

220th Meeting Contractors' Registration and Licensing Board

November 14, 2007

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:45 PM.

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

(C) The minutes of the 219th meeting were approved on a motion by Mr. P. Brunetti and seconded by Mr. S. Gianlorenzo:

(D) Court Case Update:

Until the Boards new legal counsel, Christy Hetherington gets situated she will be working to put together a reporting schedule and complying court cases.

(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. The matter was continued until September's meeting. The Board after reviewing the case and listening to the parties, on a motion by F. Carlone and seconded by E. Ladouceur, the Board unanimously upheld the decision of the hearing officer; however, an amendment was made by F. Carlone and again seconded by Mr. Ladouceur on the status of the contractors registration from suspended to revoked; motion also passed unanimously;

(2) 01:00 PM, claim #6088, Oscar and Ava Hall vs. Eric Antone, motion filed by the respondent, who was present; however, the claimant who is from Georgia sent a letter regarding this matter,

which was read into the record by the executive director. The respondent presented lengthy testimony, which the Board listened to in addition to reviewing documentation in the file. On a motion by E. Ladouceur and seconded by F. Carlone to uphold the hearing officer's decision, the decision did not carry and only (2) members were in favor of the motion. After more discussion on this and concerns owner paid contractor directly and he was obstructed from performing work, another motion was made by E. Ladouceur and seconded by F. Carlone, on a vote of (6) opposed (5) in favor motion was denied. After more discussion and review a motion was made by R. Cardoza and seconded by P. Brunetti to keep the \$2,000 fine but eliminate the \$5,000 additional penalty imposed. Motion carried on a (7) to (4) vote with F. Carlone, E. Ladouceur, S Ginalorenzo and T. Fury in opposition;

(3) 01:20 PM, claim #6279, Robert Roklan vs. Joseph Christman, exceptions filed by respondent's legal counsel. Both parties were in attendance. Concerns were expressed by the respondent's legal counsel that notice of (24) hours required for evidence to be submitted and same concerns on investigative report. The executive director informed the Board of Rules and Regulations requirements, but noted that both the notice and investigator's report did reflect attorneys concerns. After much discussion, the Board on a motion by F. Carlone, seconded by S. Gianlorenzo and E. Ladouceur decided to remand the matter back for a new administrative hearing. Concerns were expressed regarding the jury waiver form and water damage by S.

Gianlorenzo; however, the remand motion is for a completely new hearing. Motion carried (8) to (3) with P. Brunetti, T. Furey and J.L. Brillon opposing. It was advised by the Board that the notices be modified not to include (2) day (24 hr) requirement and investigative report;

(4) 01:40 PM, claim #6012, Gail Bessette vs. Frederick Davison, Jr., exceptions filed by the respondent. Both parties were in attendance and the Board listened to exceptions and rebuttal. After reviewing the file, a motion was made by P. Brunette and seconded by T. Furey to uphold the decision of the hearing officer, motion carried unanimously;

(5) Expungements:

02:00 PM, Jim Facer, registration #5418. The respondent petitioned the Board to remove all of his past claims. In reviewing his record it was noted that he had (14) claims and some as recent as 6/20/07. A motion was made by S. Gianlorenzo and seconded by D. Caldwell to remove those over (10) years old; #'s 1303/1858/2099 and 2133 the remainder are to be maintained. Motion carried unanimously;

02:10 PM, Gerald Parrillo, registration #9096, expungement was reviewed, but the contractor failed to appear or provide evidence to prove no lapse had occurred in his insurance coverage. Motion by R. Cardoza and seconded by P. Brunette to expunge violation was denied unanimously;

02:20 PM, Robert Brierly, registration #15485. Presented his request for expungement of one claim #2627, closed 10/20/99. Matter heard

by the Board with much discussion. Motion made by S. Gianlorenzo and seconded by D. Caldwell to expunge record, unanimously passed;

02:30 PM, Armand Cortelleso, Patriot Homes/Asylum Road Realty, LLC, motion to review violation, contractor failed to appear, motion was made by JL Brillon and seconded by E. Ladouceur to deny, was passed unanimously;

(6) 02:45 PM, claim #6311, David Desjardins vs. Deborah Castelli, exceptions filed by respondent. Matter postponed until next month;

