

189th Meeting

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:40 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Salisbury and seconded by Mr. Caldwell.

(C) The minutes of the 188th meeting were approved on a motion by Mr. Caldwell and seconded by Mr. Salisbury.

(D) Court Case Update:

Contractors' Registration Board fines and restitution for 2004.

 Total criminal cases 80

 Plea or other favorable disposition 40 (50%)

** Restitution/fines paid after summons/prior to arraignment
7 (9%)**

 Cases pending 21 (26%)

 Bench warrants outstanding 8 (10%)

 Cases dismissed by prosecution 1 (1.25%)

 Bankruptcy 3 (3.25%)

 Trials 0

FINES: \$ 48,050.00

RESTITUTION \$238,271.03

TOTAL (as of 12/31/04) \$286,321.03

January 2005

FINES RESTITUTION CLAIMANT

Case 2,000 - Morenzoni 17,500 DiGiacomo

Morenzoni 5,800 Tatro

Parrillo 250 -

Felder 3,500 4,000 Abruzese

Young 500 -

K. Garies 300 -

Johnson 50 500 Wittwer

TOTAL: 6,600 27,800

TOTAL FINES/RESTITUTION: \$34,400

(E) Consideration of Cases on Appeal and Oral Argument:

(1) 12:40 PM, claim #3969, Mulligan vs. Johnson, exceptions filed by the claimant, which the Board reviewed. Both parties were in attendance. Upon review of exceptions and the file, legal counsel expressed concerns regarding rent payments and said they were matters better suited for court and should not be part of this claim. After some discussion the Board, on advice of counsel, elected to

delete that portion from the order. The Board decided to modify the decision of the hearing office. A check in the amount of \$408.25 from the claimant to the respondent will be held by the Board until the Boards' Chief Investigator, Mike Lanni, can review the (5) items of concern and be satisfied that the work to correct items will be in accordance with the Boards Standards. Upon completion of work and review by the investigator that work is proper, the check will be released to the respondent. A motion was made by Mr. Brunetti and seconded by Mr. Caldwell and carried unanimously. Work to be completed within thirty (30) beyond the thirty (30) day appeal process.

(F) Report of the Executive Director:

(1) Statistics Report: 1/12/05

Registrations:

Number of Registered Contractors

11396

Number of Cards Surrendered

3040

Number of Cards Lapsed

10818

Number of Cards Invalidated

280

Number of Cards Suspended

253

Number of Cards Revoked

28

Registration Actions 12/8/04 – 1/12/05

Number of New Registered Contractors

119

Number of Renewed Contractors

11277

Number of Cards Surrendered

1

Registrations Invalidated

0

Registrations Suspended

0

Registrations Revoked

0

Claims:

Administrative Appeals

3

Awaiting Further Action

39

Court

107

Disposed

4003

Under Investigation

434

Disposed Prior to 4/95

286

TOTAL CLAIMS FILED WITH THE BOARD

4880

Number of New Claims

63

(12/8/04 – 1/12/05)

Violations:

Advertising

3

Non-Registered Subcontractors

6

Cancelled Insurance

156

Non-Registered Contractors

391

TOTAL RECORDS

570

Number of New Violations

18

(12/8/04 – 1/12/05)

Lapsed Registrations/Never Re-Newed:

January 2004 97

February 2004 79

March 2004 94

April 2004 87

May 2004 108

June 2004 104

July 2004 121

August 2004 92

September 2004 40

October 2004 35

November 2004 17

December 2004 13

Commercial Roofers:

Number registered 99

Number expired/lapsed 11

Number surrendered S 7

Number invalidated 0

Number suspended 0

Number revoked 0
Pending Approval 0

(G) Old Business:

- (1) Committee Report: Recently we were advised that all sub-committee meetings are required to conform to the open meeting law and they had to be posted on the Secretary of State's web site. A request for clarification was forwarded to legal counsel for the Department of Administration, Peter Dennehy, and we are presently awaiting advice. The Secretary of State and Attorney General office have advised the Board that sub-committee meetings fall under the open meetings law. The legislative sub-committee was cancelled until this matter could be resolved;**
- (2) Committee Meetings: No sub-committees will meet until the open meeting situation can be resolved and hopefully this will be a short process. Upon resolution home inspection, commercial roofer and legislative committees will need to meet to prepare rules, regulations and standards to be presented a public hearing.**

(H) New Business:

(1) Home Show: RIBA has invited the Board to participate in this years show, which will be the

1st week in March and further information will be forthcoming;

(2) Review of Rules/Regulations/Laws: The Board started to review CRB 2005 issues that

would be submitted to the general assembly this year. The Board elected to put a separate bill forth regarding establishing a restricted receipt account to utilize the revenues generated for the intent of the law. This year innovative measures to increase funding would be forth in this bill, which hopefully will be considered by the legislators. Additionally, several other sections of law would be modified adding 12% interest on monetary awards like court, 5-65-3(a) changes to assure multiple registrations can be affected by a suspended registration, 5-65-6 assuring the Board is informed in writing of a change of address, 5-65-9 provide for on-line registration, 5-65-10 and 5-65-19 increase fines for NRB's to \$2,500 for 1st offense to \$5,000 for 2nd offense and possibly change to a felony on the 3rd offense, 5-65-10(c)(1) fine up to value of the job if matter goes to hearing, 5-65-12 petition to enforce a mechanics lien does not constitute a civil action within the meaning of this section and change in the fee of \$120 for (2) years to be set by the Board. Other issues would be modified if necessary in that legislation has to be in by February 6, 2005. Changes to the rules and regulations if time

permits will be discussed next month or by legislative sub-committee if meetings can be arranged;

(3) Review of Outsourcing Licensing Process: Presently, the Executive Director is working with the Associate Director of Administration and Robert Brunelle developing a strategic/action plan to address unfunded mandates and funding issues. Hopefully this document will be available for review with the Board at the next meeting;

(4) NASCLA: An executive committee meeting will be held in Arizona on 2/3/05 & 2/4/05;

(5) Regulatory Agenda: A report was provided to the Secretary of State as required in anticipation of a public hearing some time in May of this year for changes to the current rules and regulations, home inspectors license and commercial contractors and licensing of commercial roofers;

(6) Web-Site: Language changes were made to the web site regarding insurance statement on 12/22/04. Would like to add telephone number of insurance carrier on site in the future. The Board agreed to this modification;

(7) Retention Schedule: The Board was provided with a copy of the record retention schedule and if changes are to be made they were to inform the executive director of any modifications suggested. If no changes are made, it will be sent to proper authorities for ratification and approval.

(I) Public Comment: None

(j) Announcements: The next meeting is scheduled for Wednesday February 9, 2005 at 12:30 PM, Conference Room "C", 2nd Floor, One Capitol Hill.

(K) Adjournment: A motion was made by Mr. Caldwell and seconded by Mr. Salisbury to adjourn at 3:15 PM.

Members Present: F. Carlone, D. Caldwell, R. Cardoza, P. Brunetti, B, Calcagni, A.

Salisbury, and L. Weisman

Members Absent: E. Ladouceur, S. Gianlorenzo, D. Gagnon and M. Turkel

**Others Present: George Whalen (Executive Director), Legal Counsel, and Parties for
Appeal.**

Respectfully Submitted,

**George W. Whalen, Executive Director
Contractors' Registration Board**

GWW/man