

200th Meeting Contractors' Registration Board

February 8, 2006

(A) The meeting was called to order by the Vice-Chairman, Ed Ladouceur, at 12:35 PM.

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

(C) The minutes of the 199th meeting were approved on a motion by Mr. Caldwell and seconded by Mr. Gianlorenzo.

(D) Court Case Update: January 2006

FINES RESTITUTION DATE CLAIMANT

Boillard 75 - 01/06

Camilo 750 4,350 01/06 Aquino

Cannone 300 01/06 Domenech

Cagle 1,500 01/06 Sowa

Giorgio 210 01/06 Benton

Giorgio 102 01/06 Marzzone

Giorgio 92 01/06 Perez

Johnson 1,000 2,000 01/06 Mulhern

Lombardi 250 - 01/06

McLean 600 01/06 DeBenedetto

Valenti 150 01/06 Imondi

TOTAL: \$2,075 \$9,304

TOTAL FINES & RESTITUTION: \$11,379

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

(1) 12:40 PM, claim #5223, Machado vs. Sweet, exceptions filed by the respondent. This matter was continued until next months agenda, due to the respondents need to be in court at the same time as this appeal;

(2) 01:00 PM, registration #22397, Daniel Dozois, Danrick Construction and registration #3288, Daniel Dozois, both registrations have been REVOKED. After proper notice and opportunity, Mr. Dozois failed to attend and the Board unanimously passed on this matter. The executive director informed the Board that the respondent currently has two claimants who have yet to receive restitution as ordered by the Board. No consideration will be given to the registrant until all outstanding orders issued by the Board are fulfilled;

(3) 01:15 PM, claim #5205, Millard vs. Beverly, exceptions filed by the respondent. Due to notice not being received timely, this matter was also continued until next months meeting;

(4) 01:40 PM, registration #21383, Michael Iarossi, Iarossi Construction; request to reinstate a revoked registration. Attorney John Verdecchia, having been contacted by the Board's executive director, agreed to have this matter heard early due to cancellation in the schedule, the Board was appreciative. Attorney Verdecchia presented his clients case for reinstatement stating his client being young and new to the business was not very business oriented and failed to attend to the financial requirement of his contracts causing

him to file in Bankruptcy Court. Mr. Iarossi had (8) claims filed with the Board, whereby all those with orders were or have arrangement to pay full restitution to the claimants. All fines assessed by the Board were satisfied. The Board asked the respondent what current conditions would allow him to properly run a business and he responded that the experience he has gone through has resulted in his being better able to enter into business having learned from his mistakes. The Board discussed all the claims against him in regards to breach of contract and negligent and improper work and on a motion by Mr. Ladouceur and seconded by Mr. Caldwell unanimously agreed to reinstate Mr. Iarossi, Iarossi Construction, registration #21383 pursuant to the following conditions:

1. The \$1,800 owed to one claimant to be paid at \$400 per month and a copy of payment will be required each month until payment in full is completed;
2. The Board will retain a cashiers check or money order in the amount of \$1,500 for one year. This check may be used for restitution if matters go to a hearing and there is a monetary award; if not used within this time it will be returned;
3. Insurance coverage for this registrant will be \$1,000,000 instead of \$300,000 and subcontractors hired must also have the same coverage;
4. If hiring employees, workers compensation insurance is required;
5. Training, must attend a formal class in regard to business practices, code or related topics;
6. Claims; any claim filed will result in the immediate suspension of

registration, without a hearing, subject to immediate investigation. If valid the registration will remain suspended until the matter is resolved or a hearing is conducted on the matter. At the hearing the Waiver of Jury Trial form must be signed to assure a monetary judgment can be rendered by the Commission if deemed necessary;

7. Limit on contract of \$15,000 with at most 25% of any given contract be provided as a deposit. No more than \$60,000 in contracts can be entered into at any given time.

8. Contractor is on probation for (1) year with these conditions subject to a review every (3) months by the Board. If registrant fails to attend review sessions without just cause registration #21383 will be REVOKED. First review will be determined by the executive director upon issuing this registration, when conditions prescribed are adhered to as stated.

