

214th 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 and 213th meetings 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 various 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 Board's 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 he did not bring any with him because 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 officer's 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. Ladouceur 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 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 Mr. Entwistle at 1956 Old Louisquissett Pike in Lincoln, his date of birth is 2/3/68. 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 the 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 |

Upon review of tickets in the report, concerns were expressed by Mr. Ladouceur and Mr. Carlone as well as other members that the fines for tickets have not been issued for \$5,000. The Executive Director explained that the ticket process books have yet to be reprinted to reflect the change in the law and we were awaiting the changes to incorporate all contractors. Mr. Ladouceur and the Chair felt that 1st offense fines for NRB's need to be issued at \$5,000. The Executive Director had concerns in that the law says up to \$5,000 and the Rules and Regulations have yet to be modified to reflect those changes. Mr. Furey also expressed concerns as to proper notifications to make all parties aware of the new changes. The Executive Director informed the Board that only registered contractors were informed via a mailing of the changes and our budget did not reflect a line item for advertising. He also expressed concerns on NRB's as to how we go about modifying fines if the contractor was previously registered as well as insurance cancellations, which holds the same fine because they are also NRB's, the Chair, as well as other members, want the tickets to be reviewed by counsel and to advise on writing in zeros to make the \$500 a \$5,000 fine. The Executive Director expressed concerns in this process as it reflects to the laws as expressed on the ticket backs, which have been modified since printed. Kathryn Ryan

to investigate further to these concerns. Because the Board members had left before discussion finished, a quorum was not present and no action as to a vote was taken regarding this matter. This will be on next months calendar for further discussion.

(G) Old Business: Tabled

(H) New Business: Tabled

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday June 13, 2007 at 12:30 PM Conference Room "C", 2nd Floor, One Capitol Hill.

(K) Adjournment: A motion was made by Mr. Ladouceur and seconded by Mr. Tom Furey to adjourn at 3:45 PM.

Members Present: F. Carlone, E. Ladouceur, A. Salisbury, S. Gianlorenzo, T. Furey, R. Cardoza, P. Brunetti and B. Calcagni

Members Absent: J. Pesce, D. Caldwell and D. Gagnon

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

Investigator, Carl Saccoccio, stenographer, parties for appeals.

Respectfully Submitted,

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