

219th Meeting Contractors' Registration and Licensing Board

October 10, 2007

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:46 PM.

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

(C) The minutes of the 218th meeting were approved on a motion by Mr. Ladouceur and seconded by Mr. Gianlorenzo:

Mr. Ladouceur, on behalf of the Board, wished congratulations to Kathryn Ryan on her new venture. We all appreciate all she has done in her short tenure and wish her the best in her new position. The Executive Director re-iterated Mr. Ladouceurs comments and said "she will certainly be missed".

(D) Court Case Update: September 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
Alzate \$1,175 9/07 O'Brien
Arruda \$250 \$1,925 9/07 Fox
Donnelly \$8,275 9/07 Stender
Marr \$1,000 9/07 Lamphere
Reynolds \$1,025 9/07 Keaveny
Jacinto \$2,500 9/07
Milford \$1,000 \$7,000 9/07 Barboza
Darragh \$1,000 \$3,025 9/07 Miller
King \$2,500 \$15,025 9/07 Magnelli
Tamborelli \$1,000 \$1,200 9/07 Seifert
Threats \$500 \$9,130.02 9/07 Marines

Total: \$42,200 \$179,358.90

TOTAL FINES & RESTITUTION: \$221,558.90

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

(1) 12:40 PM, claim #6192 William Reilly vs. David DiChiaro, exceptions filed by the claimant. Due to the fact that the respondent was just released from the hospital the matter was continued until next month;

(2) 01:00 PM, claim #5217, Jack DeAmorim vs. Laurenio Braga, motion filed by Attorney Arlene Violet for review.

This matter was continued from last month for the staff to

provide a sequential list of timing events. The status of the claim is disposed. The respondent was not present this month, but did testify at last months meeting that he

returned and made corrections to the roof. After reviewing the time line and listening to much discussion on this matter, attorney Violet expressed emphatically that no authority

can usurp the powers of the Board and once a final order is issued it is in effect. Mr. Braga was not present to refute this

argument. A motion was made by Mr. Furey and seconded by Mr. Anderson to proceed with enforcement of the final order previously issued and served and to notify the

parties of such action. The claim will be administratively changed from disposed to court for prosecution and the respondents registration will be suspended

pursuant to the final order, motion passed unanimously;

(3) 01:20 PM, claim #6241, Donald Butterfield vs. Stephen Sionne, exceptions filed by respondent. Both parties were in attendance and the hearing officer's decision was reviewed, which only assessed a fine against the respondent. After discussing the matter, a motion was made by Mr. Brunetti and seconded by Mr. Cardoza to uphold the decision rendered, motion passed unanimously;

(4) 01:40 PM, claim #6197, Mark Sandvigen vs. Antonio Ledo, exceptions filed by the respondent. Both parties were in attendance and the respondent presented his case, the chair made a motion to remand the matter back for a new hearing, which was seconded by Mr. Caldwell. The motion was withdrawn as well as the second and the claimant presented her concerns regarding the order. The Chair again made a motion to remand the matter back for a full Administrative hearing, which was seconded by Mr. Gianlorenzo, after more discussion the motion carried with Mr. Salisbury and Mr. Cardoza voting against the motion;

(5) 02:00 PM, review RI.Gov of Boards web page and possible solution to on-line registration and licensing process, both Thomas Viall and Renee Loring were present. The Board discussed the required affidavit and notarization of forms as well as the continuing education requirements, workers compensation and insurance requirements. Also discussed the new changes being made to our web site and exploring other ways the on line process could work. Copies of the Uniform Electronic Transaction Act were

provided for review and we will continue working to get this process established as soon as some of the “bugs” can be worked out;

(6) Expungements:

02:30 PM, Barry J. Grenga, registration #9941, Board heard matter and on a motion by the Chair and seconded by Mr. Caldwell, the motion carried unanimously to expunge the record: file #1611 insurance violation expunged;

02:40 PM, Milton Wilcox, registration #880, Board reviewed file and a motion was made by the Chair and seconded by Mr. Caldwell to expunge the record; passed unanimously: file #873 advertising violation expunged;

02:50 PM, Jeffery Palumbo, registration #19886, Board reviewed file and elected to expunge one claim in this matter, another claim was still pending. Motion made by the Mr. Carlone and seconded by Mr. Gianlorenzo to expunge claim no objections and unanimously expunged claim #5416;

(7) 03:15 PM, review for consideration on claim #6126, Manuel Loureiro vs. John O’Brien, III. The Board waited for the claimant for (45) minutes, reviewed the file and elected to pass on the motion. Claim remains disposed.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 10/10/07

Registrations:

