

208th Meeting Contractors' Registration Board

December 13, 2006

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:35 PM.

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

(C) The minutes of the 207th meeting were approved on a motion by Mr. Caldwell and seconded by Mr. Ladouceur.

(D) Court Case Update: November 2006

*** Please note, there will be no December prosecutions due to timing issues and court vacation for two weeks.**

DEFENDANT 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

Aceto 1,500 02/06

Andoscia 1,500 895 02/06 Tamayo

Boillard 75 02/06

Bonner 50 02/06

Cantara 1,500 02/06

Debaene 6,050 02/06 Quadrato

Giorgio 200 02/06 Benton

Giorgio 70 02/06 Perez

Giorgio 111 02/06 Mazzone

Mikhail 500 02/06

Rainville 1,000 02/06

Santana 250 02/06

Smith 6,500 02/06 Martin

Souza 150 1,250 02/06 Pietkiewicz

Valenti 300 02/06 Imondi

Valletta 200

Dragon 500

Giorgio 52 03/06 Mazzone

Giorgio 105 03/06 Benton

Giorgio 45 03/06 Perez

Hart 250

Sarault 100

Valenti 150 03/06 Imondi

Ballou 3,000 3,000 03/06 Desilets

Perreault 1,500

Perreault 500

Perreault 500

Perreault 325 03/06 Gagnon
Perreault 500 525 03/06 Vinacco
Perreault 1,750 1.575 03/06 Kociuba
Perreault 2,000 3,875 03/06 Petrucelli
Walsh 500 10,000 03/06 Cineus
Boillard 150 04/06
Crenca 4,000 04/06 Ferri
Dozois 2,225 04/06 Grossman
Dozois 1,025 04/06 Young
Dozois 2,025 04/06 DeShaies
Hart 250 04/06
Marchese 2,752.14 04/06 DiManna
Souza 250 1,800 04/06 Cardi
Sarault 100
Tallo 500
Anderson 500 5,000 05/06 Harten
Bonner 50
Decristofaro 150 3,000 05/06 Johnson
Mercurio 250 05/06 Melino
Romanelli 675 05/06 Rusak
Romanelli 1,265 05/06 DiBiasio
Romanelli 2,035 05/06 Kochilas
Russo 50 05/06 Clough
Sarault 100 05/06 Rook
Valenti 150 05/06 Imondi
Smith 2,500 1,225 05/06 Mueller

Smith 2,500 1,700 05/06 McCormick
Smith 3,000 13,500 05/06 DiSpigno
Smith 2,500 3,592 05/06 Anderson
Smith 2,500 3,125 05/06 Bednarick
Smith 1,000 05/06
Smith 500 05/06
Hinsley 500 06/06
Merritt 500 06/06 DelSignore
McKeon 13,500 06/06
Mercurio 250 06/06
Petrucci 500 06/06
Russo 100 06/06 Clough
Sarault 100 06/06 Rook
Valenti 150 06/06 Imondi
DeJesus 300 350 06/06 Oni
Eastwood 500 06/06
Felder 1,500 2,350 06/06 Cartier
Lancellota 500 06/06
McKeon 500 2,500 06/06 Reilly
Willard 1,100 06/06 Partington
Bonner 2,000 07/06 DeTora
Hinsley 500 07/06
Mercurio 250 07/06
Russo 100 07/06 Clough
Tomaselli 550 07/06 Gainor
Correia 1,750 525 07/06 Russell

250 07/06

Elek 250 07/06

Merolli 500 07/06

1000 3,500 07/06 Diano

Valcourt 2000 5000 07/06 Badessa

Gonsalves 2,500

2,500

2,500

2,500

1,485 08/06 Carter

3,500 08/06 Hoeung

12.450 08/06 White

4,500 08/06 Weeks

800 08/06 Barnola

2,300 08/06 Reyes

1,400 08/06 Palumbo

2,400 08/06 Harris

870 08/06 Laplante

3,200 08/06 Salvadore

3,400 08/06 Longabard

Andrews 1,500 3,000 08/06 Bowman

500

Vigeant 500

Mercurio 250

Petrucci 250

Russo 100 08/06 Clough
Sarault 100 08/06 Rook
Tommaselli 750 08/06 Gainor
Valenti 150 08/06 Imondi
Vieira 2,550 08/06 Short
Chaves 200 09/06 Alexander
Giorgio 105 09/06 Benton
45 09/06 Perez
55 09/06 Mazzone
Gomes 2,000 09/06 Quinn
Hauswirth 4,540 09/06 Vallarine
Petrucci 250 09/06
Rebello 250 09/06 Hoitt
Russo 100 09/06 Clough
Sarault 100 09/06 Rook
Oliver 5,000 09/06 Jardon
Willard 1,000 10/06
Cannone 2,400 10/06 Domenech
Crenca 500 2,800 10/06 Ferri
Valentino 500 2,400 10/06 Colon
5,000 10/06 Vasco
Scrivani 1,000 425 10/06 Delfino
Smith 1,000 7,000 10/06 Jackson
Vigeant 500 10/06
Bozzer 270 10/06 Marzocchi
Chaves 435 10/06 Alexander

