

MINUTES

**249th Meeting Contractors' Registration and Licensing Board July
14, 2010**

**(A) The meeting was called to order by the Acting Chairman,
Arthur Salisbury, at 12:44 PM.**

**(B) Approval of the agenda and order of business was accepted on a
motion by Mr. Richard Welch and seconded by Dave Caldwell.**

**(C) The minutes of the 248th meeting were approved on a motion by
Mr. Richard Welch and seconded by Mr. Dave Caldwell.**

(D) Court Case Update:

**Contractors' Registration & Licensing Board: June/July 2010
Funds Collected Via AG Prosecution or Settlement Agreement**

Defendant Fine Restitution Victim

Ogilvie \$160 Zeigelmayer

Thomasian \$100 Spacone

Marr \$40 Lamphere

Todd Harris \$1,500 Panarelli

TOTAL \$1,800

Total fines and restitution: \$ 1,800.00

Contractors' Registration & Licensing Board: June/July 2010

Court Ordered Dispositions

Defendant	Fine	Restitution	Victim
Charbonneau	\$500	\$5,600	Gaspar
Charbonneau	\$500	\$8,620	Pezillo
Charbonneau	\$500	\$5,225	Doran
Silveira	\$500	\$10,450	Solomon
Bolarinho	\$500	\$4,130	Simonian
Smith	\$500	\$425	Lonardo
Smith	\$500	\$2,325	Almeida
Mello	\$500	\$5,000	Mularz

TOTAL \$4,000 \$41,775

Total fines and restitution: \$45,775.00

Arrested on Warrant:

Albert Girard Registration # 22281

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

1.) 12:40 PM, Claim # 7276; Motion to the Board for reconsideration. Maryann Kasey addressed the Board in regard to her claim which was filed with the Board on March 12, 2010 and investigated by Mike Lanni. The matter was disposed by the investigator on March 30, 2010 in that the determination he made was that the matter was better suited for court. Ms. Kasey was very concerned that this matter was not properly handled and expressed to the Board that she felt that this was a matter that the Board could resolve. The Board decided at last months meeting to put this claim on this months calendar to allow the parties notice and opportunity as well as the investigators the ability to discuss this matter before the Board. Further information could be provided to the Board for their consideration of the Claimants motion to vacate the decision to dismiss. Notices were sent to all the parties. The Claimant and the two investigators assigned to review the case were present, the Respondent failed to attend. The Claimant having filed the motion addressed the Board first and briefly stated her concerns to the members. The Boards chief investigator Mike Lanni provided a more detailed summary of the case and his reasoning that the matter was better suited for court. Joe Lewis briefly explained the violations currently not corrected on Ms. Kasey's home and the proposal to try and resolve the claim was presented. The Board listened to all the parties, reviewed the case and the decision rendered. A motion was made by J. Larry Brillion and a second by Paul Brunetti to deny the motion to reconsider this claim. The acting chair on calling the vote found that the decision

was unanimous and the decision issued by the Board will stand. The claim is closed and the matter is better suited for court.

2.) 1:00 PM, Claim #7269; Deeb vs. Cesar Losada, Millennium Construction Inc., Registration #24253; exceptions filed by the Respondent regarding the proposed default order. Exceptions were filed by the Respondent regarding the proposed default order, and upon examination of the file by the executive director, the Board failed to notify the Respondent in a timely fashion prior to going forward with the hearing. In that the parties were now in arbitration pursuant to the terms of the contract, this matter was discontinued being processed until such time as a determination was made by the arbitrator on the case and the Board is petitioned for action within 20 days of receipt of that decision.

3.) 1:10 PM, Claim #7290; Brown vs. Senra, NRB, exceptions filed by the Respondent: both parties were present and the Respondent presented his concerns to the Board. After listening to the parties and reviewing the claim a motion was made by J. Larry Brillion and seconded by Richard Welch to uphold the decision rendered by the hearing officer. The vote was unanimous and the final order will be issued accordingly.

The Board on July 14, 2010 reviewed the exceptions filed by the RESPONDENT

and listen to both parties present concerns in regard to the

decision rendered by the

hearing officer and issued by the Commission. The Board, after review and discussion

on the case unanimously upheld the decision rendered.

