

MINUTES

257th Meeting Contractors' Registration and Licensing Board April 13, 2011

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:50 PM.

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

(C) The minutes of the 255th meeting were approved on a motion by Mr. Steve Gianlorenzo and seconded by Mr. Arthur Salisbury.

(D) Court Case Update:

March – April 2011: Court Ordered Restitution/Fines:

Contactors	Claim/File	Fines	Restitution	Complainant
Downing	4275	250	2,725	Fortini

Totals: Fines; \$250 Restitution; \$2,725

TOTAL: \$2,975.00

March – April 2011: Funds Received Via AG's Office:

Contactor Claim/File Fines Restitution Complainant

Cotoia 5293 - 270 Lombardi

Cotoia 5675 - 2,050 Dondey

Cotoia 5354 - 2,800 Richardson

Horton 6852 - 50 LeValley

Flores 4204 - 225 Izzi

Giordano 6499 - 500 Blais

DiSumma 3815 100 - NRB

Barishian 7052 - 4,025 Mulligan

Barishian 4781 500 - NRB

Totals: Fines \$600 Restitution \$ 9,920.00

TOTAL: \$10,520.00

Negotiated Surrender on Warrant:

Gary Morrell, Reg. 19951

Warrants Issued:

Joseph Tavares, Reg. 17115

Myles Costello, Reg. 33019

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

(F) Report of the Executive Director APPEALS:

1.) 12:40 PM, Claim #7432, Hageman vs. Mistofsky, Registration #26504, exceptions filed by the Respondent. Matter was heard from last month; for reconsideration based on new information provided that insurance policy was in effect which may have had an impact on the increased fines assessed by the Board on appeal. Final Order was stayed until the Respondent had the opportunity for due process. Both parties were in attendance and the Respondent presented his concerns regarding the imposition of additional fines for lack of insurance where in fact he had a valid insurance policy in effect and the policy considered by the hearing officer was not his policy but that of a subcontractor. Additionally, the Respondent again brought to the Boards attention that he never received notice regarding his hearing because his mailbox was destroyed. The Claimant presented his concerns that this matter was heard, a decision rendered and Respondent never responded. The Boards legal counsel expressed concerns that if this matter went forward on appeal into Superior Court it would be difficult to defend with the additional fines assessed at the last board meeting. Upon further questioning and discussion a motion was made by Tom Furey and seconded by Steve Gianlorenzo to remand this claim back for a new administrative hearing. The motion passed 9 to 1 with Ed Ladouceur voting in opposition to the motion. Both parties on the record waived the 20 day notice requirement for a new hearing and this matter will be set up as soon

as possible for an administrative hearing.

2.) 1:00 PM, Claim #7033; Motion to Vacate Final Order in regard to Claim #7033 Farrell vs. Thomas, and Reconsideration of Matter. Request was made to continue this matter until next month. Motion was made by Steve Gianlorenzo and seconded by Paul Brunetti and passed unanimously. Matter to be put on next months agenda.

3.) 1:20 PM, Claim # 7447;Bouchard vs. Innis, Exceptions filed by the Respondent, Thomas Innis, Home Improvement Specialist, registration # 8808. Both parties were present and the Respondent was represented by legal counsel, Joseph F. Hook. The Board reviewed the exceptions filed and the Respondent's supplemental exceptions to the proposed order of the hearing officer. Mr. William Nash recused himself from hearing this matter and left the room. Mr. Hook emphasized the lump sum amount of fines assessed which he felt was exorbitant and not within the Boards jurisdiction because the fines were not broken down, as well as his client not having the opportunity to cure, fix the items of concern. After much discussion and the inability of the parties to determine the cost of materials beyond the corrective measures taken a motion was made by Steven Gianlorenzo and seconded by Paul Brunetti to stay the action until next month for further information. Motion carried unanimously.

EXPUNGEMENTS:

1.) 1:40 PM, Registration #18019, Daniel Borsutzky, violation #6693, Insurance. Matter was continued until this month for more information. Upon review by the Board a motion was made by Tom Furey and seconded by Felix Carlone to expunge record of violation; motion carried unanimously.

