

217th Meeting Contractors' Registration and Licensing Board

August 8, 2007

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:30 PM.

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

(C) The minutes of the 216th meeting were approved on a motion by Mr. Salisbury and seconded by Mr. Gianlorenzo:

(D) Court Case Update: July 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
Becker \$2,000 \$4,880 6/07 Davis
Carillo \$500 6/07
Lavallee \$5,000 \$4,000 6/07 Kingsley
Marshall \$4,025 6/07 Kane
\$266 6/07 Ricci
Russell \$1,000 \$5,330 6/07 Pittmann
Sande \$10,500 6/07 Bourne
Tomaselli \$7,500 6/07 Reverdes
\$16,837.50 6/07 Gainor

Sarault \$200 6/07 Rook
Spooner \$500 6/07 D'Amico
Parker \$250 \$1,009.58 7/07 Furtado
Perry \$1,500 \$2,000 7/07 Carr
\$500 \$1,325 7/07 Santos
Sarault \$100 7/07 Rook
Russo \$200 7/07 Paygai

Total: \$30,450 \$102,370.88

TOTAL FINES & RESTITUTION: \$132,820.88

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

(1) 12:40 PM, claim #5910, Robert Sansone vs. Ronald Kapuscinski, motion to vacate a final order by the respondent. This matter was not heard by the Board in that the parties have successfully negotiated a resolution to this claim;

(2) 01:00 PM, claim #6121, Nick Kotsiris vs. Roger Pratas, motion to vacate the proposed order which was filed by the respondent. Both parties were in attendance and the respondent presented his concerns as to why he wished to have the proposed order vacated. His allegations were that the manufacturer warranty was still in effect. Concerns as to the nailing of the shingles with only (5) nails was a code violation, (6) nails are required and if problem occurs in the future the warranty would voided because roof

wasn't installed to code. Mr. Brillon discussed his concerns with the fix of going back and lifting all the shingles would not be the best remedy. The addition of adding vents was also brought up by the contractor who felt it wasn't his responsibility. After much more discussion and listening to both parties express their concerns, a motion was made by Mr. Brillon and seconded by Mr. Gianlorenzo to modify the proposed order to return to the claimant's property to remove and reinstall the roof according to the contract and provide additional ventilation to assure code compliance. Work was to be performed within (30) days of the issuance date of this order. If timely complied to fines would be waived. Failure to comply would result in double of the fines pursuant to RIGL Section 5-65-12(e) amount to \$19,200 and suspension of registration until fines are paid in full.

Motion carried unanimously;

(2) 01:20 PM, claim #6176, Lisa & Robert Reenan vs. James Mathieu along with violation 4489, exceptions filed by respondent. Both parties were in attendance. Two members of the Board, Mr. Carlone and Mr. Cardoza had to recuse themselves from the appeal and left the room to assure no conflict. The Chair appointed Mr. Gianlorenzo to act as Chair in regard to this particular claim. After listening to both parties discuss action taken to provide materials and perform work, concerns were raised as to commissions and performing or arranging to perform work without a registration. Several motions were and then withdrawn and this matter was discussed in length. A

motion was made by Mr. Salisbury and seconded by Mr. Caniglia and Mr. Brillon to uphold the decision rendered by the hearing officer with a modification that payment to be made within (30) days to the claimant. If timely made the fines for non-registered contractor and other issues would be dismissed. If payments were not timely made then full extent of fines would be imposed on both claim and violation. Motion passed unanimously;

(4) 01:40 PM, claim #6191, Natasha Breton vs. Paul MacDonald, exceptions filed by the respondent. This matter was postponed until next months meeting at the request of the parties;

(5) Expungments 02:00 PM, Registration #5482, John Foster, the Board after waiting for the contractor to show, unanimously voted to deny this case and the contractor would have to re-file if he wished to have this matter heard;

(6) 02:10 PM, registration #973, Dennis Curci, who was in attendance and presented his case before the Board to have (2) claims removed from his record. These cases were satisfied and disposed: claim #2909 Victor Pigoga disposed September 2002, matter was going to court; claim #4087 John Larimer closed in December 2003 when corrective action was taken to resolve deficiency. Motion made by Mr. Carlone and seconded by Mr. Gianlorenzo to expunge record, motion carried unanimously;