(7) 03:00 PM, Claim #5838, Ann Romeo vs. Gary Morrell, motion to vacate a final order by respondent's attorney, Edward Manning. Motion was heard by the Board. This matter was pending criminal prosecution. In reviewing the matter the final order was for \$8,592.33 inclusive the \$25 claim filing fee and fines were assessed at \$10,000. Motion was made by E. Ladouceur and seconded by S. Gianlorenzo to stay action on this matter for full restitution to the claimant. Six checks are ordered; \$1,000 in November and starting January 2008 \$2,000 each continuing each month until the final amount due is paid in full. Contractor's registration reinstated conditionally until claimant is paid in full. Attorney Manning will provide summary of the decision to the Board. Motion carried unanimously;

(8) 03:15 PM, claim #5628, Charles and Deborah Bergeron vs. Brian Monfils, exceptions filed by respondent. This matter was postponed until next months meeting;

(9) 03:30 PM, claim #6126, Manuel Loureiro vs. John O'Brien, III, review for consideration, filed by the claimant. This was the case which TV 6 did a story on regarding the registration board. The matter had gone to an Administrative hearing and the claimant at the hearing did not want the respondent back on his property, so the claim was dismissed. The Board listened to the claimant present his case and the letter sent on 9/24/07 was reviewed by the Board. After much discussion, a motion was made by F. Carlone and seconded by S. Gianlorenzo to re-open the claim and have the matter heard, The decision was unanimous. Matter will be rescheduled and notice sent to the parties.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 11/14/07

Registrations:

Number of Registered Contractors	13007		
Number of Cards Surrendered	3893	Number of Cards	
Expired/Lapsed	12514		
Number of Cards Invalidated	446		
Number of Cards Suspended	410		
Number of Cards Revoked	58		

Registration Actions 11/14/07

Number of New Registered Contractors 105

Number of Renewed Contractors 12902

Number of Cards Surrendered 88

Registrations Invalidated 7

Registrations Suspended 12

Registrations Revoked 1

Claims: 11/14/07

Administrative Appeals 3

Board Appeals 7

Address Trace 75

Awaiting Further Action 52

Court 333

Disposed 5257

Final Orders 122

Hearings 74

Out of State Services 35 Proposed Orders 26

Under Investigation 124

Total Claims Filed with the Board 6159

Number of New Claims 39

10/10/07 –

11/14/07

Violations:

Action Against Registration 22

Non-Registered Subcontractors 15

Advertising 4

Cancelled Insurance		898
Notice of Hearing	3	
Non-Registered Contractors		680
TOTAL RECORDS	1622	

Number of New Violations 76 10/10/07 – 11/14/07

Lapsed Registrations/Never Re-Newed:

November 2006	52
December 2006	37
January 2007	43
February 2007	64
March 2007	62
April 2007	86
May 2007	89
June 2007	88
July 2007	95
August 2007	115
September 2007	183
October 2007	231

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: 11/14/07
Number registered 124
Number expired/lapsed 24
Number surrendered 12
Number invalidated 0
Number suspended 0
Number revoked 0
Pending Approval 0

Registration Actions 11/14/07
Number of New Registered Contractors 0
Number of Renewed Roofer Contractors 124
Number of Cards Surrendered 0
Number of Expired/Lapsed 24
Registrations Invalidated 0
Registrations Suspended 0
Registrations Revoked 0

(G) Old Business:

(1) Review of Regulations: Commercial roofers, home inspectors and public hearings, tabled due to lack of time.

(H) New Business: Never heard due to lack of time;

(1) Two new positions; Enforcement Aide and Senior Building Official, applications received being reviewed and interviews to be scheduled and bumping concerns;

(2) Service of final orders out of state;

(3) Discussion on separation on public hearings on home inspectors, commercial roofers and current standards;

(4) Out of state contractors posting bond discussion, study commission matter.

A moment of reflection for Jack Leyden's dad who recently passed away.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday December 12,

2007 at 12:30 PM Conference Room "C", 2nd Floor, One Capitol Hill.

(K) Adjournment: A motion was made by R. Cardoza and seconded by F. Carlone

to adjourn at 4:35 PM.

**Members Present: F. Carlone, E. Ladouceur, B. Calcagni, S. Gianlorenzo, P. Brunetti,
R. Cardoza, D. Caldwell, T. Furey, R. Welch, S. Carlino, JL Brillon,
And S. Caniglia**

Members Absent: D. Gagnon, S. Carlino, A. Salisbury and E. Anderson

**Others Present: George Whalen (Executive Director), Special Assistant Attorney General
Christine Hetherington (legal counsel),
investigators, stenographer parties for
appeals and motions.**

Respectfully Submitted,

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

GWW/man