

# MINUTES

## 242nd Meeting Contractors' Registration and Licensing Board

October 14, 2009

(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. Dave Caldwell and seconded by Mr. Steve Gianlorenzo.

(C) The minutes of the 241st meeting were approved on a motion by Mr. Arthur Salisbury seconded by Mr. Paul Brunetti.

(D) Court Case Update: September/October 2009

### Court Ordered Via AG Prosecutions / Funds Collected

DEFENDANT:	CLAIM#	FINES:	RESTITUTION:	VICTIM:
Ogilvie			\$ 160.00	
Zeigelmayer				
Marr III			\$ 40.00	
Lamphere				
Giordano			\$1,000.00	Blais
Finn			\$ 235.66	Goad

<b>Latraverse</b>	<b>\$ 550.00</b>
<b>Rezendes</b>	
<b>Richards III</b>	<b>\$ 250.00</b>
<b>Bannister</b>	
<b>Charbatji</b>	<b>\$ 3,000.00</b>
<b>DiNobile</b>	
<b>Parker</b>	<b>\$ 500.00</b>
<b>Vanderdoes</b>	
<b>Thomasian</b>	<b>\$ 100.00</b>
<b>Spacone</b>	

**TOTAL FINES and RESTITUTION: \$5,835.00**

**Contractors' Registration and Licensing Board: Dispositions**

<b>DEFENDANT:</b>	<b>CLAIM#</b>	<b>FINES:</b>	<b>RESTITUTION:</b>
<b>VICTIM:</b>			

**September Arraignments all Pending and/or Court Orders  
Appealed.....**

**Warrants Ordered for Failure to Appear in Court**

<b>Defendant</b>	<b>Registration #</b>
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<b>Taveras, Nelson</b>	<b>29510</b>
<b>Lepore, Arthur</b>	<b>28748</b>
<b>Hoegen, John</b>	<b>19148</b>
<b>Charbonneau</b>	<b>30000</b>

**Arrested on Warrant:**

<b>Defendant</b>	<b>Registration #</b>
<b>King, Oliver</b>	<b>29593</b>

**Court case decision rendered on the constitutional issue, in favor of the Board but appealed to Superior Court, trial deNavo.**

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

**1.) 12:40 PM, Claim #6958, Mercurio vs. Robert Maclea III, R.M. Painting Co., INC., registration number 8524, exceptions filed by the Claimant. The claimant, who filed the exceptions, presented his case to the Board. The major concern was the painting of the replacement windows in the course of painting the house. Mr. Mercurio explained that the windows were damaged and he presented this to the contractor's insurance carrier but it was denied. Mr. Ladouceur explained that painted windows could have an impact on expansion and contraction of the units depending on the extent of the painting**

coverage. The chair asked that the investigator Mike Scallon explain his report to them as to the extent of damage, and Mr. Ricci the hearing officer was asked if information on the windows was addressed at the hearing. Both explained to the Board the issues and the contractor was able to explain his concerns regarding the matter. After much discussion and further review of the file a motion was made by Richard Welch and seconded by Ed Ladouceur to uphold the decision rendered by the hearing officer and issued by the commission. Motion passed unanimously, therefore the following order will be issued: The Board heard the exceptions filed by the Claimant at its' monthly meeting October 14, 2009. Both parties were in attendance and testimony was provided from each side regarding the issues and items of concern addressed by the hearing officer. After much discussion and questions and the Board asking the investigator and hearing officer to clarify the reports submitted and decision rendered, the Board UPHELD the decision rendered by the hearing officer and issued by the Commission. Based on the evidence & testimony presented at the administrative hearing and also a site inspection performed by the hearing officer, after the administrative hearing the RESPONDENT is ORDERED to return to the CLAIMANTS property and touch up any chips or bare spots on the shingles around the entire house, repaint the ceiling on the side entrance way and touch up some bare spots on the lattice on the side entrance way, and repaint the concrete landing on the front steps. All work was to be completed by September 30, 2009. It should be noted that upon the hearing officer's inspection of the CLAIMANTS

property, the paint job meets or exceeds industry standards with the exception of the areas noted in this ORDER. The touch up to bare spots on the shingles was limited to a few paint chips on several shingles. The RESPONDENT must also repair or replace the door bell and also replace the front house light fixture which has paint splashed on it. The RESPONDENT is also responsible for the costs of all labor and materials for repair work. The CLAIMANT forwarded a certified check in the amount of \$2,200.00 payable to the RESPONDENT which was held in escrow by the RICRLB until the completion of all repairs were made and then released to the RESPONDENT. Any issues concerning property damage must be addressed through the RESPONDENTS insurance company. Compliance with this ORDER will release the RESPONDENT from any further liability with this claim other than insurance issues as previously noted. The RESPONDENT must provide CRLB with documentation from Providence City Hall affirming that there is no lien filed against CLAIMANTS property by himself or Carlos Barros, prior to receiving the final payment. The CLAIMANT must also sign a release stating that upon the RESPONDENTS compliance with this ORDER, he acknowledges that this will settle this matter in its entirety and that he cannot pursue any further civil action against the RESPONDENT, the only exception being any issues that he raises with the RESPONDENTS insurance company. Failure on behalf of the RESPONDENT to comply with this ORDER will result in a fine in the amount of \$2,500.00 being assessed against him pursuant to RIGL 5-65-10 (c) (1). The CRLB must receive the \$2,200.00 certified check

from the CLAIMANT prior to the RESPONDENT  
returning to the CLAIMANTS property to perform repairs.