Giorgio 375.07 10/06 Mazzone
638.52 10/06 Benton
204.34 10/06 Perez
Hauswirth 500 10/06
Louer 250 10/06
Petrucci 250 10/06
Rebello 250 10/06 Hoitt
Russo 75 10/06 Clough
25 10/06 Paygai
Sarault 100 10/06 Rook
Valenti 100 10/06 Imondi
LaRose 1,500 10,000 11/06 Cortes
1,750 7,600 11/06 Callejas

TOTAL: \$84,400 \$188,219.07

TOTAL FINES & RESTITUTION: \$272,619.07

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

(1) 12:40 PM, claim #4874, Gerald Morin vs. Patrick Conway, motion to vacate a final order filed by the respondent and continued from last months meeting for possible resolution. Parties have been working on a resolution for the last several months. This was to review the status, but claimant wants to go forward. The Board on a motion by Mr. Carlone and seconded by Mr. Ladouceur to have the respondent return to remedy the outstanding problems inclusive of the elevation, hurricane straps (within 24 hours), permits, doors and footing

inspections. Work is to be completed within fifteen (15) days or a \$200 fine per day will be imposed. Report of completion by 1/10/07.

Decision was upheld unanimously;

(2) 01:00 PM, claim#5690, Renee Young vs. Robert Duchesneau, exceptions filed by the respondent. Respondent failed to appear, final order will be issued as proposed;

(3) 01:20 PM, claim #5643, Patricia Pascale vs. Robert Paiva, exceptions filed respondent, who's attorney requested a continuance until next month due to a court case. This is the second continuance granted and the respondent's attorney was notified that no further continuances will be granted in regard to this matter;

(4) 01:40 PM, claim #5628, Charles & Debra Bergeron vs. Brian Monfils, exceptions filed by the respondent. This matter was previously tabled by the Board last month for re-inspection and possible settlement; parties came to a resolution. Work will be completed before June 2007. All parties were in agreement. If matter is not resolved then will schedule for June appeal;

(5) 02:00 PM, claim #5716, Bryce Helie vs. Frank Prete, exceptions filed by the respondent. Claimant was present and respondent was represented by legal counsel. The Board in reviewing the letter submitted by attorney Marandola questioned why he did not provide any reasons for his appeal, only that it be heard. Discussion as to his client not being registered and resolution to this claim. A motion was made by the chair, Mr. Carlone, and seconded by Mr. Ladouceur to uphold the decision of the hearing officer; motion carried unanimously;

(6) 02:20 PM, claim #5722, Norma Ransom vs. Karl Camilo, exceptions filed by the respondent. The claimant was in attendance and after waiting for the respondent, who failed to appear after proper notice and opportunity, the Board on a motion by Mr. Carlone and seconded by Mr. Ladouceur unanimously upheld the decision of the hearing officer;

(7) 02:40 PM, claim #5768, David & Kristen Iden vs. Thomas Horlbogen, exceptions filed by the respondent. Both parties were in attendance and were represented by legal counsel. The respondent's attorney provided the Board with written exceptions and concerns and briefly highlighted the exceptions. The claimant's attorney also provided concerns regarding the exceptions. After a brief recess the parties tentatively agreed to settle this case and reached a monetary settlement of \$22,500 and to provide a certified check or money order to the Board by 1/2/07. If resolution is not adhered to the Board will hear this matter on 1/10/07. Matter continued until next meeting, if needed for resolution. Mr. Ladouceur recused himself and left the room for this claim;

(8) 03:00 PM, registration #23018, John Ribeiro, All State Flooring, motion for reconsideration of decision rendered last month, but stayed. In regard to the outstanding order issued last month a motion was made by Mr. Carlone and seconded by Mr. Brunetti to vacate the order and reissue a new order, upholding the original decision of the hearing officer. Motion carried unanimously. Mr. Ribeiro requested that the Board reinstate his registration from the revoked status so he could pay back claimants and pay up fines assessed. A motion was

made by Mr. Ladouceur to keep registration revoked, seconded by Mr. Gagnon for discussion. The Board listened to its chief investigator, Mike Lanni, and discussed the possibility of reinstatement conditionally. In light of a pending claim, the Board decided to table this matter until next month to review the proposed order of the administrative hearing;

(9) 03:15 PM, claim #5759, David & Diane Kingsley vs. Paul Lavallee, exceptions filed by the respondent. Both parties were in attendance and exceptions were presented to the Board by the respondent. Upon review, concerns were presented regarding the proposed order and parties answered questions from the Board. A motion was made by Mr. Ladouceur and seconded by Mr. Fury to uphold the decision of the hearing officer. The vote was unanimous and the decision was upheld.

