

225th Meeting Contractors' Registration and Licensing Board

April 9, 2008

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:52 PM.

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

(C) The minutes of the 224th meeting were approved on a motion by Mr. Richard Welch and seconded by Mr. Tom Furey. After minutes being modified to reflect recusal of Tom Furey and not seconded on claim #6487, Campanale vs. Deitrick.

(D) Court Case Update: April 2008

RESPONDENT; FINES: RESTITUTION: DATE: CLAIMANT:

Merlino 50 Naylor

(monthly agreement 1/1/08)

Silvo 400 Krawczyk

Plant 100 Riggs

Alt 925 Martino

DelVecchio 2,870

Duchesneau 1,500 Young

DelVecchio 500 2375 Grant

Duchesneau 5,500 3,725 Young

Houghton 500 5,000 Sirois Russo 200 Peygei

Trainor 555 Burden

Arruda 250

Barlow 2,250 5,775 McGee

Manzi 1,780.12 Silva

Scrivani 300 DelFino

Lamora 500

Houghton 1,000 Sirois

Catalao 284.25 Mancini

Carson 500 Wilson

Mathieu 500 10,941 Reenan

Gendron 1,000 (VCIF contribution only) DaSilva

Duchesneau 5,500 3,725 Young

Amado 17,000 Vieira

Desjarlais 1,000 Goulet

Andrade 1,000 1,525 Lubrano

Gilman 250 400 Serotta

Brown 3,000 Villa

Saffer 1,113.70 Marble

Braga 5,000 Deamorim

Mello 2,525 Walsh

Conway 500

Russell 1,000

Lyon 500

Villatico 1,000 2,330 Saing

O'Brien 30,025 Church

Faria 1,000 Florio

Levesques	200	500	Menzies
Buitta	1,500		Escobar
Silvio	10		Krawczyk
Conway	250		Stey
Conway	1,250		Morin
Donnelly	200		Stender
Carson	500		Wilson
Castelli	50		Desjardins
Dunn	1,000		Charles
Crowshaw	100	200	Tull
Anderson	1,450		Crafa
Rebello	500	500	Hoitt
Faria	5,543.44		Florio
Hall	2,905		Silva
Brown	5,000	8,141.89	Barnaby
Lariviere	1,875		Paulus
Lariviere	360		Sickinger
Benevides	7,000	5,025	Croteau
Gencarella	4,400	3,925	Speredelozzi
Guatieri	10,000	30,000	Dutra
Guatieri	1,500	2,025	Meneses
Mathieu	700		
TOTAL	\$56,870	\$166,679.40	

TOTAL FINES and RESTITUTION: \$223,549.40

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

(1) 12:40 PM, claim #6237, Joan Sprague vs. Christopher Andrews, exceptions filed by the respondent's attorney. Both parties were in attendance and represented by counsel. Matter in question was a pre-engineered floor system floor system and written argument was provided by Attorney Mackie who presented concerns. Attorneys Pushie and Mackie, prior to this appeal being heard, tried to resolve this dispute. Unable to come to a resolution, the exceptions were reviewed by the Board and both parties presented their case. In that the Chair tried to work on obtaining a settlement on this case, he put into the record that he would not vote on this matter unless by some chance a tie occurred. After much discussion by the parties and further questioning by the Board, Members on a motion by L. Brillon and seconded by T. Furey to amend the original order issued by the Board to reflect a \$816 judgment to the claimant and no fines assessed. The motion also was amended by the sponsor and same seconded to upon payment remove the complaint. Motion carried unanimously, the Chair E. Ladouceur recused himself from the decision;

(2) Expungements:

01:00 PM, registration #9980, David Butera, violation #1240, who presented his case for this request and a motion was made by R. Welch, seconded by both B. Calcagni and L. Brillon to expunge his record. Motion carried unanimously;

1:10 PM, registration #13300, Normand LeMay, Jr., claim #4813 matter heard by Board and listened to Mr. LeMay and a motion

was made by F. Carlone and seconded by B. Calcagni to expunge the record carried with E. Ladouceur opposing;

12:40 PM, registration #16871, Raymond Burt, who failed to appear, Board passed on this motion;