## **EXPUNGEMENTS:**

**(1.) 1:00 PM, Request for expungement of claim #7042 made by  
Steven**

**Lawrence, Lawrence builders Inc., registration #22016. The Board originally passed on this matter on a motion by Art Salisbury and second by Steve Gianlorenzo: however, Mr. Lawrence showed up later and the motion was withdrawn for reconsideration. After listening to the contractor's presentation and reviewing a letter provided by the Boards chief investigator, Mike Lanni, the Board on a motion by Tom Furey to expunge this claim and second by J.L.Brillion motion carried 11 to 1.**

**(2.) 1:10 PM, Request for expungement of claim #3490 made by A.J.  
Furey**

**Furey Contracting, Alan Furey, registration # 15248. Tom Furey recused himself in regard to this matter but the contractor failed to show so the Board unanimously passed on this matter.**

**(3.) 1:20 PM, Request for expungement of claim #2960 made by  
David**

**Oliver, registration #1309. Mr. Oliver presented his case and requested the claim be removed from his record. A motion was made by Mr. Ladouceur seconded by Richard Welch to deny the request; after further discussion a vote was rendered 3 to 8 and the motion failed to pass. A new motion was made to expunge the record by Felix Carlone and seconded by Tom Furey and Steve Gianlorenzo, this motion was discussed and the vote was 8 to 3 to support expungement of the claim.**

**(4.) 1:30 PM, Glenn DuFault, registration #26752, REVOKED, petition to reinstate registration. Mr. DuFault presented his case and explained that he was currently in a rehabilitation program and has been working with the court on all his outstanding claims with the Board and was put into a payment plan to settle all the claims filed and pay the outstanding fines. This matter was discussed in length and the Boards investigator Mike Lanni advised the Board that Mr. DuFault did not abide by any instruction he had received from the Board to resolve complaints filed with the Board. After several motions that didn't get seconded, a motion was made by Mr. Ladouceur and seconded by Steve Gianlorenzo to conditionally reissue the revoked status and if any claims of merit were filed against him his registration would immediately be revoked without hearing. After more discussion on this matter Mr. Ladouceur amended this motion to have the contractor report back to the board in four months time and show his progress as well as have the Attorney Generals Office contact the probation officer prior to the**

meeting to verify the information. The motion passed with two in members opposing, Tom Furey and Robert Cardoza.

**(F) Report of the Executive Director and Staff:**

**(1) Statistics Report: 10/14//09**

**Registrations:**

<b>Number of Registered Contractors</b>	<b>12257</b>		
<b>Number of Cards Surrendered</b>	<b>4811</b>	<b>Number of Cards</b>	<b>Expired/Lapsed</b>
<b>14440</b>	<b>Number of Cards Invalidated</b>	<b>954</b>	
<b>Number of Cards Suspended</b>	<b>453</b>		
<b>Number of Cards Revoked</b>	<b>76</b>		

**Registration Actions 09/09/09-10/14/09**

<b>Number of New Registered Contractors</b>	<b>108</b>		
<b>Number of Renewed Contractors</b>	<b>12149</b>		
<b>Number of Cards Surrendered</b>	<b>35</b>		
<b>Registrations Invalidated</b>	<b>6</b>	<b>Registrations Suspended</b>	<b>1</b>
<b>Registrations Revoked</b>	<b>0</b>		

**Claims:**

<b>Administrative Appeals</b>	<b>7</b>
<b>Board Appeals</b>	<b>5</b>
<b>Address Trace</b>	<b>108</b>

<b>Awaiting Further Action</b>		<b>51</b>
	<b>Court</b>	
	<b>515</b>	
<b>Disposed</b>		<b>5762</b>
<b>Final Orders</b>	<b>64</b>	
<b>Hearings</b>	<b>76</b>	
<b>Out of State Services</b>	<b>21</b>	<b>Proposed Orders 64</b>
<b>Under Investigation</b>		<b>115</b>
<b>Total Claims Filed with the Board</b>		<b>6789</b>

**Number of New Claims 32**  
**8/12/09-09/09/2009**

**Violations:**

<b>Action Against Registration</b>	<b>19</b>	
<b>Non-Registered Subcontractors</b>		<b>8</b>
<b>Advertising</b>	<b>18</b>	
<b>Cancelled Insurance</b>		<b>1055</b>
<b>Notice of Hearing</b>	<b>4</b>	
<b>Non-Registered Contractors</b>		<b>775</b>