Therefore: based on the

testimony & evidence presented at the administrative hearing the RESPONDENT,

Joseph Senra, is ORDERED to pay the CLAIMANT, Alice Brown, the amount of

\$3,825.00 which includes the claim filing fee pursuant to RIGL 5-65-12(a). Payment is

due within 30 days of the issuing date of this ORDER in the form of a certified check

or money order. Furthermore, a fine in the amount of \$5,000.00 is assessed against the

RESPONDENT for violating Rhode Island General Law 5-65-10 (a) (12): negligent &

improper work and Rhode Island Contractors' and Licensing Board Rules &

Regulations 4.4 (14): Fail to show up for an administrative hearing.

4.) 1:15 PM, Claim #7114; Bernstrom vs. John Fink III, registration #13339,

exceptions filed by the Respondent. The matter which was heard by the Board with all

the parties present last month was reviewed again this month but in that the matter was resolved as directed by the Board the claim can now be disposed.

5.) 1:20 PM, Claim #7108, Holmes vs. Corsi Jr., Quality Swimming Pool & Spas, Inc., The Board continued this matter several times in hopes of obtaining a possible settlement from the Respondent and his insurance carrier. Having been unable to work out a settlement the attorney representing the Respondent presented exceptions to the order. Agreed that the concrete work was improper but that some of the damages should be mitigated in that the property owner did not protect property properly which resulted in more damage. The owner presented his argument and felt that the hearing officer made the right decision and this was the second year he has not been able to use the pool. After listening to both sides and reviewing the evidence in the file, a motion was made by Richard Welch and seconded by Dave Caldwell to uphold the decision of the hearing officer. The motion carried with two members voting in opposition, Paul Brunetti and Bill Nash.

The Board on July 14, 2010 reviewed the exceptions filed by the RESPONDENT

and listen to both parties present concerns in regard to the decision rendered by the

hearing officer and issued by the Commission. This matter had been continued

several times in hopes of a resolution and settlement with the

insurance carrier.

The RESPONDENT was represented by legal counsel who presented the exceptions

to the Board and had her client answer questions asked by the Board members. The

Board, after review and discussion on the case, upheld the decision rendered, with two

members voting in opposition. Therefore: based on the testimony and evidence

presented at the administrative hearing, the RESPONDENT, Vincent Corsi, Jr.,

Quality Swimming Pools & Spas, is ORDERED to pay the CLAIMANT, Mr. Bill

Holmes, the amount of \$24,150.00. Payment is due in the form of a certified check

or money order within 30 days of the issuance date of this ORDER.

Furthermore,

finest in the amount of \$3,500.00 are assessed against the RESPONDENT for violating

Rhode Island General Law's 5-65-18, 5-65-22, 5-65-3(p): contractual requirements,

5-65-10(a) (11): breach of contract, 5-65-10(a) (12): negligent and improper work, and

Contractors' Registration & Licensing Board Rules and Regulations 4.4(14): failure

to show up at an administrative hearing. Additionally, a fine in the

amount of

\$20,000.00 is assessed against the RESPONDENT pursuant to Rhode Island General

Law 5-65-10(c) (1) and registration #29715 is SUSPENDED until such time as this

ORDER is fulfilled.

6.) 1:40 PM, Claim #6610, Nicholson vs. Lamothe III, AC Lamothe Millwork,

registration #21500; exceptions filed by the Respondent. At the request of the

Claimant the matter was continued until next month.

EXPUNGEMENTS:

1.) 2:00 PM, Daniel P. Keefe, registration #13222, request for expungement of Claims:

5173, 5472, 5988, 6625, & 6632; additionally violation #7013, hiring a non- registered

subcontractor. Mr. Keefe presented his request and reasons why he felt that the case should be removed from his record. The Board

reviewed information sent in from homeowners in regard to Mr. Keefe and a motion was made by J. Larry Brillion, and seconded by Dave

Caldwell to deny the request to expunge record. The acting Chair, Arthur Salisbury upon calling for a vote found that the motion was

unanimous to deny.

2.) 2:15 PM, David Sande, registration #20394, expungement of claim #5640. Mr. Sande was not aware of the outstanding opened claim regarding the fines not being dissolved in Bankruptcy Court. A motion was made by Bill Nash and seconded by Paul Brunetti to deny the request. Motion carried unanimously and motion to expunge was denied.

3.) 2:20 PM, Francis Martin, Burgess International, registration #23725, expungement of claims #6702, 6709, & 7083. Mr. Martin presented his case but after the Board reviewed the cases and information provided a motion was made by Richard Welch and seconded by J. Larry Brillion to deny this request. Motion for expungement after being called by the acting chair, was unanimously denied; however, a request had been made via the boards voice mail system to continue this matter until next month so this matter will be put on the August 11th agenda.