(F) Report of the Executive Director:

(1) Statistics Report: 2/8/06

Registrations:

Number of Registered Contractors	12161
Number of Cards Surrendered	3327
Number of Cards Lapsed	11333
Number of Cards Invalidated	361
Number of Cards Suspended	299
Number of Cards Revoked	41

Registration Actions 1/24/06 – 2/8/06

Number of New Registered Contractors 128

Number of Renewed Contractors 12033

Number of Cards Surrendered 53

Registrations Invalidated 0

Registrations Suspended 22

Registrations Revoked 5

Claims:

Administrative Appeals

4

Board Appeals 3

Address Trace 22 Awaiting Further Action

56

Court

174

Disposed

4520

Final Orders 109

Hearings 52

Out of State Services 49 Proposed Orders 12

Under Investigation

187

TOTAL CLAIMS FILED WITH THE BOARD

5206

Number of New Claims

46

(1/24/06 – 2/8/06)

Violations:

Action Against Registration 17

Advertising 1

Non-Registered Subcontractors

2

Cancelled Insurance

753

Notice of Hearing 1

Non-Registered Contractors

535

TOTAL RECORDS

1309

Number of New Violations

62

(1/24/06 – 2/8/06)

Lapsed Registrations/Never Re-Newed:

February 2005 15

March 2005 4

April 2005 3

May 2005	10
June 2005	12
July 2005	13
August 2005	9
September 2005	155
October 2005	166
November 2005	120
December 2005	140
January 2006	221

Tickets: #'s Fines

2006

January	0	\$0
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Commercial Roofers: (1/24/06 – 2/8/06)

Number registered	104
Number expired/lapsed	19
Number surrendered	9
Number invalidated	0
Number suspended	0
Number revoked	0
Pending Approval	0

Registration Actions (1/24/06 – 2/8/06)

Number of New Registered Contractors	0
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Number of Renewed Contractors	104
Number of Cards Surrendered	0
Number of Expired/Lapsed	0
Registrations Invalidated	0
Registrations Suspended	0
Registrations Revoked	0

(G) Old Business:

(1) Review of Regulations: No meetings were held this month by sub-committees;

(2) Legislation: Several bills were submitted so far this session; 2006 S-2036 a bill eliminating the position of the executive director in classified services and moving the Board from the Department of Administration to Department of Labor and Training;

2006 H-7104 requested by the Board, which will increase fines, allow on-line renewals, change name of division and clarify court rulings on mechanic lien law. Other bills have been submitted, but have yet to be assigned numbers;

(3) Staff Status: the Board, since 7/10/05 has been without an investigator and late November without a counter clerical. These positions hopefully will be posted shortly.

(H) New Business:

(1) Attorney General's Office: Kathryn Ryan reported that Mr. Michael McAteer has been restrained from conducting construction work in the State of Rhode Island. Her efforts on

behalf of the Board and the Prosecutors at the Attorney General's

Office were successful in obtaining this judicial decision;

(2) Budget: Submitted by the governor to the General Assembly. The status of the Board at the time of that meeting, was uncertain in that a copy has yet to be provided to the Board for review. The executive director met with Jerry Williams and Bob Brunelle regarding the budget and an amendment will be provided by the Department of Administration incorporating the unfunded mandates into this years budget;

(3) Discussion: Policy on alerting building officials and news media on registrations suspended or revoked was not reached on the calendar and tabled until next month;

(4) Unfunded Mandates: The Board was informed by the executive director that the legislative study commission has met several times to discuss licensing and registrations requirements. The (14) member commission will continue to evaluate and examine options which may be available to better serve consumers in this state. Some items which should be reviewed will be code of ethics, bonding, increasing insurance requirements, training and education, assets, penalty if advertise as a license when registered;

(5) Funding: The executive director will be meeting with the Speaker to discuss funding this program properly and possibility of getting a restricted receipt account. Also the unfunded mandates will be discussed and legislation submitted;

(6) Legislative Study Commission: The Board discussed licensing vs. registration and the consensus was that the main obstacle was the funding of the program. The Board supports licensing for the future

of Rhode Island, establishing a competency test by a private 3rd party outside agency to assure the integrity of the examination, as well as a business and law element. The Board felt that funding the current operation properly by providing a restricted receipt account, would be the first step to ascertaining changes from a registration to a license. If the financial support is provided with a registration, then the next step would be for the Board to phase in licensing of the trades and testing for competency. A motion was made by Ed Ladouceur and seconded by Barbara Calcagni, it unanimously carried

(I) Public Comment: None

(J) Announcements: The next meeting is scheduled for Wednesday March 8, 2006 at 12:30 Conference Room "C", 2nd Floor, One Capitol Hill.

(K) Adjournment: A motion was made by Mr. Gianlorenzo and seconded by Mr.

Salisbury to adjourn at 3:08 PM.

Members Present: E. Ladoucuer, S. Gialornezo, D. Caldwell, R. Cardoza, A. Salisbury, P.

Brunetti, T. Furey and B. Calcagni

Members Absent: F. Carlone, D. Gagnon, M. Turkel and J. Pesce

Others Present: George Whalen (Executive Director), Legal Counsel, Kathryn

Ryan and parties for Appeal on revocation.

Respectfully Submitted,

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

GWW/man