

213th Meeting Contractors' Registration Board

May 9, 2007

(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. Brunetti and seconded by Mr. Gianlorenzo.

(C) The minutes of the 212th meeting were approved on a motion by Mr. Gianlorenzo and seconded by Mr. Brunetti.

(D) Court Case Update: April 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
Rebello \$500 4/07 Hoitt
Russo \$100 4/07 Paygai
Sarault \$100 4/07 Rook

Total: \$18,250 \$44,127.80

TOTAL FINES & RESTITUTION: \$62,377.80

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

(1) 12:40 PM, claim #4894, Gerald Morin vs. Patrick Conway, review of claim regarding variance fines and window corrections. At 12:50 PM the respondent and/or his counsel failed to appear, the claimant was present and presented his case in regard to the status of the outstanding issues in the claim; the window and variances were still pending. The Boards investigator, Carl Saccoccio, also stated that the status of the job remains incomplete. The Executive Director for the

Board advised the Board that the attorney for the respondent, Guy Settipane, had called the office just after 12:20 PM to say he was sending information to the Board regarding bankruptcy filing for the respondent. The Board said that until we receive this information it was hearsay and voted not to vacate the final order issued. Shortly thereafter a fax was provided to the Board for the record received at 12:53 PM that Mr. Conway had filed Chapter 7 petition for bankruptcy protection. The Board took this into consideration and the final order will be stayed pending the bankruptcy filing;

(2) 12:45 PM, claim #5694, John Stey vs. Patrick Conway, motion to vacate final order. The claimant was present but the respondent and his counsel failed to appear. Having just received a fax stating the respondent had filed for bankruptcy the Board took no action to vacate the order and passed on it, so the final order will remain in effect; however because of the bankruptcy filing an automatic stay will be in effect on this order. Mr. Stey, the claimant, was advised of the action and questioned the Board on why no monetary award was rendered in his decision. The process of the jury waiver was explained and the claimant was made aware that the order was for fines only;

(3) 01:00 PM, claim #5977, Samuel Weiner vs. John Ribeiro, exceptions filed respondent. Mrs. Weiner and the respondent were in attendance. Mr. Ribeiro stated his concerns with the order in regard to the amount allowed for the work performed for demolition of the property. Mr. Ladouceur asked for documentation in this regard, Mr. Riberio said no, but he thought that no new evidence could be

submitted on appeal. After more discussion, the Chairman asked the claimant if she was satisfied with the hearing officers decision, which she replied yes. A motion was made by Mr. Ladouceur and seconded by Mr. Brunetti and the Board unanimously upheld the decision rendered;

(4) 01:20 PM, claim #5832, Karen Aquisto vs. Ronnie Mailhot, motion to vacate the final order by the respondent. Both parties were in attendance and exceptions were reviewed by the Board. Concerns were expressed that monies distributed did not reflect work performed. Concerns were also expressed by claimant as to the warranty. After further review and discussion, a motion was made by Mr. Carlone and seconded by Mr. Ladouceur to uphold the decision rendered and final order issued and not to vacate the order; motion carried unanimously. After reviewing the file, Mr. Ladouceur asked the Board to give consideration to the letterhead provided and act on advertising violations to be set up for each offense, a total of (3). Based on that, the fines could be assessed up to \$1,600. After some discussion, Mr. Furey felt the penalty was excessive for the offense. A motion was made by Mr. Ladoucuer to assess fines on these (3) violations in the amount of \$1,600. The matter passed with Mr. Furey voting in the negative;

(5) 01:40 PM, claim #6004, Nancy Belisle vs. Russell Entwistle, exceptions filed by the respondent. Both parties were present and the respondent presented to the Board his concerns that the estimate was excessive and only one was provided at the hearing. The concerns expressed by the Board were the work performed by the

respondents brother was as a non-registered contractor and the respondent could be fined for this offense. Additionally, the brother, Fred Entwistle, needs to be fined for performing work with out the proper registration. This violation will be issued and sent to Fred Entwistle at 1956 Old Louisquissett Pike in Lincoln, his date of birth is 2/3/68. In regard to the amount owed the claimant. In regard to the amount owed the claimant, the claimant agreed to have the respondent return and complete work originally contracted in a timely manner. This matter on a motion by Mr. Carlone and seconded by Mr. Ladouceur was stayed until the next Board meeting or if the matter is resolved, motion passed unanimously;

(6) 02:00 PM, claim #5883, Hilda Camacho vs. John Hairabet, exceptions filed by the claimant. The respondent informed the Board in writing, prior to the hearing, that he exceptions were being withdrawn. The matter at the hearing was dismissed pursuant to RIGL Section 5-65-12(b)(4) as it was better suited for court;

(7) 02:20 PM, claim #6050, Luciano Sztulman vs. Jacinto Teodoro, exceptions filed by the respondent who failed to appear, the claimant was present. The Board reviewed the file and a motion was made by Mr. Ladouceur and seconded by Mr. Furey to uphold the decision rendered by the Commission; motion carried unanimously.

(F) Report of the Executive Director:

(1) Statistics Report: 5/9/07

Registrations:

Number of Registered Contractors 13150

Number of Cards Surrendered	3680	Number of Cards	
/ExpiredLapsed	11908		
Number of Cards Invalidated	479		
Number of Cards Suspended	390		
Number of Cards Revoked	54		

Registration Actions 5/9/07

Number of New Registered Contractors	193
Number of Renewed Contractors	12957
Number of Cards Surrendered	30
Registrations Invalidated	54
Registrations Suspended	12
Registrations Revoked	3

Claims: 5/9/07

Administrative Appeals	4		
Board Appeals	7		
Address Trace	80		
Awaiting Further Action	52		
Court	333		
Disposed	5045		
Final Orders	119		
Hearings	72		
Out of State Services	38	Proposed Orders	25
Under Investigation	128		

Total Claims Filed with the Board **5903**

Number of New Claims **41** **4/11/07 –**
5/9/07

Violations:

Action Against Registration	21	
Non-Registered Subcontractors		19
Advertising	2	
Cancelled Insurance		848
Notice of Hearing	3	
Non-Registered Contractors		621
TOTAL RECORDS	1483	

Number of New Violations **41**
4/11/07 – 5/9/07

Lapsed Registrations/Never Re-Newed:

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
April 2007 100

Tickets: #'s Fines

2007

January 1 \$250
February 0 \$0
March 5 \$1,100
April 11 \$2,875

Commercial Roofers: 5/9/07
Number registered 118
Number expired/lapsed 19
Number surrendered 12
Number invalidated 0
Number suspended 0
Number revoked 0
Pending Approval 0

Registration Actions 5/9/07

Number of New Registered Contractors	1
Number of Renewed Contractors	117
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 forthcoming 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