Number of Registered Contractors 13069

Number of Cards Surrendered 3811 Number of Cards

Expired/Lapsed 12415
Number of Cards Invalidated 450
Number of Cards Suspended 405
Number of Cards Revoked 57

Registration Actions 10/10/07

Number of New Registered Contractors 104
Number of Renewed Contractors 12965
Number of Cards Surrendered 57
Registrations Invalidated 1
Registrations Suspended 8
Registrations Revoked 0

Claims: 10/10/07

Administrative Appeals 3
Board Appeals 5
Address Trace 79
Awaiting Further Action 52
Court 332
Disposed 5224
Final Orders 122
Hearings 76
Out of State Services 53 Proposed Orders 26
Under Investigation 118
Total Claims Filed with the Board 6121

Number of New Claims **34** **9/12/07 – 10/10/07**

Violations:

Action Against Registration	22	
Non-Registered Subcontractors		17
Advertising	4	
Cancelled Insurance		1018
Notice of Hearing	3	
Non-Registered Contractors		676
TOTAL RECORDS	1740	

Number of New Violations **130** **9/12/07 – 10/10/07**

Lapsed Registrations/Never Re-Newed:

September 2006	92
October 2006	60
November 2006	52
December 2006	38
January 2007	44
February 2007	65
March 2007	63
April 2007	87
May 2007	92
June 2007	88
July 2007	103

August 2007 127
September 2007 250
October 2007 1

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 \$1,750

Commercial Roofers: 10/10/07
Number registered 125
Number expired/lapsed 23
Number surrendered 12
Number invalidated 0
Number suspended 0
Number revoked 0
Pending Approval 0

Registration Actions 10/10/07

Number of New Registered Contractors	1
Number of Renewed Roofer Contractors	124
Number of Cards Surrendered	0
Number of Expired/Lapsed	0
Registrations Invalidated	0
Registrations Suspended	0
Registrations Revoked	0

(G) Old Business:

(1) Regulations meetings were held with Mr. Furey and the Executive Director to set and review standards to present to roofing sub-committee. Over (12) hours of work and (3) meetings held to get standards updated to present at a committee meeting scheduled for 10/24/07 from 1:00 to 3:00 PM. At that time a review and modifications can be discussed.

(H) New Business:

(1) Implementation Plan: At this time no FTE's have been approved and still pending, so other committee meetings have not been set until we are sure funding and positions will be provided to go forward with new programs;

(2) Additional Scoping: Discussions are transpiring that could result in well drillers to be relocated to the Board. Currently they are required to be registered but also licensed at DEM about (44) with about (100) claims per year. Other programs which could also be relocated to us include arborists, lead paint, radon, alarms etc.;

- (3) Photo ID's: Board members need to go to the Capitol Police if they have not had pictures taken yet for new ID badges;**
- (4) News Media: Articles recently put in Providence Journal editorials, as well as Providence Business News regarding home inspectors;**
- (5) Fiscal 2008-2009: Report estimated \$1,013,020 in revenue for the off year on registrations;**
- (7) New Appointments to Board by the Governor:**
 - (1) Don Gagnon expiration 2009**
 - (2) Dave Caldwell 2009**
 - (3) Arthur Salisbury 2009**
 - (4) Steven Gianlorenzo 2009**
 - (5) Steven Carlino 2009**
 - (6) Richard Welch 2010**
 - (7) Eric Anderson 2010**
 - (8) Barbara Calcagni 2010**
- (8) Bill Conti/Trax: Fee schedule for possible out of state service submitted for review. Matter taken into consideration may have to go out to bid to obtain these services;**
- (9) NASCLA: At Directors Meeting in Little Rock, AK, Boards Executive Director voted to remain on executive committee for one more year;**
- (10) OSHA Violations: Discussion on commercial roofing enforcement process. Mr. Furey provided the Board with information to establish a new process of going after roofing contractors. Board voted to pursue this avenue and have legal counsel investigate further if any additional information is necessary. Mike Lanni, Chief Investigator, to**

follow up on these potential violators;

(11) Correspondence: Reviewed matter from Bruce Charron, arborist and Dan Bell regarding establishing Rules and Regulations for consumer protection. Board to review with modifications;

(12) Request by the Chair to have Chief Investigator, Mike Lanni, to follow-up on BJ's Coventry sales promotions with no registration posted.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday November 14, 2007 at 12:30 PM Conference Room "C", 2nd Floor, One Capitol Hill.

(K) Adjournment: A motion was made by Mr. Caldwell and seconded by Mr. Cardoza to adjourn at 4:25 PM.

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

Members Absent: D. Gagnon, S. Caniglia and J. Brillon

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

Special Assistant Attorney General Christine Hetherington, investigators,

stenographer, parties for appeals and motions.

Respectfully Submitted,

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

GWW/man