

221st Meeting Contractors' Registration and Licensing Board

December 14, 2007

(A) The meeting was called to order by the Vice-Chairman, Edgar Ladouceur, at 12:45 PM.

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

(C) The minutes of the 220th meeting were approved on a motion by Mr. Steve Gianlorenzo and seconded by Mr. Richard Welch.

(D) Court Case Update: November and December 2007

RESPONDENT; FINES: RESTITUTION: DATE: CLAIMANT:

Tannock 250

Conway 1,000 Morin

Morrell 8,592.33 (installments) Romeo

Carreiro 6,000 1,500 Cerilli

Sionni 2,500 2,225 Butterfield

Mikhail 3,500 12,500 Pena

4,500 4,000 Saydee

2,500 1,375 Herrera

Brown 13,000 8,141.89 Barnaby

500

Carreiro 6,000 5,225 Cerilli

\$32,500 \$23,466.89

TOTAL FINES and RESTITUTION: \$55,966.89

Arrested/Surrendered and Arraigned on Outstanding Warrants:

Paul Mitchell Claim #5886

Robert Duchesneau Claim #5690

Glenn Dufault Claims #5224/#5750

Patrick Conway Claims #4894/#5694

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

(1) 12:40 PM, claim #5628 Charles/Deborah Bergeron vs. Brian Monfils, exceptions filed by the respondent. Both parties were in attendance and the respondent was represented by legal counsel, Mark Kieger, Esq. and it was explained to the Board that the Proposed Order issued was not a default hearing, both parties as stated in the order were present. The respondent's attorney presented his case regarding the proposed order and a (3) page document which was considered by the Board in rendering their decision. The attorney also expressed concerns as to fines imposed in this matter. Mr. Bergeron expressed his concerns regarding exceptions and felt the decision was fair. After much review and more discussion among the Board members, a motion was made by Mr. Welch and seconded by Mr. Brunetti to uphold the decision rendered by the hearing officer. Motion carried unanimously. It was noted that a section of law referred to in the order 5-65-11(1)(i/ii) was not properly cited in that it should have referred to 5-65-10(a)(12) the Board on a motion by Mr. Welch and seconded by Mr. Brunetti elected to modify that law section cited in the final order, motion

carried unanimously;

(2) Expungements:

01:00 PM, registration #15574, Wayne Martin, file #2015. This matter was brought before the Board and upon review of this file a motion was made by Mr. Welch and seconded by Mr. Brillon to expunge the violation;

01:20 PM, registration #3870, Ed Miller, claim #3717 and violation #748. The Vice-Chairman acting as Chair recused himself from hearing this matter, in his absence Mr. Tom Furey was appointed to chair this matter. The Board listened to Mr. Millers request for expungement and reviewed the record. Upon review, a motion was made by Mr. Furey and seconded by Mr. Brillon to expunge claim #748 and violation #3717. Motion passed with Mr. Ladouceur recusing himself and Mr. Welch voting in opposition;

01:20 PM, registration #3639, Wayne Themuda, claim #4704. Mr. Ladouceur resumed role of chair from Mr. Furey and upon review of the file, even though the registrant was present to testify, a motion was made by Mr. Welch and seconded by Mr. Anderson to expunge passed unanimously. Registrant was never afforded the opportunity to testify on this matter;

(3) 01:30 PM, claim #6311, David Dejardins vs. Deborah Castelli, exceptions filed by the respondent. Both parties were in attendance and Mr. Brillon recused himself and left the room, he and the claimant were war partners. Deborah Castelli was not present but did provide Nicholas Castelli with power of attorney to represent her in this matter. The written documentation

provided to the Board was reviewed and they listened to exceptions and rebuttal by the claimant. As explained by the respondent, due to being unable to gain access to the condominium complex because of legal restraints, this as well as other claims filed with the Board could not be completed as contracted. Motion was made by Mr. Ladouceur and seconded by Mr. Gianlorenzo to establish a payment schedule but not return registration. After some discussion on this motion, it was withdrawn. After further discussion and review of the file and evidence another motion was made by Mr. Ladouceur and seconded by Mr. Gianlorenzo to conditionally reinstate the contractor's registration so outstanding work can be completed on all claims filed with the Board. A review of respondent's registration will be conducted at the February Board meeting as to compliance with orders issued by the Board. The claimant will be paid \$846.29 by 1/2/08 and \$1,000 per month until the total is paid in full. If payments are timely made fines will be reduced to \$1,000 due and payable upon completion of payment to claimant. Motion passed with Mr. Salisbury voting in the negative;

