

**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, December 2, 2014

9:00 A.M.

Members in attendance:

Jay Bombardier Sr

G. Thomas Chabot

Paul Feeney

Laurence E. Ryan, Jr.

Robert Zuba

Steven Mollo was not in attendance.

**Also in attendance: Mary Ellen McQueeney-Lally, DLT Legal Counsel;
Robert Gaj, Chief Licensing Examiner.**

1. - Call to Order:

Meeting was called to order at 9:03am by Paul Feeney, Vice Chair. A

roll call was taken by Secretary, Robert Zuba, and the following members were present: Jay Bombardier Sr., G. Thomas Chabot, Paul Feeney, Laurence E. Ryan, Jr. and Robert Zuba. There is a quorum.

2. – Minutes of August 5, 2014:

G. Thomas Chabot made a motion to accept the minutes of the August 5, 2014 meeting; seconded by Robert Zuba and passed unanimously by the Board.

3. - Conflict of Interest:

Mary Ellen McQueeney-Lally, DLT Legal Counsel, addressed the Board reminding the Board they are subject to the ethics code. If any board member has a conflict, financial or otherwise, with any matter that comes before the Board with a board member, family member or business associate they should recuse. Legal counsel is available to answer any questions if necessary.

4. - Violation Appeal Hearings:

Electrical Maintenance & Construction Inc., Brian Lamontagne – Violation #4811: Robert Gaj, Chief Licensing Examiner, introduced the violation. Robert Gaj, Chief Licensing Examiner, and Brian Lamontagne (Respondent) are sworn in for testimony.

VIOLATION # 4811

**NAME OF VIOLATOR: Electrical Maintenance & Construction Inc,
Brian Lamontagne, 270 South West Cutoff, Worcester, MA**

**LOCATION OF VIOLATION: Stop & Shop, RT. 44 Smithfield, Rhode
Island**

INVESTIGATOR: Robert Gaj

**VIOLATION: On 3/12/14, DLT Chief Licensing Examiner, Robert Gaj,
witnessed two employees of Electrical Maintenance & Construction
Inc. (EMCI) providing infrastructure cabling for a telecommunication
system. EMCI employees were performing this work without
possession of Rhode Island telecommunication system technician
licenses. This is two violations of Rhode Island General Law-Title 5,
Chapter 70-2 Practices Prohibited - Unlicensed employees.**

**EMCI is not in possession of a valid Rhode Island Telecommunication
System Contractor license or electrical license which is required to
contract for, engage in and apply for a permit with the Town of
Smithfield. This is two violations of Rhode Island General Law-Title 5,
Chapter 70-2 practices prohibited and one violation of 5-70-19d Local
laws/codes.**

EMCI employees: Christopher W. Thibodeau and Jason R. Cohen

**Mary Ellen McQueeney-Lally, DLT Legal Counsel, addressed the
Board that the violation of RIGL 5-70-19d cannot be supported**

according to the Legal Departments interpretation. Also EMCI is charged with the two (2) violations of RIGL 5-26-2. If EMCI had either an Electrical license or Telecommunication license and the work can be done with one of those licenses then EMCI cannot be charged for not having both licenses. If the work could be performed with one license then just one charge would be sustained. There is discussion.

Robert Gaj provides testimony and is questioned by the Board. Mr. Gaj submits a packet of nine (9) photographs of a EMCI truck, their employees and the some work that was being done at the alleged violation location as Exhibit A. Brian Lamontagne also provides testimony and is questioned by the Board.

Regarding Violation 4811 Robert Zuba made a motion that a violation did occur: EMCI being an unlicensed contractor and the two unlicensed individuals working (3 violations of RIGL 5-70-2 total). The motion was seconded by Laurence E. Ryan, Jr. In favor: Bombardier, Chabot, Ryan, Zuba. There was not opposition. The motion passed.

Regarding the fine for Violation 4811 Laurence E. Ryan, Jr. made a motion that a fine of \$500.00 per violation be imposed for a total of \$1,500.00. The motion was seconded by G. Thomas Chabot. In favor: Bombardier, Chabot, Ryan, Zuba. There was not opposition. The motion passed.

The recommendation of the Board will be forwarded to the Director's office.

End of hearing

5.) Application Reviews / Approvals:

Board recessed at 9:22am to review applications for Telecommunication System Contractor Exams and resumed at 9:42am. Robert Gaj presents the outcome of the application reviews:

- Dean Dagliere – TSC Data / Video / Telephony / Sound – Requires more information**
- John R. Drolet – TSC Data / Telephony – Approved to sit for the TSC exam**
- Wojciech A. Jendrysko – TSC Data / Video / Telephony / Sound – Denied, did not show any contracting or design experience.**
- Christopher S. Perritt – TSC Video / Sound – Applicant has sent in additional information requested by the Department and has been approved to sit for the video and sound contractor exam.**
- Bob H. Tucker – TSC Data / Video / Telephony – Did not send in additional information that was requested. Denied.**

7.) Adjournment:

A motion to adjourn was made by Laurence E. Ryan, Jr.; seconded by

Robert Zuba and passed unanimously by the board. The meeting adjourned at 9:47am.