(F) Report of the Executive Director:

(1) Statistics Report: 12/13/06

Registrations:

Number of Registered Contractors	12721		
Number of Cards Surrendered	3580	Number of Cards	
/ExpiredLapsed	11823		
Number of Cards Invalidated	412		
Number of Cards Suspended	355		
Number of Cards Revoked	45		

Registration Actions 12/13/06

Number of New Registered Contractors 165

Number of Renewed Contractors 12556

Number of Cards Surrendered 33

Registrations Invalidated 0

Registrations Suspended 15

Registrations Revoked 3

Claims: 12/13/06

Administrative Appeals 3

Board Appeals 9

Address Trace 47

Awaiting Further Action 54

Court 278

Disposed 4861

Final Orders 103

Hearings 67

Out of State Services 67 Proposed Orders 15

Under Investigation 221

Total Claims Filed with the Board 5726

Number of New Claims 69

11/8/06 –

12/13/06

Violations:

Action Against Registration	18
Advertising	1
Non-Registered Subcontractors	6
Cancelled Insurance	708
Notice of Hearing	5
Non-Registered Contractors	608
TOTAL RECORDS	1346

Number of New Violations **45**
(11/8/06 – 12/13/06)

Lapsed Registrations/Never Re-Newed:

November 2005	86
December 2005	100
January 2006	115
February 2006	107
March 2006	163
April 2006	147
May 2006	165
June 2006	144
July 2006	143
August 2006	125
September 2006	99
October 2006	71

Tickets: #'s Fines

2006

January 0 \$0

February 0 \$0

March 0 \$0

April 0 \$0

May 3 \$750

June 1 \$250

July 9 \$2,750

August 2 \$500

September 0 \$0

October 6 \$1,300

November 1 \$40

Commercial Roofers: 12/13/06

Number registered 116

Number expired/lapsed 16

Number surrendered 11

Number invalidated 0

Number suspended 0

Number revoked 0

Pending Approval 0

Registration Actions	12/13/06	
Number of New Registered Contractors		0
Number of Renewed Contractors	116	
Number of Cards Surrendered	0	
Number of Expired/Lapsed	0	
Registrations Invalidated	0	
Registrations Suspended	0	
Registrations Revoked	0	

(G) Old Business:

(1) Review Regulations, Laws and Standards: No meetings have been held since the last Board meeting. In that changes are required in the new legislation, which will affect the rules and regulations, the Board decided to refile the existing rules and regulations. Upon passage of new laws, a meeting will be scheduled so a public hearing can review new changes;

(2) Review of Jury Waiver Form: This will be done by the committee who will be rewriting the rules and regulations and add to them.

(H) New Business:

(1) Review of Consumer Information Brochure and Mechanic Lien Law: Concerns from the RI Building Association were reviewed and discussed. It was decided rather than re-write to make a simple modification to that section to provide clarity. Tom Furey also requested a re-write to the insurance language and would provide this information to the executive director;

(2) Legislation: The Board is to work with the study commission in putting forth legislation this year. Several bills will be submitted to clarify and modify the newly enacted legislation;

(3) Home Inspectors: Need to get legislation put forth this session to change dates and implement this unfunded mandate from 2000;

(4) Study Commission: One meeting was recently held and starting next year, (3) public hearings will be held throughout the state. The study commission is looking into licensing and better consumer protection. Cost to implement the program was also mentioned and a need to properly fund the operation is a necessity to fulfill obligations required by law;

(5) Letter of Resignation: Mary Turkel, with deep regret, resigned from the Board due to health issues and selling her business. She has been a tremendous asset to the Board and will certainly be missed by all. The RI Builders Association has sent recommendations to the Governors office for a possible replacement. Currently (3) vacant positions; general contractor member, residential and commercial roofer member.

(I) Public Comment: The Honorable Charlene M. Lima, Speaker Pro

Tempore, attended the Board meeting, as chair of the legislative study commission, to get better acquainted with the appeal process and the Boards proceedings. She addressed the Board and informed them of the committees work and activity. She answered questions and thanked the Board for their hard work and participation in the review of the legislation.

(J) Announcements: The next Board meeting is scheduled for Wednesday January 10, 2007 at 12:30 PM Conference Room "C", 2nd Floor, One Capitol Hill.

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

Ed Ladouceur to adjourn at 4:15 PM.

Members Present: F. Carlone, E. Ladouceur, D. Gagnon, D. Caldwell,

T. Furey, B. Calcagni, R. Cardoza and P. Brunetti

Members Absent: A. Salisbury, M. Turkel (resigned), J. Pesce and S. Gianlorenzo

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

**Representative Charlene Lima, Investigators, stenographer, parties for
appeals.**

Respectfully Submitted,

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

GWW/man