

# **MINUTES**

## **250th Meeting Contractors' Registration and Licensing Board August 11, 2010**

**(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. Arthur Salisbury and seconded by Steven Gianlorenzo.**

**(C) The minutes of the 249th meeting were approved on a motion by Mr. Arthur Salisbury and seconded by Mr. Richard Welch.**

**(D) Court Case Update:**

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

#### **Defendant Fine Restitution Victim**

**Ogilvie \$160 Zeigelmayer**

**Marr \$40 Lamphere**

**Girard \$500 \$1,325 Brown**

**TOTAL \$500 \$1,525**

**Total fines and restitution: \$2,025**

**Contractors' Registration & Licensing Board: July/August 2010**

**Court Ordered Dispositions**

**Defendant Fine Restitution Victim**

**Perrault \$3,625 McMann-Morelli**

**Mitchell \$2,400 Chouette**

**Thibodeau \$500 \$7,625 Salvo**

**Thepthabou \$3,025 Phimmasen**

**TOTAL \$500 \$16,675**

**Total fines and restitution: \$17,175**

**Warrant issued:**

**Myles Costello**

**Steve Parker**

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

**1.) 12:40 PM, Claim #6610, Nicholson vs. Lamothe III, AC Lamothe Millwork,**

**registration #215005; exceptions filed by the Respondent. This**

**matter which was**

**continued from last month because the homeowner wasn't able to make the appeal has**

**now been filed back in bankruptcy court and the claim will be stayed pending the**

**outcome. This matter will be held awaiting the outcome of bankruptcy court.**

**2.) 1:00 PM, Claim #7208; Northup vs. Robert Pelletier, R.E.P. Construction Co., Registration #519; exceptions filed by the Respondent regarding proposed order. Both parties were present with their attorneys and the Respondents attorney presented his case first. Concerns were expressed by the Respondents attorney as to the fines assessed in that a zero appeared to have been mistyped and the fines assessed needed to be verified. The Boards hearing officer provided testimony to the Board that the fines he assessed were \$25,000.00 and that a clerical error was made in transposing. Both parties presented their cases and evidence submitted at the hearing was reviewed inclusive of the pictures submitted as exhibits. A motion was made by Felix Carlone to uphold, without obtaining a second the motion was withdrawn. Another motion was mad by Richard Welch to reduce judgment in half and failing to obtain a second the motion was withdrawn. Finally a motion was made by J. L. Brillion to award \$30,000.00 to the Claimant to be paid in 60 days and eliminate the \$25,000 fine and reduce the \$10,000 in half to \$5,000.00. Motion was seconded by B. Nash. Upon further discussion the vote**

was called by the chair and matter passed as amended with D. Caldwell, R. Cardoza and R. Welch voting in opposition. Therefore: based on the testimony and evidence presented at the administrative hearing the RESPONDENT, R.E.P. Construction Co., Robert Pelletier, registration #519, is ORDERED to pay the CLAIMANT the amount of \$30,000.00. Payment is due in the form of a certified check or money order within 60 days of the issuance date of this ORDER. Furthermore, the fine in the amount of \$10,000.00 which was assessed against the RESPONDENT for violating Rhode Island General Law 5-65-10(a) (12): negligent & improper work, and an additional fine in the amount of \$25,000.00 assessed against the RESPONDENT pursuant to RIGL 5-65-10(c)(1) would be reduced to \$5,000.00 if this ORDER is fulfilled. Failing to adhere to this ORDER would result in the imposition of all the fines and result in the SUSPENSION of registration #519 until such time as this ORDER is fulfilled.

3.) 1:20 PM, Claim # 7170, Salvatore vs. Boillard, registration #22075; Motion to

vacate final order regarding REVOKED registration and fines. The homeowner showed

at the June Appeal, but the contractor who filed the motion failed to attend. The Board

listened to the homeowners concerns and a motion was made by J. Larry Brillion and

