

215th Meeting Contractors' Registration Board

June 13, 2007

(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. Caldwell and seconded by Mr. Brunetti.

(C) The minutes of the 214th meeting were approved on a motion by Mr. Gianlorenzo and seconded by Mr. Salisbury;

(1) Discussion from staff regarding issuing violation tickets. All the Boards investigators were in attendance to discuss this matter with the Board members. Chief investigator, Mike Lanni, explained why it is necessary to have discretion on issuing tickets in the field. Carl Saccoccio also explained how Joe Lewis and he have issued tickets. If all tickets were \$5,000 there concern was for their safety. Kathryn Ryan, of the Attorney Generals office, provided a memorandum in regard to current tickets being issued and modifying amounts from \$500 to \$5,000 was not being recommended because this would "leave the violation vulnerable to challenge". The executive director had previously expressed concerns to the Board of making this type of modification. The Board listened intently to all and will take it into consideration when the new Rules and Regulations are prepared;

(2) Discussion on collection and tracking of fines; briefly explained that some fines have been outstanding since the

inception of the Board. This will need to be reviewed further in the near future.

(D) Court Case Update: May 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
Belisle \$500 5/07
Bozzer \$200 \$270 5/07 Marzochi
Privitera \$5,000 \$8,850 5/07 Ricacly
Roy \$500 \$440 5/07 Brown
Silvio \$2,500 \$3,000 5/07 Viveiros
Theroux \$1,500 \$42,315 5/07 Goncalo
Total: \$18,950 \$44,397.80
TOTAL FINES & RESTITUTION: \$127,452.80

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

(1) 12:40 PM, claim #6003, Nancy Belisle vs. Russell Entwistle, exceptions filed by respondent. Motion was heard last month, but tabled until this month for review. Both parties were in attendance and the respondent explained to the Board that he had gone out to the site to review for corrections, but after reviewing the job he decided that restitution will be paid. He agreed to pay the claimant a down payment of \$3,000 and \$1,000 per month until the total due of \$14,900 is paid in full. The Board, on a motion from Mr. Carlone and seconded by Mr. Gianlorenzo agreed to this resolution and would reduce the fine from \$3,500 to \$1,000 if payments were made appropriately. The Board passed this motion unanimously;

(2) 12:45 PM, claim #5832, Ronnie Mailhot. Discussion on fines

assessed at last Board meeting. A motion was made by Mr. Ladouceur and seconded by Mr. Carlone to withdraw the motion to assess fines for advertising set forth at last months meeting. Motion carried unanimously. Discussion was that letterhead as such was not advertising and when the Rules and Regulations get revised that language be provided to modify this section;

(3) Expungement Proceedings:

(a) 01:00 PM, registration #5218, Vernon Rainville. Mrs. Rainville, who is a corporate office, represented the corp. at this proceeding. It was requested that claims #1310 & #3132 be expunged. Both have legally been resolved. After a quick review of the criteria to expunge, a request was made by the respondent to table this matter so verification can be made as to the number of days which lapsed before renewal and the opportunity to refute the information provided. A motion was made by Mr. Carlone and seconded by Mr. Furey and unanimously passed to table this matter;

(b) 01:10 PM, registration #853, Robert Durand who presented his case to have (6) claims (#3902,#4372,#4964,#5427,#5483,#4119) as well as one violation #54 expunged. Upon review and questioning, the Board advised Mr. Durand that a more comprehensive report was needed before they would consider taking any action. It was suggested that the contractor work with the executive director for the Board to provide information regarding each of these claims. The Board suggested Mr. Durand put together a package and re-present it next month;

(c) 01:20 PM, registration #973, Dennis Curci, who failed to appear.

The Board passed on this matter;

(d) 01:30 PM, registration #191, Mark Shovlin who also failed to appear and the Board also passed on this matter until Mr. Furey brought it to the Boards attention that the letter in the file stated he would be unable to attend and didn't think it was necessary for an advertising violation. The Board re-addressed this matter and on a motion by Mr. Carlone and seconded by Mr. Ladouceur unanimously expunged the advertising violation from the contractors' record;

(4) 01:40 PM, claim #5933, Kim Ziegelmayr vs. Travis Ogilvie, exceptions were filed by the respondent. The Board listened to the claimant and waited for the respondent who failed to appear. A motion was made by Mr. Ladouceur and seconded by Mr. Gianlorenzo to uphold the decision of the hearing officer which was passed unanimously. The claimant brought to the attention of the Board, after the vote, that the matter appears to be filed in bankruptcy court. It was explained to the claimants that an automatic stay will be in effect on this claim until a resolution is obtained in bankruptcy court;

(5) 02:00 PM, claim #6115, JA Simoneau vs. Jack Cutlip, exceptions filed by the claimant. Both parties were present. Mr. Ladouceur the Boards vice-chairman recused himself from the proceedings due to the fact that he had dealings with the respondent, he left the room. After reviewing the file, the investigative report and listening to testimony, the Board on a motion by Mr. Carlone and seconded by Mr. Caldwell requested a new investigation and Administrative hearing. Motion carried unanimously with one recusal to remand this back for a new Administrative hearing;

(6) 02:20 PM, claim #6135, Marie Pelosi vs. Troy Hewes, exceptions filed by the respondent. In this matter the claimant failed to appear. In that the waiver was not signed at the original hearing and only fines were assessed against the respondent, there was no monetary award. The respondent was represented by legal counsel and presented his exceptions. Copies of excerpts from the transcript were provided for review. After questioning the respondent, the Board elected to modify the decision rendered by the hearing officer to dismiss the fines regarding negligent work, but also reduced the fine to \$250 for hiring a non-registered subcontractor. Motion was made by Mr. Ladouceur and seconded by Mr. Gianlorenzo to this effect and it unanimously passed.