**TOTAL RECORDS 1879**

**Number of New Violations 23 09/09/2009-10/14/2009**

**Lapsed Registrations/Never Re-Newed:**

<b>January 2009</b>	<b>86</b>	
<b>February 2009</b>	<b>99</b>	
<b>March 2009</b>	<b>87</b>	
<b>April</b>		<b>2009</b>
<b>114</b>		
<b>May</b>		<b>2009</b>
		<b>115</b>
<b>June</b>		<b>2009</b>
<b>101</b>		
<b>July</b>		<b>2009</b>
<b>90</b>		
<b>August</b>		<b>2009</b>
<b>99</b>		
<b>September</b>		<b>2009</b>
<b>156</b>		

**Month**

**# Tickets Issued**

**Fines**

<b>February</b>	<b>4</b>
<b>\$3,500.00</b>	
<b>March</b>	<b>2</b>
<b>\$ 600.00</b>	
<b>April</b>	<b>8</b>
<b>\$6,250.00</b>	

<b>May</b>	<b>8</b>
<b>\$4,700.00</b>	
<b>June</b>	<b>16</b>
<b>\$5,300.00</b>	
<b>July</b>	<b>6</b>
<b>\$3,250.00</b>	
<b>August</b>	<b>3</b>
<b>\$ 800.00</b>	
<b>September</b>	<b>0</b>
<b>\$ 00.00</b>	

**Commercial Roofers: 10/14/2009**

<b>Number registered</b>	<b>126</b>
<b>Number surrendered</b>	<b>14</b>
<b>Number invalidated</b>	<b>45</b>
<b>Number suspended</b>	<b>0</b>
<b>Number revoked</b>	<b>0</b>
<b>Pending approval</b>	<b>0</b>

**Registration Actions; 09/09/2009-10/14/2009**

<b>Number of New Registered Contractors</b>	<b>3</b>
<b>Number of Renewed Roofer Contractors</b>	<b>123</b>
<b>Number of Cards Surrendered</b>	<b>0</b>

<b>Number of Expired/Lapsed</b>	<b>0</b>
<b>Registrations Invalidated</b>	<b>0</b>
<b>Registrations Suspended</b>	<b>0</b>
<b>Registrations Revoked</b>	<b>0</b>

**(E) Old Business:**

**(1) Review of Regulations: No changes made due to inability to have meetings because**

**staff shortages. Upon the Executive Director completing the revisions to additional chapters a new meeting date will be scheduled.**

**(2) Study Commission, is still talking about insurance notification and possible bonding**

**requirements for all contractors as well as continuing education requirements**

**for commercial roofers but due to legislative session being continued until**

**late October no further action has been taken in this regard. Will await action if any at that time.**

**(H) New Business:**

**(1) Positions: Currently Status remains the same. Permission has yet to be**

**granted to post positions, still pending approval by Department of Administration.**

**(2) Restricted Receipt Account funds still inability to spend due to fiscal crisis.**

**(3) Budget for the Board is \$1,113,324.82, which include 12 positions, currently nine**

**positions and one clerk will be undergoing surgery and will be out for several**

**weeks.**

**(4) Legislation several bills have been presented and need to be addressed by**

**the Board; however, this may not happen until General Assembly goes back into**

**session in late October. Most of the bills have yet to get out of committee.**

**(5) Computer Software Program (DBR), matter still awaiting signature and is pending.**

**No change to the current status of the bid package.**

**(6) NASCLA dues were paid.**

**(7) Notary for the Executive Director was approved.**

**(9) Board Appointments: Letter sent to the Director of Administration regarding**

**the need of the Governor to make appointments to the Board for terms which**

**expired on September 1, 2009, still pending approval.**

**(10) Registration cards were approved.**

**(11) Home Show in the fall, an invitation to attend without cost to agency. Needs**

**approval, still pending.**

**(13) RI Sail Credit Cards: Still awaiting Boards approval and review.**

**Need to**

**address insurance requirements.**

**(14) Credit Report: This is to be put on the calendar for next month.**

**(I) Public Comment: None.**

**(J) Announcements: The next Board meeting is scheduled for  
Wednesday**

**November 4, 2009 at 12:30 PM Conference**

**Room "A", 2nd Floor, One**

**Capitol Hill;**

**(K) Adjournment: A motion was made by Richard Welch and  
seconded by Dave Caldwell to**

**adjourn at 3:05 PM.**

**Members Present: D. Caldwell, T. Furey, P. Brunetti, R. Welch, JL  
Brillon, A. Salisbury**

**F. Carlone, R. Cardoza, E. Ladouceur, S. Carlino,**

**S. Gianlorenzo, and**

**R. Caniglia**

**Members Absent: B. Calcagni, and E. Anderson both have  
resigned from the Board and**

**positions are pending new appointments; and**

**D. Gagnon.**

**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**

**Rhode Island Contractors' Registration and Licensing Board**