a system that required a telecommunication license and he was not sited. Mr. McGowan asks the board not to consider this picture as it has no relevance.

Mr. Marszalek has no questions for Mr. Gaj.

Mr. Marszalek provides testimony. Mr. Marszalek provides a packet of documents for the board to review. There is a brief recess while copies are made. The copies are made and distributed. The packet is entered into the record. The packet included 1.) The RFP from NCS; 2) Replies for RI companies; 3.) Summary of quotes to Herb Chambers; 4.) Contract acceptance; 5.) Move orders and 6.) Final

paperwork. All later marked as Exhibit 2 Mr. Marszalek continues with his testimony.

The board questions Mr. Marszalek and references the RFP.

Chairman McGowan exited the room for a phone call. Testimony was held until his return.

The hearing continued. For clarification exhibits are marked. All paperwork received from Mr. Gaj is marked as Exhibit 1 – violation notice, notice to appear, Massachusetts corporate paperwork, photographs. The packet submitted by Mr. Marszalek is marked Exhibit 2.

Questioning of Mr. Marszalek continues.

Paul Feeney made a motion that the violation be upheld; seconded by G. Thomas Chabot. On the motion, Paul Feeney states the testimony and evidence submitted that AVD and/or the associated company, Network Consulting Services, did, in fact, engage in the design of a telecommunication network in violation of the requirements of the contracting licensing law. Mr. Marszalek addressed the board. There is a discussion.

Paul Feeney repeats the motion.

The motion passed unanimously.

Paul Feeney made a motion that the penalty of \$2,000.00 be reduced to the amount of \$750.00 as the respondent has been cooperative in providing evidence and stated his ignorance of the design capacity of the law; seconded by Jay Bombardier and passed unanimously by the Board.

Clarification of the motion on the violation was requested. Mr. McGowan clarified that all of Violation 4477 was upheld in and the fine was reduced from \$2,000.00 to \$750.00.

Mr. Marszalek is informed of his right to appeal and that he will receive notice of the decision. The recommendation will be forwarded to the Director.

There is a brief recess.

**PC Troubleshooters, Inc. – Eric M. Shorr, President – Viol # 4470:
Robert Gaj, Investigator, was previously sworn. Eric M. Shorr, President of PC Troubleshooters, Inc., is sworn in for testimony. Mr. Gaj reads the violation into the record.**

VIOLATION: #4470 – PC Troubleshooters, Inc., Eric M. Shorr, President – 110 Jefferson Blvd, Ste C, Warwick, RI 02888

LOCATION OF VIOLATION: Kilmartin Plaza 170 Benedict St,

Providence, RI

INVESTIGATOR: Robert Gaj

VIOLATION DATE: 12/3/12

VIOLATION: PC Troubleshooters, Inc. contracted for and engaged in the installation of a video system (CCTV) requiring a Rhode Island Telecommunication Systems Contractor license.

PC Troubleshooters, Inc. is not in possession of Rhode Island Telecommunication Systems Contractor license as required in RIGL 5-70 to contract for and engage in telecommunications work.

This is two violations of Rhode Island General Law-Title 5, Chapter 70-2 Practices Prohibited - Unlicensed Telecommunication Systems Contractor.

Robert Gaj addressed the board referencing a packet provided to the board containing 11 photos he would like entered those photos into evidence. Mr. Shorr also has a copy. Mr. William McGowan, Chair, enters the entire packet Mr. Gaj provided to the board containing a copy of the Violation 4470; letter from Mr. Degnan dated 2/5/13 to appear; a letter from Mr. Shorr appealing and 11 photos are entered as Exhibit 1.

Robert Gaj continues with testimony. The board questions Mr. Gaj regarding a letter in the packet dated 12/14/12 from Mr. Shorr regarding a Timothy Waugh. Mr. Gaj responds that the letter was part

of Mr. Shorr's application for licensing and is not sure how it ended up in the file. Mr. Gaj confirms that the letter has no significance to the matter. Mr. McGowan requests the board to disregard the letter. The board continues questioning.

Eric Shorr provides testimony to the board. The board questions Mr. Shorr.

The board questions Mr. Gaj regarding a copy of the ad for "Grandfathering Period" that was included in Exhibit 1. Mr. Gaj requests that the board disregard that was included in error.

Discussion continued.

Paul Feeney made a motion that violations as stated in Violation 4470 of RIGL 5-70-2 be upheld, as Mr. Shorr did, in fact, design and contract for the work. The motion was seconded by Jay Bombardier. There is no discussion. The motion passed unanimously by the board.

Paul Feeney made a motion that the penalty of \$1,000.00 be reduced to \$500.00 and, in view of the fact that the respondent is in the process of complying with the licensing law, that the \$500.00 fine be suspended for a one year period to allow him to comply with the law. If he receives the telecommunication license the fine would be eliminated. The motion was seconded by G. Thomas Chabot. Mr.

Feeney adds that the respondent has been very open and stated his ignorance and should not have been subcontracting, is in the process of complying with the law and been in business a number of years. The motion passed unanimously by the board.

Mr. Shorr thanks the board.

The recommendation will be forwarded to the Director.

End of hearings.

5.) Application Reviews / Approvals:

- William P. Joyce – TSC – Data & Telephony**
- Eric M. Shorr – TSC – Data & Video**
- Paulo Machado – TSC – Data**

Board members reviewed application off the record.

Paul Feeney made a motion to approve the applications for testing of William P. Joyce and Eric M. Shorr. The motion was seconded by G. Thomas Chabot and passed unanimously by the board.

Paul Feeney made a motion to deny the application for testing of Paulo Machado as he lacks experience. The motion was seconded by G. Thomas Chabot and passed unanimously by the board.

6.) Elections:

By statute elections are held in February. As the board did not meet in February, elections are conducted today.

Chairman: Paul Feeney nominates William McGowan as Chairman; seconded by G. Thomas Chabot. There is discussion. There were no other nominations and nominations were closed. Mr. Feeney casts one vote in favor of Mr. McGowan.

Vice Chairman: William McGowan nominates Paul Feeney; seconded by G. Thomas Chabot. There were no other nominations and nominations were closed. Mr. McGowan casts one vote for Paul Feeney.

Secretary: Jay Bombardier made a motion to nominate Robert Zuba if he accepts; seconded by Paul Feeney. Nominations are closed. Robert Zuba is not present. Based upon his acceptance Mr. Zuba will be Secretary.

Paul Feeney moves that all nominations be closed; seconded by G. Thomas Chabot and passed unanimously by the board.

7.) Discussion of Meeting Date & Time:

After discussion the date and time of the meeting will stay at the first Tuesday of the month at 9:00am for the time being.

8.) - Adjournment:

A motion to adjourn was made by Paul Feeney; seconded by Jay Bombardier and passed unanimously by the board. The meeting adjourned at 10:46am.