seconded by Felix Carlone not to vacate the order and fines

**assessed in the order.**

**Motion carried unanimously. Contractor filed request to re-review this matter and his**

**motion to vacate. Upon review, noting that the homeowner wasn't present, a motion**

**was made by the chair, Felix Carlone, to vacate the order and reduce the fines to**

**\$2,500.00 with a \$200.00 per month payment plan. Registration would be**

**conditionally reinstated only for masonry work and the violation issued would be**

**removed as long as evidence is submitted to the Board that the insurance policy the**

**Respondent had in effect paid the Claimant. Motion was seconded by Richard Welch**

**and the motion carried unanimously.**

**4.) 1:40 PM, Claim #7180, Abalutzk vs. Correia, Future Masonry Inc., registration #18474, exceptions filed by the Respondent. Motion was made by Art Salisbury and seconded by Steve Gianlorenzo to uphold and motion carried unanimously. The Board at its August 11, 2010 meeting reviewed the exceptions filed by the RESPONDENT. The RESPONDENT was represented by counsel who presented exceptions to the Board. Upon reviewing the file and listening to both sides present their case, a motion was made to uphold the decision rendered by the hearing officer and issued by the Commission. The**

**motion passed unanimously. Therefore: based on the testimony & evidence presented at the administrative hearing the RESPONDENT, Francisco**

**Correia, Future Masonry Inc., registration #18474, is ORDERED to pay the**

**CLAIMANT, Brian Abalutzk Sr., the amount of \$6,625.00 which includes the claim**

**filing fee pursuant to Rhode Island General Law 5-65-12(a). Payment is due in the form**

**of a certified check or money order within 30 days of the issuance date of this ORDER.**

**Furthermore, fines in the amount of \$6,000.00 are assessed against the RESPONDENT**

**for violating RIGL 5-65-10(a) (12): Negligent & improper work & Rhode Island**

**Contractors' Registration and Licensing Board Rules & Regulations 4.4(14): Fail to show for the hearing.**

**5.) 2:00 PM, Claim #7328, Scalon vs. Dockary, Tip Top Home Improvement, NRB, exceptions filed by the Respondent. The Board reviewed the exceptions filed by the Respondent who failed to pay the required fee and provide an address to contact or telephone number. Upon review of the Board and brief testimony provided by the Claimant, the chair made a motion to uphold the decision of the hearing officer and motion was seconded by Robert Cardoza. Motion**

carried with one member voting in opposition, R. Welch, and three members recused from participation; J.L.Brillion, R. Caniglia and T. Furey. The Board at its August 11, 2010 meeting reviewed the exceptions filed by the RESPONDENT. The RESPONDENT, a non-registered contractor was not present and did not provide a new address only a fax from a shipping store was received and reviewed. The required fee or form was not processed.

The Board listened to the testimony of the CLAIMANT and reviewed the evidence

submitted in the file. Several Board members recused themselves before the matter was

heard and left the room. A motion was made to uphold the decision of the hearing

officer and issued by the Commission. Motion carried with one member voting in

objection to the motion. Therefore: based on the testimony & evidence presented at the

administrative hearing the RESPONDENT, Tip Top Home Improvement, Brian

Dockary, is ORDERED to pay the CLAIMANT the amount of \$5,107.00 which

includes the claim filing fee pursuant to Rhode Island General Law 5-65-12 (a).

Payment is due in the form of a certified check or money order within 30 days of receipt