A motion was made by Richard Welch and seconded by Paul Brunetti to have the parties that were denied expungement on a particular matter to have to wait 18 months until the matter could be considered again. This would have to be put into the Boards rules and regulations but would be policy until such time as new policy or changes to the rules and regulations are made. This passed unanimously.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 07/14/2010

Registrations:

Number of Registered Contractors	11567		
Number of Cards Surrendered	5157	Number of Cards	
Expired/Lapsed	15434	Number of Cards Invalidated	979
Number of Cards Suspended	466		
Number of Cards Revoked	88		

Registration Actions

06/09/2010-07/14/2010

Number of New Registered Contractors	125		
Number of Renewed Contractors	11442		
Number of Cards Surrendered	34		
Registrations Invalidated	0	Registrations Suspended	8
Registrations Revoked	2		

Claims:

Administrative Appeals	7
Board Appeals	4
Address Trace	125

Awaiting Further Action		50
	Court	
	553	
Disposed		5913
Final Orders	42	
Hearings	58	
Out of State Services	32	Proposed Orders 80
Under Investigation		127
Total Claims Filed with the Board		6991

Number of New Claims Processed 56

06/09/2010-07/14/2010

Violations:

Action Against Registration	21
Advertising	5
Non-Registered Subcontractors	15
Cancelled Insurance	1265
Notice of Hearing	4
Non-Registered Contractors	788
TOTAL RECORDS	2098

Number of New Violations 98

06/09/2010-07/14/2010

Lapsed Registrations/Never Re-Newed:

June	2009
92	
July	2009
80	
August	2009
76	
September	2009
108	
October	2009
112	
November	2009
102	
December	2009
99	
January	2010
105	
February	2010
128	
March	2010
154	
April	2010

183

May

2010

203

June

2010

295

Month	# Tickets Issued
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Fines

January

0

\$.00

February

4

\$1,750.00

March

2

\$1,000.00

April

8

\$ 250.00

May

\$

June

\$

July

\$

Commercial Roofers: 07/14/2010

Number registered	129
Number surrendered	15
Number invalidated	48
Number suspended	0
Number revoked	0
Pending approval	0

Registration Actions;

06/09/2010-07/14/2010

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 standards, established by sub-committee,

report of committees and progress. No further meetings have been held and currently the executive director is working on information so the committee can save time in the sub-committee meetings and the

rules and regulations can be reviewed quicker. It appears that this may happen in early fall.

(H) New Business:

(1.) Study Commission; Committee was never extended so appears to have ended.

(2.) Legislation; S-2350 was heard in committee by both the House and Senate and went into law without the signature of the Governor.

(3.) Computer Software Program Update on Progress (DBR); several meetings

have transpired and recently CAVU sent representative to meet at DBR to

discuss this program and the time table. The company is sending a

representative to be with the Boards staff for three days next week to get this

project back on track.

(4.) Retention Schedule; still needs to be addressed by the sub-committee.

Attorney Christy Hetherington has reviewed this matter and was ready to

report back to the Board or committee on suggested changes; however this

matter was continued until more members of the Board could be present.

(5.) Position: Has been filled and Elizabeth Guarino will be working with

the Board as its newest staff member.

(6.) Code Books; New Rhode Island code is now available and code is now in effect.

(7.) Appointments; currently no new appointments have been made and all

appointments for the Board, except one will be up in September 2010.

(8.) NASCLA Directors Meeting will be held in Charleston, South Carolina

in late August. Motion was made by J.L.Brillion and seconded by R. Welch to

remain members of NASCLA; motion was unanimous.

(I) Public Comment:

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

August 11, 2010 at 12:30 PM Conference Room "A", 2nd Floor,

One Capitol Hill;

(K) Adjournment: A motion was made by Richard Welch seconded by Paul Brunetti

adjourn at 2:45 PM.

**Members Present: D. Caldwell, A. Salisbury, T. Furey, R. Caniglia
JL Brillon, W. Nash, R. Cardoza. R. Welch, & P.
Brunetti.**

**Members Absent: B. Calcagni and E. Anderson, both who have
resigned**

**from the Board and positions are pending new
appointments; S.**

**Gianlorenzo, E.Ladouceur, F. Carlone, & S.
Carlino.**

**Others Present: George Whalen (Executive Director), Christy
Hetherington (Attorney Generals Office, legal counsel), stenographer,
staff and parties for appeals and motions.**

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board