

227th Meeting Contractors' Registration and Licensing Board

June 11, 2008

(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. David Caldwell and seconded by Mr. Richard Welch

(C) The minutes of the 226th meeting were approved on a motion by Mr. Richard Welch and seconded by Mr. Steven Gianlorenzo

(D) Court Case Update: June2008

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
Russo 150 Paygei
Braga 100 4,200 DeAmorim
Hall 2,905.60 Silva
Carson 500 Wilson
Grilo 5000 Correia
Iarossi 1000 Jarvie
Ledo 790 Sandvigen

Picerno 500 CRB(Porter)

Arlia 4930 (07) Simeone

TOTAL \$57,475 \$186,157.99

TOTAL FINES and RESTITUTION: \$243,632.99

Court Ordered Dispositions

Defendant Fine Restitution Victim

Mailhot \$1,000 (VCIF contribution) Acquisto

Oliver 500 5,815 Palardy

Grilo 10,025 Kenna

Grilo 7,425 Stark

Grilo 5,000 (violation #4768)

DeMarco 1,000 2,225 Isodoro

Iarossi 1,500 Wilder

Webster 500 559.50 Quattrocchi

Cucino 250 2,025 Tavone

Ledo 5,735.24 Sandvigen

Arlia 4,930 Simeone

\$9,750 \$38,739.74

TOTAL FINES/RESTITUTION: \$48,489.74

Outstanding Warrants: May/June 2008

Joseph Grilo Claims: #5542/5765/5803 and Violation #4768

Douglas DeMarco Claim: #6231

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

(1) 12:40 PM, claim #5933, Kim Ziegelmayr vs. Travis Ogilvie. Motion to vacate a final order issued June 20, 2007, which was previously stayed by the Board due to the matter being filed in Bankruptcy Court, after the Board had rendered a final order and issued a decision. This matter was continued until next month;

(2) 12:50 PM, claim #6177, Mario Cirillo vs. James Tavares, exception filed by respondent. Both parties were in attendance and represented by legal counsel. The respondents' attorney presented exceptions inclusive of written documentation, stating the double billing on invoices. Additionally, concern was expressed that the claimant did not file arbitration waiver as required by the Board's Rules and Regulations and his attorney requested this case be remanded back for a new Administrative hearing. The claimant's attorney objected to the arbitration waiver in that this was not part of the exceptions filed, but an after thought. The respondent was not present at the original hearing, which was one of the longest in the history of the Board with more than (5) tapes reflecting the record. The also expressed concerns that no evidence was submitted to reflect that the hearing officer erred in his decision to show the Board where the mistakes were made in the hearing officer's computations. A request was made by the respondent's attorney to remand for a new hearing. A motion was made by Richard Welch and seconded by Steve

Gianlorenzo to remand. After much discussion a vote was taken and Felix Carlone and Ed Ladouceur abstained from voting. Motion was turned down with the Board unable to obtain a majority of the votes. After more discussion and a review of the Board's Rules and Regulations a majority of members present must vote in favor or reject the decision. The vote was (6) in favor of upholding, (4) opposed and (2) abstaining, so in order to pass another vote was needed. The motion was turned down and a new motion was made to have legal counsel review file to advise the Board on legality of going forward if in fact a Waiver of Arbitration was not signed by the claimant. The file and evidence submitted did not warrant the Board to take action now, but to remand it to a new Appeal next month. The claimants attorney was concerned that the cost issues on the exceptions to be heard now or then. After more discussion, a motion was made by Richard Welch and seconded by Felix Carlone to have legal counsel review file and advise Board if they should proceed with the claim, because of concerns with the arbitration waiver, but agreed that financial concerns would not be modified. Board unanimously agreed on this on this motion and matter will be put on next months calendar, Christy will review file and other court cases to advise the Board next month;

(3) 01:00 PM, claim #6499. Lawrence Blais vs .Sabatino Giordano, matter continued from April appeal for possible settlement. Both parties working on a resolution and at their request the case was continued by the executive director until next month;

(4) 01:15 PM, registration #12939, Edward Eacueo, E&E Tile, regarding

violation #2074 #11. The Board passed on the motion because the respondent, who had been in the room, was not present when the matter was to be heard. After reviewing additional cases the Board came back to this case. Mr. Eacueo never returned to the room, leaving no reason or information to any staff of the reason he left. The Board on a motion by Ed Ladouceur and seconded by Steve Gianlorenzo unanimously denied exceptions. Discussions occurred by Richard Welch as to the motion by Ed Ladouceur, why he made this motion and he explained that the sheer volume of complaints and his record of having a revoked registration played a major role in his motion;

(5) 01:30 PM, claim #6602, Richard Sustello vs. Jason Tomaselli, Custom Home Design and Remodeling, Inc., exceptions filed by respondent. At the request of legal counsel representing respondent, due to a conflict in his schedule, a request was made to continue this case until next month. Granted by the executive director and placed on the calendar for next month; ;

(6) 01:50 PM, claim #6572, Janice Mustone vs. Emanuel Norberto, exceptions filed by respondent. The respondent was present at the appointed time, the claimant was present and the Board listened to her present her case and that she was satisfied with the decision rendered by the commission. On a motion by Felix Carlone and seconded by Ed Ladouceur the Board unanimously upheld the decision of the hearing officer. Thirty minutes later the respondent arrived and explained to the Board that he was in the building but not in the right room. This could be verified by Administrative staff. The