date of this ORDER. Furthermore, fines in the amount of \$10,000.00

**are assessed**

**against the RESPONDENT for violating RIGL's 5-65-10 (a) (11):  
breach of contract, 5-**

**65-10 (a) (12): negligent work & 5-65-10 (3): fraudulent, dishonest  
conduct.**

**6.) 2:40 PM, Claim #7244, Richard vs. Conway, Conway  
Construction, registration**

**#17780, exceptions filed by the Respondent. Matter was continued  
with possible  
settlement offer.**

#### **EXPUNGEMENTS:**

**1.)2:50 PM, Pariseault Builders Inc., Registration # 7361,  
Expungement of claim**

**# 7101. Board reviewed this matter and a motion was made by  
Felix Carlone seconded**

**by Art Salisbury to Expunge record. Motion carried unanimously  
with Steve**

**Gianlorenzo recusing from participation.**

**2.) 3:00 PM , Francis Martin, Burgess International, registration  
#23725, expungement**

**of claims #6702, 6709, & 7083. Contractor presented reasons to  
expunge and Board**

**listened to testimony and reviewed comments sent by parties. A motion was made by**

**Richard Welch and second by J.L. Brillon to deny the expungement, motion carried**

**with one member voting in opposition.**

**3.) 3:05 PM, Louis Paiva, Horrzon Retail Services, registration #16642, removal of**

**record. Matter rescheduled for next month.**

**4.) 3:10 PM, Heritage Remodeling LTD., registration #7224, expungement of**

**claims, #4541, 6815 & 7298. Passed on matter failed to show, motion by Art Salisbury**

**and second by Dave Caldwell, unanimous.**

**5.) 3:15 PM, American Building Co., registration #2475, expungement of claims**

**#2473, 3107 & 3763. Passed on matter failed to show, motion by Art Salisbury, and**

**seconded by Dave Caldwell, unanimous.**

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

**(1) Statistics Report: 08/11/2010**

**Registrations:**

**Number of Registered Contractors 11526**

**Number of Cards Surrendered 5187 Number of Cards**

**Expired/Lapsed 15543 Number of Cards Invalidated 972**

**Number of Cards Suspended 468**

**Number of Cards Revoked 87**

**Registration Actions**

**07/14/2010**

**-08/11/2010**

**Number of New Registered Contractors 75**

**Number of Renewed Contractors 11451**

**Number of Cards Surrendered 42**

**Registrations Invalidated 1 Registrations Suspended 6**

**Registrations Revoked 0**

**Claims:**

**Administrative Appeals 7**

**Board Appeals 8**

**Address Trace 122**

**Awaiting Further Action 50**

**Court**

**557**

**Disposed**

**5932**

Final Orders 46  
Hearings 45  
Out of State Services 22 Proposed Orders 851  
Total Claims Filed with the Board 7020

Number of New Claims Processed 30

7/14/2010-08/11/2010

**Violations:**

Action Against Registration 21  
Advertising 3  
    Non-Registered Subcontractors 15  
Cancelled Insurance 1244  
Notice of Hearing 4  
Non-Registered Contractors 790  
  
TOTAL RECORDS 2077

Number of New Violations 14

07/14/2010-08/11/2010

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

August 2009

<b>76</b>	<b>September</b>	<b>2009</b>
<b>108</b>	<b>October</b>	<b>2009</b>
<b>111</b>	<b>November</b>	<b>2009</b>
<b>101</b>	<b>December</b>	<b>2009</b>
<b>98</b>	<b>January</b>	<b>2010</b>
<b>103</b>	<b>February</b>	<b>2010</b>
<b>126</b>	<b>March</b>	<b>2010</b>
<b>150</b>	<b>April</b>	<b>2010</b>
<b>173</b>	<b>May</b>	<b>2010</b>
<b>180</b>	<b>June</b>	<b>2010</b>
<b>222</b>	<b>July</b>	<b>2010</b>

**258**

<b>Month</b>	<b># Tickets Issued</b>
<b>Fines</b>	

January	0
\$ .00	
February	3
\$1,750.00	
March	3
\$1,000.00	
April	1
\$ 250.00	
May	4
\$1,350.00	
June	10
\$3,400.00	
July	7
\$2,700.00	
August	4
\$1,350.00	

**Commercial Roofers: 08/11/2010**

Number registered	133
Number surrendered	15
Number invalidated	47
Number suspended	0
Number revoked	0
Pending approval	0

**Registration Actions;**

**07/14/2010-08/11/2010**

<b>Number of New Registered Contractors</b>	<b>3</b>
<b>Number of Renewed Roofer Contractors</b>	<b>130</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>

**(G) Old Business: Due to a lack of time all matters were continued until next months meeting.**

**(1.) Review of regulations, laws and standards, established by sub-committee,  
report of committees and progress.**

**(H) New Business: Due to a lack of time all matters were continued until next months meeting.**

**(1.) Budget;**

**(2.) Computer Software Program Update on Progress (DBR),  
CAVU;**

**(3.) Retention Schedule;**

**(4.) Appointments;**

**(6.) NASCLA Directors meeting in South Carolina;**

**(I) Public Comment: Discussion on the claim submitted from a Westerly homeowner who had a previous claim that the Board determined was better suited for court. Upon a brief discussion Board felt that this claim was also better suited for court and if a favorable determination was made then upon the Claimant sending in a judgment within 30 days of the decision then the Board could take action on the Respondents registration.**

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

**September 08, 2010 at 12:30 PM Conference Room "A", 2nd Floor, One Capitol Hill; Robert Cardoza**

**(K) Adjournment: A motion was made by Steve Gianlorenzo seconded by Robert**

**Cardoza adjourn at 3:45 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; .**

**Paul Brunetti & E. Ladouceur.**

**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**