(7) 02:30 PM, claim #6134, Melvin Orellana vs. Steven Maricas, exceptions filed by the respondent. Both parties were present and represented by legal counsel. The respondent filed exceptions to the

order in that he did not feel he was responsible for someone else's work. Discussion was held that reflected a \$3,000 payment at the closing to extend the driveway because it was not pitched. Water was penetrating near bulkhead into basement. Both parties provided the Board with information. Several motions were made by Board members but none were seconded. A motion made by Mr. Carlone and seconded by Mr. Gianlorenzo to table the matter until next month for some legal research regarding someone else doing work on the property, if it voids the warranty, who is responsible for problems if they re-occur. Motion carried unanimously to continue to next month.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 8/8/07

Registrations:

Number of Registered Contractors	13260		
Number of Cards Surrendered	3748	Number of Cards	
/ExpiredLapsed	12064		
Number of Cards Invalidated	453		
Number of Cards Suspended	399		
Number of Cards Revoked	56		

Registration Actions 8/8/07

Number of New Registered Contractors	145
Number of Renewed Contractors	13115
Number of Cards Surrendered	35
Registrations Invalidated	1

Registrations Suspended 6

Registrations Revoked 0

Claims: 8/8/07

Administrative Appeals 4

Board Appeals 5

Address Trace 86

Awaiting Further Action 52

Court 363

Disposed 5158

Final Orders 107

Hearings 70

Out of State Services 32 Proposed Orders 25

Under Investigation 125

Total Claims Filed with the Board 6027

Number of New Claims 26

7/11/07 -

8/8/07

Violations:

Action Against Registration 21

Non-Registered Subcontractors 17

Advertising 4

Cancelled Insurance 953

Notice of Hearing 3

Non-Registered Contractors 654

TOTAL RECORDS

1652

Number of New Violations 98

7/11/07 – 8/8/07

Lapsed Registrations/Never Re-Newed:

July 2006	129
August 2006	105
September 2006	88
October 2006	55
November 2006	48
December 2006	37
January 2007	41
February 2007	69
March 2007	60
April 2007	87
May 2007	93
June 2007	94
July 2007	123

Tickets: #'s Fines

2007

January 1 \$250

February 0 \$0
March 5 \$1,100
April 11 \$2,875
May 14 \$5,000
June 4 \$1,150
July 5 \$1,325
August 0 \$0

Commercial Roofers: 8/8/07

Number registered 119
Number expired/lapsed 23
Number surrendered 12
Number invalidated 0
Number suspended 0
Number revoked 0
Pending Approval 0

Registration Actions 8/8/07

Number of New Registered Contractors 1
Number of Renewed Contractors 118
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 Laws and Standards Established by Subcommittees: No meetings held, but meeting scheduled for 8/20/07, place to be determined, to begin process. Notice to be sent to committee members.

(H) New Business:

(1) Implementation Plan:

- **Started collecting \$200 registration fee as of 7/5/07 for new registrations and 8/1/07 for all new and renewals;**
- **September renewals included the affidavit and now require new and renewals to have signed, notarized form;**
- **Pictures; still pending equipment purchase which will have to go out to bid and transfer of pictures from registry which may require new software program;**
- **Most forms have been changed;**
- **Forms on web are almost completed**

(2) ABC "6" Interview/request for information:

- **Parker Gavigan requested information which is being forwarded to him;**

(3) Letter from Secretary of State, A. Ralph Mollis: Advising that copies of contracts for services must be provided to his office;

(4) Letter regarding Legislation: E-Mail concerning (2) sections of new law that have passed and may be somewhat different. Attorney Generals' office reviewing this matter, but appears the

language of H-6511 will be in effect;

(5) Chair requested that prior to next months meeting BJ Murray meet with us to discuss ways to get pictures into our data bank as well as other cost saving options.

(I) Public Comment: None.

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

(K) Adjournment: A motion was made by Mr. Gianlorenzo and seconded by Mr. Brillon to adjourn at 4:15 PM.

Members Present: F. Carlone, A. Salisbury, S. Gianlorenzo, P. Brunetti,

R.Cardozza, R. Caniglia and J. Brillon

Members Absent: D. Gagnon, E. Ladouceur, B. Calcagni, T. Furey, D. Caldwell and S. Carlino

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

investigators, stenographer, parties for appeals, expungement and

motions.

Respectfully Submitted,

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

GWW/man