

**212th Meeting Contractors' Registration Board**

**April 11, 2007**

**(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:45 PM.**

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

**(C) The minutes of the 211th meeting were approved on a motion by Mr. Ladouceur and seconded by Mr. Caldwell.**

**(D) Court Case Update: March 2007**

**DEFENDANT FINES RESTITUTION DATE CLAIMANT**

**Carreiro \$250 2/07 Chaves \$158.75 2/07 Alexander**

**Rebello \$250 2/07 Hoitt**

**Russo \$100 2/07 Paygai**

**Turner \$2,450 2/07 D'Alessio**

**Brown \$500 2/07**

**Desjarlais \$2,000 \$1,300 2/07 Calcione**

**Felder \$500 \$1,995 2/07 Kramer**

**\$1,000 \$1,500 2/07 Felici**

**\$500 2/07**

**\$500 2/07**

**Grilo \$1,000 \$5,000 2/07 Correia**

**LaRose \$1,000 \$4,500 2/07 Jackvony**

**\$8,000 2/07 Machado**

Migneault \$2,500 \$5,000 2/07 Marcil  
Shabenas \$4,000 2/07  
\$1,000 2/07  
Villatico \$3,500 \$2,330 2/07 Saing  
Willard/Seth \$500 \$1,025 2/07 Mercado  
\$500 2/07  
\$500 2/07  
Willard/Sean \$500 \$378 2/07 McClary  
Reynolds \$9,441.05 3/07 Megrew  
Sarault \$100 3/07 Rook

Total: \$18,250 \$43,427.80

**TOTAL FINES & RESTITUTION: \$61,677.80**

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

**(1) 12:40 PM, claim #5818, Silvio/Judith Pelligrino vs. Sean King, exceptions filed by respondent. Both parties were in attendance and exceptions were reviewed by the Board. A motion was made by Ed Ladouceur and seconded by Felix Carlone to uphold the decision rendered by the hearing officer and carried unanimously. On reconsideration, a motion was made by Mr. Ladouceur and seconded by Mr. Salisbury to vacate this order and instead a m motion was made by Mr. Carlone and seconded by Ms. Calcagni to pay the claimant the amount so ordered in the proposed order within (30) days and fines would be waived completely. After further discussion**

a vote was taken with Mr. Carlone, Mr. Salisbury, Mr. Cardoza, Ms. Calcagni and Mr. Caldwell voting in favor and Mr. Brunetti, Mr. Gianlorenzo, Mr. Furey and Mr. Ladouceur objecting. Motion carried by one vote and a final order will be issued on motion. Mr. Ladouceur requested to be notified as to the fulfillment of the order. Mr. King provided the Board with a new address of 8 Logen Drive in Lincoln;

(2) 01:00 PM, claim #5993, Ann-Marie Lavallee-Kell vs. Ed Barwick, exceptions filed by the respondent. The claimant was present but the respondent failed to appear. The Executive Director for the Board informed the Board that at 7:28 AM a message was received from the respondent regarding not being able to attend the appeal. His message said to contact him after 10 AM. The Executive Director called twice and left messages that the appeal was still scheduled to be heard at 1 PM, but no further message was received. In reviewing the file, the respondent who was not registered did attend the 1st hearing but claimed h was not given ample time to prepare for his case. A motion was made by Mr. Carlone and seconded by Mr. Ladouceur and unanimously upheld, final order to be issued as proposed;

(3) 01:20 PM, claim #5909, Deborah Church vs. Harry O'Brien, exceptions filed respondent. The claimant was in attendance and the respondent failed to appear after notice and opportunity. The Board reviewed the file and exceptions and on a motion by Mr. Ladouceur and seconded by Mr. Gianlorenzo the Board upheld most of the order with the exception to the fines which were increased to \$5,500 motion carried unanimously;

**(4) 01:40 PM, claim #5977, Samuel Weiner vs. John Ribeiro, exceptions filed by the respondent. At the request of the claimant, the matter was continued until next months meeting;**

**(5) 02:00 PM, claim #6080, Daniel Mussington vs. Claude Hampton, exceptions filed by the claimant. Who was present and the respondent arrived later. Claimant presented his case and was questioned why this stipulated order was not acceptable. Concerns were expressed that testimony was heard that work may have been performed by contractors who were not registered or listed as employees for Hampton Painting. After further questioning of the parties a motion was made by Mr. Carlone and seconded by Mr. Ladouceur to remand this back for a new Administrative hearing. Additionally, verification must be made at the new hearing as to the respondents hiring employees or subcontractors, motion carried unanimously;**

**(6) 02:20 PM, claim #5694, John Stey/Pamela Boynton vs. Patrick Conway, motion to vacate the final order filed by the respondent. Claimant was present, waited (10) minutes for respondent who never appeared. The Board voted unanimously to uphold the decision of the hearing office and go forward with the final order issued, motion was made by Mr. Carlone and seconded by Mr. Caldwell; however, the respondent's legal counsel showed after the Board acted on this matter. In that the claimant had already left the premises, a motion was made by Mr. Carlone and seconded by Mr. Ladouceur to stay this action and put it on the calendar for next month. The Board did listen to the attorney who was late due to court, who stated that his**

secretary had called the Board to advise them, however no message was ever transmitted to the Board. The attorney requested a review of the fines be considered when this matter is addressed at next months meeting. Matter was stayed unanimously by the Board and put on next months calendar;

(7) A letter was received from David and Sheila Lindsay regarding claim #5782 filed against Heritage Improvements, registration #13837. This was disposed on January 2, 2007 after an Administrative hearing conducted on December 26, 2006, at which time the claimants stated they did not want the respondent back on their property and they were taking the matter to court. The Board after reviewing the letter read it into the record by the Executive Director and denied reopening this claim on a motion by Mr. Ladouceur seconded by Mr. Cardoza and unanimously agreed upon.