(F) Report of the Executive Director:

(1) Statistics Report: 6/13/07

Registrations:

Number of Registered Contractors	13295		
Number of Cards Surrendered	3693	Number of Cards	
/ExpiredLapsed	11946		
Number of Cards Invalidated	461		
Number of Cards Suspended	390		
Number of Cards Revoked	57		

Registration Actions 6/13/07

Number of New Registered Contractors 204

Number of Renewed Contractors 13091

Number of Cards Surrendered 22
Registrations Invalidated 0
Registrations Suspended 11
Registrations Revoked 5

Claims: 6/13/07

Administrative Appeals 4
Board Appeals 4
Address Trace 81
Awaiting Further Action 52
Court 355
Disposed 5076
Final Orders 109
Hearings 65
Out of State Services 41 Proposed Orders 24
Under Investigation 147
Total Claims Filed with the Board 5958

Number of New Claims 55 5/9/07 – 6/13/07

Violations:

Action Against Registration 22
Non-Registered Subcontractors 23
Advertising 2
Cancelled Insurance 838

Notice of Hearing	4	
Non-Registered Contractors		644
TOTAL RECORDS	1533	

Number of New Violations **69**
5/9/07 – 6/13/07

Lapsed Registrations/Never Re-Newed:

May 2006	146
June 2006	127
July 2006	132
August 2006	109
September 2006	90
October 2006	55
November 2006	50
December 2006	40
January 2007	47
February 2007	72
March 2007	65
April 2007	92
May 2007	107

Tickets: #'s Fines

2007

January 1 \$250

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

Commercial Roofers: 6/13/07
Number registered 118
Number expired/lapsed 20
Number surrendered 12
Number invalidated 0
Number suspended 0
Number revoked 0
Pending Approval 0

Registration Actions 6/13/07

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 of Regulation and Standards: This is pending passage and funding of legislation;

(2) Fines: Discussed and changes will be incorporated into our rules and regulations to reflect revisions.

(H) New Business:

(1) Legislation: S-673 a bill to license contractors was recommended to be held for further study by Senate Labor. S-508 Sub-A this act was to change the definition of structure to correct an omission in the bill passed in last years legislation. This has cleared House but was still in the Senate Labor for consideration, the matter was heard but tabled. H-5555 home inspection bill to modify dates was heard by House Corp. Committee which recommended the measure be held for further study;

(2) Study Commission Update: The Commission was going forward with several items for legislation this year and will continue its work until May of 2008. Items which are intended to be put forth this legislative session:

(a) Funding, committee members will work to obtain a restricted receipt account so that all the unfunded programs can be implemented and resources could be used to proceed with implementation of current law.

(b) Picture ID Card, this will require modification to the current plastic card, which will now have a picture of the registrant. Pictures may be provided by the Registry of Motor Vehicles to save contractors the time.

(c) Affidavit, this will be provided to all new registrants and renewals. It will briefly inform registrants of requirements in the law and changes.

(d) Mechanics Lien Law/Continuing Education, these changes to reflect last years modifications to lien law and correct the redundant process. Continuing education hours will also be a condition of maintaining a registration, (5) hours was suggested.

(e) Dispute Resolution Process, for all contractors performing work on residential property, this will involve the Department of Labor and Training and working with them in providing a similar process as we have at the registration Board.

(3) Roof Doctor Insurance: Concerns were expressed by Andy Larouchelle regarding workers comp. compliance and type of insurance coverage for work that is being performed. He would like to see changes made to the Law or Rules and Regulations. This matter is to be reviewed by the subcommittee. Discussion also transpired regarding a general, hiring a subcontractor, for roofing who is required to be insured to perform roofing even though the sub is performing the work;

(4) Letter from a Concerned Citizen: Board discussed this multi-paged letter regarding insurance coverage, advertising and non-registered contractors. Efforts are being made to a have sting operation to combat these problems. Mr. Lanni requested that Mr. Brunelle try and find a state building to set up this operation. Mr. Brunelle forwarded this request to legal who assigned it to an attorney, Matt Smith, to review and advise. Upon obtaining permission, this program could be instituted with violations and press coverage;

(5) Pictures: A quote was provided for an ID system for Higgins

Corporation. This matter may have to go out to bid if legislation is passed;

(6) New Board Members: The Governor made appointments to the Board recently. The new members are:

(a) J. Lawrence Brillon, Eagle Cornice, commercial roofer member;

(b) Ronald Caniglia, Stand Corporation, contractor member;

(c) Steven Carlino, Douglas Lumber, contractor member;

(7) New Bill: H-6511 provided to the Board as result of study commissions suggestion. Sub A will be provided due to errors in original draft.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday July 11, 2007 at 12:00 PM Conference Room "C", 2nd Floor, One Capitol Hill.

(K) Adjournment: A motion was made by Mr. Ed Ladouceur and seconded by Mr. Tom Furey

to adjourn at 3:45 PM.

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

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

Members Absent: D. Gagnon

**Others Present: George Whalen (Executive Director), Kathryn Ryan (Legal Counsel),
all investigators, stenographer, parties for appeals, expungement and motions.**

Respectfully Submitted,

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

GWW/man