01:50 PM, claim #6282, Deborah Harris vs. Craig Fregeau, exceptions filed by the respondent. Both parties were in attendance and the Board listened to the parties present exceptions and reviewed the file. Upon review, it appeared that the contract was both oral and written and a third party was also involved in performing some work. After much discussion and some cross examination, the Board

on a motion by Mr. Ladouceur and seconded by Mr. Brillon and Mr. Gianlorenzo, the Board upheld the decision with the exception of the suspended registration, which was changed to revoked. Motion carried unanimously;

(5) 02:10 PM, Armand Cortelleso, Patriot Homes/Asylum road Realty, LLC, motion to review filed by contractor who was unable to attend due to a prior commitment, matter was tabled until next month.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 12/12/07

Registrations:

Number of Registered Contractors	12949		
Number of Cards Surrendered	3947	Number of Cards	
Expired/Lapsed	12649		
Number of Cards Invalidated	605		
Number of Cards Suspended	418		
Number of Cards Revoked	62		

Registration Actions 12/12/07

Number of New Registered Contractors	92
Number of Renewed Contractors	12857
Number of Cards Surrendered	45
Registrations Invalidated	188
Registrations Suspended	13
Registrations Revoked	3

Claims: 12/12/07

Administrative Appeals	4
Board Appeals	3
Address Trace	72
Awaiting Further Action	52
Court	339
Disposed	5288
Final Orders	137
Hearings	68
Out of State Services	39
Proposed Orders	27
Under Investigation	123
Total Claims Filed with the Board	6203

Number of New Claims 49 11/14/07 – 12/12/07

Violations:

Action Against Registration	23
Non-Registered Subcontractors	15
Advertising	4
Cancelled Insurance	832
Notice of Hearing	3
Non-Registered Contractors	679
TOTAL RECORDS	1556

Number of New Violations 76 11/14/07 – 12/12/07

Lapsed Registrations/Never Re-Newed:

December 2006	37
January 2007	42
February 2007	63
March 2007	62
April 2007	86
May 2007	87
June 2007	88
July 2007	91
August 2007	110
September 2007	168
October 2007	185
November 2007	224
December 2007	1

Commercial Roofers: 12/12/07

Number registered	126
Number expired/lapsed	23
Number surrendered	12
Number invalidated	0
Number suspended	0
Number revoked	0
Pending Approval	0

Registration Actions	12/12/07	
Number of New Registered Contractors		1
Number of Renewed Roofer Contractors		125
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, no meetings have been held, awaiting appointment of (2) FTE's, which are still pending after posting jobs and screening applicants.

(H) New Business:

- (1) Still no progress on picture ID System, monies allocated have yet to be allowed to spend;**
- (2) Final orders need to be served out of state and need exists to obtain these services;**
- (3) Discussion on bonding of out of state contractors, to assure service was discussed by Mr. Welch and should be taken into consideration this legislative session or with the study commission;**
- (4) Seminar regarding ethics, open meetings and practices of Board and commissions discussed and (30) minutes prior to next Board meeting a short informational session will be presented by the**

Board's legal counsel and executive director;

(5) Commercial roofing and home inspector standards are on hold until FTE's can be hired;

(6) Enforcement is still being worked on by Mike Lanni and hopes that a sting operation will be pursued in the near future.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday January 9, 2008 at 12:30 PM Conference Room "A", 2nd Floor, One Capitol Hill.

(K) Adjournment: A motion was made by E. Ladouceur and seconded by R. Welch to adjourn at 3:40 PM.

Members Present: E. Ladouceur, S. Gianlorenzo, P. Brunetti, D. Caldwell, T. Furey, R. Welch, S. Carlino, JL Brillon, A. Salisbury, E. Anderson

Members Absent: D. Gagnon, F. Carlone, B. Calcagni, R. Cardoza and S. Caniglia

Others Present: George Whalen (Executive Director), Special

Assistant Attorney General

**Christine Hetherington (legal counsel),
stenographer, and parties for appeals
and motions.**

Respectfully Submitted,

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

GWW/man