01:15 PM, registration #9603, Michael Caparco, III, Superior Home Improvement, multiple claims and violations. Upon listening to Mr. Caparco and reviewing the record the Board on a motion by D. Caldwell and seconded by R. Welsh and R. Caniglia unanimously denied this request;

01:20 PM, registration #27534, Eric Borrelli, claim #5964 and violation #4837. The Board after reviewing the file and listening to Mr. Borrelli on a motion by F. Carlone and seconded by R. Welch unanimously denied this request;

01:25 PM. registration #6461, Thomas Tiernan, violation #2420. Board listened to Mr. Tiernan's testimony and a motion was made by F. Carlone and seconded by L. Brillon to expunge passed unanimously;

(3) 01:00 PM, claim #6499, Lawrence Blais vs. Sabatino Giordano, exceptions filed by respondent. Both parties attended and prior to the appeal an agreement was worked out. A motion was made by F. Carlone and seconded by E. Ladouceur to accept agreement; motion carried, a copy was provided to the parties and file;

(4) 01:40 PM, claim #6493, Christopher Iwuc vs. Robert Lambert, exceptions filed by claimant. Prior to appeal being heard a resolution was obtained in regard to this claim and a

settlement reached;

(5) 02:00 PM, registration #26752, Glenn DuFault, request for reinstatement of revoked registration. Mr. DuFault failed to appear. A motion was made by E. Ladouceur, seconded by L. Brillon to deny the request, motion passed unanimously;

(6) 02:20 PM, registration #24770, Michael Beauchamp, Home Doctor, motion to vacate a default order by respondent's attorney. This matter was in District Court for prosecution by the Board for failing to comply with the order issued by the Board. Both parties were in attendance and motion was presented by legal counsel;

(7) RI Hospital, issue of permits and requirements of commercial contractors. Lifespan presented its case before the Board and their legal counsel, Glenn Friedemann, explained their concerns. The hospital is not in the pursuit of an independent business and is not acting as an independent contractor, though they do have employees who perform their maintenance and work on various projects. The hospital is a non-profit company and hires registered contractors when property improvements are required, generally by a competitive bidding process. The Board, after listening to arguments and after much discussion, on a motion by E. Ladouceur and seconded by B. Calcagni, Board agreed to at this time not require the hospital to be registered to perform this work. Motion carried with D. Caldwell and R. Welch opposing.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 4/9/08

Registrations:

Number of Registered Contractors 12644

Number of Cards Surrendered 4109 Number of Cards

Expired/Lapsed 13223

Number of Cards Invalidated 624

Number of Cards Suspended 438

Number of Cards Revoked 62

Registration Actions 4/9/08

Number of New Registered Contractors 196

Number of Renewed Contractors 12448

Number of Cards Surrendered 62

Registrations Invalidated 57

Registrations Suspended 10

Registrations Revoked 3

Claims: 4/9/08

Administrative Appeals 6

Board Appeals 4

Address Trace 74

Awaiting Further Action 51

Court 334

Disposed 5380

Final Orders 149

Hearings	49		
Out of State Services	23	Proposed Orders	36
Under Investigation			102
Total Claims Filed with the Board			6281

Number of New Claims 24 3/5/08 – 4/9/08

Violations:

Action Against Registration	21	
Non-Registered Subcontractors		19
Advertising	6	
Cancelled Insurance		812
Notice of Hearing	3	
Non-Registered Contractors		694
TOTAL RECORDS	1555	

Number of New Violations 46 3/5/08 – 4/9/08

Lapsed Registrations/Never Re-Newed:

April 2007	86
May 2007	83
June 2007	83
July 2007	85
August 2007	103
September 2007	147
October 2007	148

November 2007	151
December 2007	169
January 2008	193
February 2008	194
March 2008	283

2008 Month Ticket # Fine

January 2 150

February 2 500

March 4 1,550

Commercial Roofers: 4/9/08

Number registered 122

Number expired/lapsed 29

Number surrendered 12

Number invalidated 0

Number suspended 0

Number revoked 0

Pending Approval 0

Registration Actions; 4/9/08

Number of New Registered Contractors 0

Number of Renewed Roofer Contractors 122

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 Regulations Sub Committee Report: Legislative Committee is still working on the definition of “contractor: and has had several meetings, but still hasn’t been able to come to a clear determination. Committee members are working on this and hope to overcome this stumbling block and move on with all the other changes to the law. Commercial Roofers; just a few minor changes to be made and they will be complete; Home Inspectors, decided for a complete re-write to reflect what Massachusetts’ Home Inspectors Board is doing. Hopefully we will be able to take what they have adopted and review with our current State Law and adopt those sections that are similar.