2.) 1:45 PM, Registration # 25286, Richard Froais, claim # 6912 requested to be

expunged. After reviewing the record and discussion on the matter a motion was

made by Felix Carlone and seconded by Ron Caniglia and Edgar Ladouceur to

Deny the contractors request. Motion passed unanimously.

In reviewing the expungement process the Board on a motion by Felix Carlone and seconded by Edgar Ladouceur decided that the time has come to re-review the established guidelines for expunging claims. The Board would like the committee that is reviewing the new rules and regulations to go back and look at the criteria and re-work the suggested criteria. The motion unanimously passed.

Report of the Executive Director and Staff:

(1) Statistics Report: 04/13/2011

Registrations:

Number of Registered Contractors 11590
Number of Cards Surrendered 5391 Number of Cards Expired/Lapsed 15746 Number of Cards Invalidated 1078
Number of Cards Suspended 484
Number of Cards Revoked 91

Registration Actions

03/09/2011

-04/13/2011

Number of New Registered Contractors 128
Number of Renewed Contractors 11462
Number of Cards Surrendered 36
Registrations Invalidated 35 Registrations Suspended 6
Registrations Revoked 1

Claims:

Administrative Appeals 5
Board Appeals 4
Address Trace 89
Awaiting Further Action 31

Court

610

Disposed

6132

Final Orders	28		
Hearings	33		
Out of State Services	17	Proposed Orders	117
Under Investigation			106

Total Claims Filed with the Board 7172

Number of New Claims Processed 25

03/09/2011-04/13/2011

Violations:

Action Against Registration 23

Advertising 3

Non-Registered Subcontractors 16

Cancelled Insurance 1383

Notice of Hearing 4

Non-Registered Contractors 823

TOTAL RECORDS 2252

Number of New Violations 42

03/09/2011-04/13/2011

Lapsed Registrations/Never Re-Newed:

	March	2010
124		
	April	2010
140		
	May	2010
137		
	June	2010
154		
	July	2010
123		
	August	2010
125		
	September	2010
104		
	October	2010
106		
	November	2010
65		
	December	2010
66		
	January	2011
70		
	February	2011
87		
	March	2011

Month	# Tickets Issued
Fines	
January	0
\$00.00	
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	6
\$1,700.00	
September	3
\$ 600.00	
October	1
\$ 100.00	
November	2

\$1,050.00

December 0

\$00.00

January 0

\$00.00

February 1

\$250.00

Commercial Roofers: 04/13/2011

Number registered 132

Number surrendered 15

Number invalidated 52

Number suspended 1

Number revoked 0

Pending approval 0

Registration Actions; 03/09/2011-04/13/2011

Number of New Registered Contractors 1

Number of Renewed Roofer Contractors 131

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 meetings on matter and no further progress. Legal Counsel and the Executive Director to meet on reviewing these standards further and then bringing modifications to sub-committee for discussion.

(H) New Business:

(1.) Budget: Funds are going to be utilized to purchase new card machines and

in the future with new software be ready for picture identification cards.

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

has been proceeding and making progress. Over the last three weeks

CAVU did not conduct any meetings as scheduled.

(3.) Retention Schedule; Legal counsel discussed with the Board and matter

will be given more consideration in the near future.

(4.) Board was advised of the posting of the Hearing Officers position.

(5.) Legislation; S-0416 & H-5936 discussed briefly but no official position

was taken on this legislation.

(I) Public Comment: None

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

May 11, 2011 at 12:30 PM Conference Room

“A”, 2nd

Floor, One Capitol Hill, Providence, Rhode

Island.

**(K) Adjournment: A motion was made by Mr. Steve Gianlorenzo
and seconded by Mr.**

Martin Ezeama to adjourn at 2:50 PM.

**Members Present: A. Salisbury, Felix Carlone, S.Carlino, W. Nash,
E. Ladouceur,**

Paul Brunetti, Martin Ezeama, William Geddes,

R.

Caniglia, S.Gianlorenzo, and T. Furey.

**Members Absent: E. Anderson, who resigned from the Board, J. L.
Brillion, R. Cardoza, and David Caldwell.**

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