**(F) Report of the Executive Director:**

**(1) Statistics Report: 4/11/07**

**Registrations:**

<b>Number of Registered Contractors</b>	<b>13026</b>		
<b>Number of Cards Surrendered</b>	<b>3659</b>	<b>Number of Cards</b>	
<b>/ExpiredLapsed</b>	<b>11880</b>		
<b>Number of Cards Invalidated</b>	<b>431</b>		
<b>Number of Cards Suspended</b>	<b>392</b>		
<b>Number of Cards Revoked</b>	<b>51</b>		

**Registration Actions 4/11/07**

<b>Number of New Registered Contractors</b>	<b>192</b>
<b>Number of Renewed Contractors</b>	<b>12834</b>
<b>Number of Cards Surrendered</b>	<b>34</b>
<b>Registrations Invalidated</b>	<b>0</b>
<b>Registrations Suspended</b>	<b>21</b>
<b>Registrations Revoked</b>	<b>5</b>

**Claims: 4/11/07**

<b>Administrative Appeals</b>	<b>4</b>		
<b>Board Appeals</b>	<b>7</b>		
<b>Address Trace</b>	<b>69</b>		
<b>Awaiting Further Action</b>	<b>54</b>		
<b>Court</b>	<b>321</b>		
<b>Disposed</b>	<b>5007</b>		
<b>Final Orders</b>	<b>130</b>		
<b>Hearings</b>	<b>80</b>		
<b>Out of State Services</b>	<b>44</b>	<b>Proposed Orders</b>	<b>24</b>
<b>Under Investigation</b>	<b>122</b>		
<b>Total Claims Filed with the Board</b>	<b>5862</b>		

<b>Number of New Claims</b>	<b>26</b>	<b>3/14/07 -</b>
<b>4/11/07</b>		

**Violations:**

<b>Action Against Registration</b>	<b>21</b>
<b>Non-Registered Subcontractors</b>	<b>11</b>

Advertising	1	
Cancelled Insurance		839
Notice of Hearing	3	
Non-Registered Contractors		608
<b>TOTAL RECORDS</b>	<b>1483</b>	

**Number of New Violations** 41  
**3/14/07 - 4/11/07**

**Lapsed Registrations/Never Re-Newed:**

March 2006	152
April 2006	139
May 2006	152
June 2006	134
July 2006	137
August 2006	114
September 2006	93
October 2006	58
November 2006	53
December 2006	44
January 2007	51
February 2007	79
March 2007	81

**Tickets: #'s Fines**

**2007**

**January 1 \$250**

**February 0 \$0**

**Commercial Roofers: 4/11/07**

**Number registered 118**

**Number expired/lapsed 18**

**Number surrendered 12**

**Number invalidated 0**

**Number suspended 0**

**Number revoked 0**

**Pending Approval 0**

**Registration Actions 4/11/07**

**Number of New Registered Contractors 3**

**Number of Renewed Contractors 115**

**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 scheduled**

during this time.

**(H) New Business:**

- (1) Legislation: Several bills are pending action this session, so far the 1st being H-5081 submitted by Representative Lima to allow all contractors to get registered and was passed by the House as Sub-A on 3/7/07 and referred to Labor 3/20/07; S-673 that will set up licensing for contractors with a recovery fund was introduced on 2/15/07 and scheduled to be heard by the Senate labor Committee on 4/25/07; H-6175 was a resolution passed to extend the Study Commission for another year and add (2) new members, passed with unanimous consent; H-5555 is the Home Inspection bill which on 3/28/07 was heard by Corporations, but held for further consideration;**
- (2) Study Commission Update: Meeting was held 4/4/07 and focus was on the new members representing commercial contractors and separating residential and commercial contractors with a licensing requirement for commercial contractors. Focus was on definition of residential and commercial structures and the inclusion of trades into the registration process. The Board to further discuss concerns with the Study Commission and what can be achieved this legislative session;**
- (3) NASCLA: Mid-year meeting in Denver CO. was very informative and information will be forth coming on NASCLA establishing a residential committee and model legislation regarding licensing;**
- (4) E.P.A. Training A letter was read into the record by the Executive**

**Director regarding the Board acting as a partner in efforts to effectively promote the Childhood Lead Action Projects Lead-Safe work practices training for the contractor community. After reviewing the letter and this request concerns were expressed by members of possible liability issues if we were to partner in this endeavor. Suggested partner with the Department of Health;**

**(6) Roof Doctor Correspondence; Tabled for the next meeting.**

**(I) Public Comment: None.**

**(J) Announcements: The next Board meeting is scheduled for Wednesday May 9, 2007 at 12:30 PM Conference Room "C", 2nd Floor, One Capitol Hill.**

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

**Brunetti to adjourn at 3:40 PM.**

**Members Present: F. Carlone, E. Ladouceur, A. Salisbury, D. Caldwell, S. Gianlorenzo,**

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

**Members Absent: J. Pesce and D. Gagnon**

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

**Investigators, stenographer, parties for appeals.**

**Respectfully Submitted,**

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

**GWW/man**