(H) New Business:

(1) Current Status of Positions: The (2) positions have been approved and granted, starting date of April 28, 2008 has been arranged. Board still has not been able to utilize funds provided to get programs off the ground. Request for ladders and digital cameras was submitted in September, but still pending;

(2) Study Commission: Several meetings have been held this year and we are currently discussing the possibility of having some type of bonding requirement. It was suggested that bonding be implemented for out of state contractors to assure we have current addresses for service of any final orders that may be issued by the

Board. Rather than punish all the good contractors, it was suggested that maybe we impose the need to have bonding on any contractor who has claims and/or violations. These are suggestions which will be brought to the legislative study commission for discussion and review;

(3) Tickets/Violations: New ticket books were distributed for review and discussion and will await any changes and discuss at next meeting;

(4) Generals/Sub Contractors: Discussed responsibility of who is responsible if subcontractors hire other subcontractors who aren't registered, will continue discussion next month.;

(5) Web Solicitation: The number of contractors using paid web-sites to get business has increased and many of the contractors are not registered. Need to follow-up on this aspect of advertising and maybe put something in the Rules and Regulations regarding penalties. It was also discussed that maybe one investigator be assigned just to enforcement;

(6) Investigator Retiring: Carl Saccoccio is retiring from state service effective May 9, 2008. After providing years of loyal and dedicated service to the state he will be moving on to bigger and better things, relaxing and traveling. Carl was the Boards 1st hearing officer in 1990 and for the last several years has been an outstanding investigator. He will be missed. Filling his position will be very difficult in more ways than one;

(7) Concerns on how action of RIGL 5-65 applies to tradesmen in a letter by Attorney Dante Giamarcos law firm Visconti and Boren Ltd.

The letter was reviewed and responded to by Christy Hetherington, Special Assistant Attorney General on behalf of the Board;

(8) Web-Site: Discussion on putting a note somewhere or place information as to a contractor who files in Bankruptcy Court, this will be reviewed. Also need to address cases dismissed for court and web-site says resolved. Need to discuss further at next months meeting on how to correct this. Possible options; resolved in the forum? Another type of notice or how to change this to reflect what happened;

(9) Forms: Need to change our forms to reflect what happens with a default hearing, when respondent fails to appear. Charts may have to be modified;

(10) Concerns: Richard Welch suggested the Board review its policy of filing claims from \$25 to \$100. Matter to be reviewed by the Legislative Committee, but may need to modify the law to change this. Additionally, if a complaint is for work that requires a permit we should have a copy of the local building inspectors report in the file. Again this matter will be taken under consideration for the Legislative Committee. Concerns on notice in insurance and the red notice put on the web-site. Suggestions taken into consideration and a new notice to say “ask for a valid insurance certificate: may be implemented. Looking also to flag violations better on our web-site;

(11) Court Cases: Boards attorney expressed concerns regarding a recent court case which needs to be addressed regarding the powers and authority of the Board. This was discussed and will bring this matter to the Study Commission for possible action legislatively;

(12) Summons: New court appeal filed by P.C. Enterprises;

(13) Outlaw Contractors: Mr. Ladouceur expressed concerns over large corporations using non-registered subcontractors, this needs to be monitored better and need to have meetings to discuss implications of this activity.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday May 14, 2008 at 12:30 PM Conference Room "A", 2nd Floor, One Capitol Hill.

(K) Adjournment: A motion was made by D. Caldwell and seconded by A. Salisbury to adjourn at 3:40 PM.

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

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

**Others Present: George Whalen (Executive Director), Special
Assistant Attorney General**

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

Respectfully Submitted,

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

GWW/man