Board expressed concerns over due process and also the fact that the original hearing was also conducted without him because of a mix-up with the cases which were scheduled at different times and claims of miscommunication between him and the hearing officer on the time of the hearing. A motion was made by Felix Carlone and seconded by Bob Cardoza to advise the claimant that the decision was vacated and that it can be rescheduled until next month; however, it more than likely will be remanded back for a new hearing to avoid one step in the process that would be acceptable, the motion carried with Paul Brunetti voting against the motion;

(7) 02:10 PM, claim #6584, Alphonse and Sharon Cardi vs. Brian Olsen, exception filed by respondent, matter at the request of the respondent was continued until next month;

(8) 02:40 PM, claim #6596, Catherine Bienvenue vs. Patrick Altieri, exceptions filed by respondent. Both parties were in attendance and respondent presented his exceptions. After much consideration and a review of the file and pictures, which were part of the record, a motion was made by Richard Welch and seconded by Ed Ladouceur to uphold the decision of the hearing officer. Motion didn't carry, the majority opposed to the motion. After more discussion another motion was made by Felix Carlone and seconded by Steve Gianlorenzo to dismiss the case because it appears due to the complexity of the issues to be better suited for court. Motion carried with one opposing vote issued by Robert Cardoza;

(9) 03:10 PM, claim #5774, Bruce Tancrell vs. Robert Ziobrowski, exceptions filed by respondent to enlarge time period or vacate the

proposed order issued by the Board. The executive director for the Board reported that the pool work had been completed, that the motion to enlarge was no longer an issue and the matter was resolved and would be disposed with a resolution;

(10) Expungements:

03:30 PM, registration #6115, John Aurgemma, request to expunge (37) claims,

continued from last month. At the request of Mr. Aurgemma, the matter was continued

until next month. As requested by the Chair, the Executive Director met with

Mr. Aurgemma to review the (31) outstanding claims. The Chairman discussed proposed guidelines for multiple claims to solidify current guidelines and put into the Rules and Regulations, to have a somewhat consistent policy, standard reporting period and look at severity of each case. Suggested this be part of the Rules and Regulations Committee responsibilities.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 6/11/08

Registrations:

Number of Registered Contractors	12532	
Number of Cards Surrendered	4215	Number of Cards
Expired/Lapsed	13474	
Number of Cards Invalidated	662	
Number of Cards Suspended	432	

Number of Cards Revoked 64

Registration Actions 6/11/08

Number of New Registered Contractors 116

Number of Renewed Contractors 12416

Number of Cards Surrendered 59

Registrations Invalidated 13

Registrations Suspended 2

Registrations Revoked 1

Claims: 6/11/08

Administrative Appeals 6

Board Appeals 7

Address Trace 112

Awaiting Further Action 51

Court 328

Disposed 5422

Final Orders 94

Hearings 56

Out of State Services 25 Proposed Orders 41

Under Investigation 100

Total Claims Filed with the Board 6327

Number of New Claims 26

05/14/08 –

6/11/08

Violations:

Action Against Registration 21

Non-Registered Subcontractors 17

Advertising	8	
Cancelled Insurance		875
Notice of Hearing	4	
Non-Registered Contractors		668
TOTAL RECORDS	1603	

Number of New Violations 149 5/14/08 – 6/11/08

Lapsed Registrations/Never Re-Newed:

May 2007	82
June 2007	83
July 2007	85
August 2007	98
September 2007	137
October 2007	137
November 2007	137
December 2007	149
January 2008	174
February 2008	161
March 2008	200
April 2008	216
May 2008	288

2008 Month Ticket # Fine

January	2	\$150
February	2	\$500

March 4 \$1,550

April 7 \$1,950

May 8 \$3,000

Commercial Roofers: 6/14/08

Number registered 129

Number expired/lapsed 26

Number surrendered 13

Number invalidated 0

Number suspended 0

Number revoked 0

Pending Approval 0

Registration Actions; 6/11/08

Number of New Registered Contractors 0

Number of Renewed Roofer Contractors 129

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, Laws and Reports of Committees: Due to lack o time, matter

continued until next month.

(H) New Business:

(1) All matters were continued until next month due to time constraints:

(1) Current status on positions;

(2) Study Commission/Legislation;

(3) Tickets/Violations, new format;

(4) Web-site changes to language and “resolved” better flagging;

(5) Home Inspection national exam information;

(6) Restricted Receipt Account;

(7) Cash payments policy;

(8) Department of Business Regulations, move and evaluation of new program;

(9) Continuing education, further discussion.

(I) Public Comment: Roger Warren, Executive Director of the RI Builders Association, expressed his concerns over the affidavit requiring signature for continuing education classes and credits. After much discussion, Felix Carlone, did not agree that this should be removed as did the majority of the board members, but we should be going forward with establishing courses and ways to implement this program. Felix, Ed and Tom will work to establish some continuing education requirements. The Executive Director suggested we wait until the end of the session and then get going on getting all the new and other changes passed over the last several years to be established in the Rules and Regulations and set up a public hearing on this matter. It was suggested by the Executive Director that language be provided on the web-site to reflect courses

or that or that the Board is in the process of establishing courses in this regard and as soon as developed would be posted. Board members on committee did not concur with the Executive Director on legislation and want to go forward as soon as possible.

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

(K) Adjournment: A motion was made by R. Welch and seconded by JL Brillon to
adjourn at 3:50 PM.

Members Present: F. Carlone, E. Ladoucuer, 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