

218th Meeting Contractors' Registration and Licensing Board

September 12, 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. Brunetti and seconded by Mr. Gianlorenzo:

(C) The minutes of the 217th meeting were approved on a motion by Mr. Brunetti and seconded by Mr. Gagnon:

Welcome to the (2) new Board members appointed by the Governor pursuant to legislative changes:

Richard Welch, Apple Construction, designee from RI Builders Association, and

Eric Anderson, Executive Director of RI Chapter Associated General Contractors.

(D) Court Case Update: August 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
DaSilva \$2,000
Hernandez \$500 \$11,710 8/07 Gollis
Houghton \$500 \$11,498 8/07 Sirois

Total: \$33,450 \$125,578.88
TOTAL FINES & RESTITUTION: \$159,028.88

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

(1) 12:40 PM, claim #6191 Natasha Breton vs. Paul MacDonald, exceptions filed by the respondent. The parties mutually came to an agreement with their respective attorneys and the Board on a motion by Mr. Carlone and seconded by Mr. Ladouceur and unanimously agreed to the terms presented, therefore the respondent is to pay the

claimant \$13,500 making her whole with 1st payment of \$2,000 within (24) hours and subsequent payments of \$2,000 due every (30) days. Fines for any late days will amount to \$100 per day on top of a \$3,000 fine. Failure to comply will result in the loss of registration and additional fines. Donald Gagnon recused himself from this matter in that he was the municipal inspector;

01:00 PM, claim #6192, William Riley vs. David DiChiaro, exceptions filed by the respondent. Both parties were in attendance and listened to the exceptions filed. The Board on a motion by the Chair, Mr. Carlone and seconded by Mr. Gianlorenzo unanimously agreed to table this matter until next month. Both parties agreed to a meeting on September 14, at 9:00 AM with the Executive Director and legal counsel for possible resolution;

(2) 01:20 PM, claim #6189, Barbara Tonzi vs. James Castonguay, Sr., exceptions filed by claimant. Both parties were in attendance and the claimant stated her exceptions with the commission's decision. Many questions regarding floor pitch code requirements were discussed Board members. Concerns were expressed as to ground water on surface and the number of times basement was flooded since work was performed. Respondent explained what work would be performed and the size of the existing pump and discharge was discussed. The respondent, after much debate and discussion agreed to install the proper sized sump pump to hopefully resolve the problem. The Board on a motion by Mr. Ladouceur and seconded by Mr. Carlone unanimously concurred and the respondent will have a licensed plumber obtain the proper permits and install the proper

sized sump pump within (30) days. The work performed will have an extended one year warranty beyond the date of completion;

(4) 01:40 PM, Motion filed by Attorney Arlene Violet to review claim #5217, Jack DeAmorim vs. Laurenio Braga. Both parties appeared and the claimant was represented by Attorney Violet, who presented reasons for review and requested the Board make her client whole by awarding the judgment rendered by the Board last year. Respondent claimed work had been repaired and the claimant unbeknownst to him went to his insurance company and was paid. After much discussion a motion was made by Mr. Carlone and seconded by Mr. Ladouceur and Mr. Gianlorenzo to postpone this matter until next month. Chair requested that legal counsel and executive director provide a travel of case for review, motion unanimously;

(5) 02:00 PM, claim #6134, Melvin Orellana vs. Steven Maricas, exceptions filed by respondent and was continued from last month. Both parties were present and after listening to the parties a motion was made by Mr. Carlone and seconded by Mr. Ladouceur to have the claimant remove the work performed by another contractor to bring the site to its original condition. Respondent is to return and repair driveway properly and make basement dry. Respondent has (30) days from the removal other the other contractors work to complete his work. A fine of \$1,000 is also assessed and additional fines and action on registration if he fails to comply. Motion carried with one opposed, Mr. Cardoza ;

(6) 02:20 PM, claim #6130, Maryann Mathews vs. John Sousa, motion

to vacate a final order by the respondent. Both parties were in attendance, much discussion transpired on this claim. Respondent had notice issues, but failed to substantiate them to the Board with evidence that his mail was being tampered with, resulting in his failure to appear at the hearing. If this was a problem, a PO Box could have been purchased by respondent. A motion was made by Mr. Brillon not to vacate the order and was seconded by Mr. Cardoza. Motion was withdrawn for further discussion then the motion was re-made and seconded by the same parties. Motion carried unanimously and the order will be in effect and stay granted on registration removed.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 9/12/07

Registrations:

Number of Registered Contractors 13296

Number of Cards Surrendered 3764 Number of Cards /Expired Lapsed 12119

Number of Cards Invalidated 450

Number of Cards Suspended 403

Number of Cards Revoked 58

Registration Actions 9/12/07

Number of New Registered Contractors 106

Number of Renewed Contractors 13190

Number of Cards Surrendered 26

Registrations Invalidated 0
Registrations Suspended 15
Registrations Revoked 1

Claims: 9/12/07

Administrative Appeals 3
Board Appeals 5
Address Trace 81
Awaiting Further Action 52
Court 342
Disposed 5190
Final Orders 116
Hearings 83
Out of State Services 39 Proposed Orders 25
Under Investigation 122
Total Claims Filed with the Board 6087

Number of New Claims 62 8/8/07 - 9/12/07

Violations:

Action Against Registration 20
Non-Registered Subcontractors 16
Advertising 3
Cancelled Insurance 921
Notice of Hearing 3

Non-Registered Contractors 6

TOTAL RECORDS 1632

Number of New Violations 36 8/8/07 - 9/12/07

Lapsed Registrations/Never Re-Newed:

August 2006 104

September 2006 88

October 2006 55

November 2006 47

December 2006 37

January 2007 40

February 2007 67

March 2007 59

April 2007 85

May 2007 90

June 2007 86

July 2007 107

August 2007 126

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 3 \$1,000
September 3 \$1,000

Commercial Roofers: 9/12/07

Number registered 124

Number expired/lapsed 23

Number surrendered 12

Number invalidated 0

Number suspended 0

Number revoked 0

Pending Approval 0

Registration Actions 9/12/07

Number of New Registered Contractors 5

Number of Renewed Contractors 119

Number of Cards Surrendered 0

Number of Expired/Lapsed 0

Registrations Invalidated 0

Registrations Suspended 0

Registrations Revoked 0

(G) Old Business:

Due to the lack of a quorum, because of time matter, all continue until next month.

(H) New Business:

Also tabled until next month.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday October 10, 2007 at 12:30 PM Conference Room "C", 2nd Floor, One Capitol Hill.

(K) Adjournment: A motion was made by Mr. Gagnon and seconded by Mr. Brunetti to adjourn at 3:40 PM.

Members Present: F. Carlone, E. Ladouceur, B. Calcagni, S.

Gianlorenzo, P. Brunetti,

R. Cardoza, J. Brillon, D. Caldwell, D. Gagnon, T.

Furey, E. Anderson

And R. Welch.

Members Absent: A. Salisbury, S. Caniglia and S. Carlino

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

investigators, stenographer, parties for appeals and motions.

Respectfully Submitted,

George W. Whalen, Executive Director

Contractors' Registration and Licensing Board

GWW/man