

MINUTES

268th Meeting Contractors' Registration and Licensing Board

March 14, 2012

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:43 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. David Caldwell and seconded by Mr. Steve Gianlorenzo.

(C) The minutes of the 267th meeting were approved on a motion by Mr. David Caldwell and seconded by Mr. Paul Brunetti.

(D) Court Case Update:

March 2012 - Court Ordered Restitution/Fines:

Contactors	Claim/File	Fines	Restitution	Complainant
McClellan C.	7255		tbd	\$1,785
McCormick				
McClellan, C	7154		tbd	700
Sylaphone				
Odell, M.	5697		-	\$2,675
Costantino				

Torres, D.	7149	tbd	\$1,579.66
Brown			
Torres, D.	7234	tbd	finest only

Totals: Fines \$ Restitution \$6,739.66

TOTAL: \$6,739.66

March 2012 - Funds Received Via AG's Office:

Contactoer	Claim/File	Fines	Restitution	Complainant
Cucino, E.	5872	-	\$2,025	Tavone
Marr, F.	4480			50 Lamphere

Totals: Fines \$ Restitution \$2,075

TOTAL: \$2,075.00

Picked Up/Surrendered on Warrants:

James Varella Reg. 32391 (surrendered on 3/2/12)

Warrants Issued:

James Varella Reg. 32391 (on 2/16/12, since surrendered on 3/2/12)

I

(E) Review of Pending Issues with the Building Officials Association

1.) The Building Officials Association appointed three members to serve as a communication link between their Association and the Board; they are:

Stan Pikul, Chuck Phelps and David Rodio. All were in attendance at the meeting and discussed issues and legislation that had been recently introduced that has an impact on the communities. At the meeting it was requested that a copy of the Boards minutes be provided to the Building Officials, which was noted by the Director to send a copy to the Building Officials Association Secretary for distribution. A brief discussion transpired as to why this new connection would be beneficial to the Board and to the Association. We will on a monthly basis put this as an agenda item and discuss concerns expressed by the Association and pending issues and legislation which may be of interest.

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

1.) 12:40 PM, Claim #7645; Registration #27042; TK Framing LLC; Keith Correia; exceptions filed by the Homeowner Andrew and Linda Capistran. At the request of the Respondent this matter was continued until next months meeting.

2.) 1:00 PM, Claim #7628; Registration #27275; James J. Ralbovsky; exceptions filed by the Contractors attorney Joseph Casele, but request was made to continue this matter until next month.

3.) 1:15 PM, File #8275 #1 Action on Registration based on court judgment; exceptions filed by the Respondent, Registration #21042, Philip McClellan. Mr. McClellan presented his case and explained to the Board that the judgment rendered against him by the Board taking action against his registration was based on a court judgment which he failed to attend and just had removed by the court. Upon review by the Board and listening to the testimony provided a motion was made by Felix Carlone and seconded by Steve Gianlorenzo to vacate the order and remove this charge. After more discussion on this matter and explanation it was voted on and the decision was unanimous to dismiss and remove this matter from the contractor's record.

4.) 1:20 PM, Glenn Dufault, Elite Fence, Registration #26752; Request to re-address REVOKED Status of Registration. This was a matter that the Board had reviewed previously and had established criteria that the Respondent was to follow. The Board at that time (two years ago) agreed to reinstate registration Revoked conditionally subject to providing information to the Boards executive director and staff as to payments made; this did not occur so his registration remained Revoked. The Board listened to the testimony from Mr. Dufault and discussed concerns expressed by some of the Board members regarding why he didn't fulfill obligation. Upon review of the records a motion was made by Steven Gianlorenzo to reinstate the registration subject to normal requirements for registration but for a

limited time period of 30 days and then to report to the Board on April 11, 2012; to show documentation of jobs contracted and verification of payments made t probation. Motion was seconded by Bill Nash and upon taking the vote the motion carried with Ronald Caniglia, Martin Ezeama, and Bob Cardoza voting in the negative; motion passed.

5.) 1:40 PM, Registration #13667, Joseph Faria, request to have REVOKED registration reissued. Mr. Faria was represented by counsel, Norman Landroche Jr., who presented his request to the Board to reinstate the registration of his client Joseph Faria. He explained to the Board that all the outstanding issues involving his client were resolved in court and that full restitution had been paid to the claimants. In that the registration had been Revoked since February of 2007 he was requesting that the Board give his client Joseph Faria due consideration and allow him to register with the Board again. After much discussion and further review a motion was made by Steve Gianlorenzo and seconded by Paul Brunette to reinstate Registration #13667 conditionally for thirty days with a review before the Board on April 11, 2012; at that time any deposits taken or contracts entered into would be reviewed. Motion was called for a vote and passed with Robert Cardoza, Bill Nash and Dave Calwell voting in the negative.

EXPUNGEMENTS:

1.) 1:50 PM, Registration #9357; Advanced Construction Co. LLC;

Earnest Budlong; request to expunge the following claims: Claim #2766, 3041, 3176, 3254, 3308 and 6859.

The Respondent failed to attend again after notice and opportunity, so a motion was made by Felix Carlone and seconded by Tom Furey to deny the request; motion carried unanimously.

2.) 2:00 PM, registration # 16109; New England Rest & Const LLC., Thomas Horlbogen, request to expunge insurance violation #5327 #1. This matter at the Respondents request was continued until next month.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 03/14/2012

Registrations:

Number of Registered Contractors	11390		
Number of Cards Surrendered	5691	Number of Cards	Expired/Lapsed
16411	Number of Cards Invalidated	1115	
Number of Cards Suspended	495		
Number of Cards Revoked	102		

Registration Actions

02/08/2012-03/14/2012

Number of New Registered Contractors	110
Number of Renewed Contractors	11280
Number of Cards Surrendered	35
Registrations Invalidated	4
Registrations Suspended	9
Registrations Revoked	3

Claims:

Administrative Appeals	4
Board Appeals	1
Address Trace	89
Awaiting Further Action	31
	Court
	627
Disposed	6333
Final Orders	44
Hearings	36
Out of State Services	8
Proposed Orders	111
Under Investigation	94
Total Claims Filed with the Board	7378
Number of New Claims Processed	20

02/08/2012-03/14/2012

Violations:

Action Against Registration	36	
Advertising	3	
Non-Registered Subcontractors		
19		
Cancelled Insurance		1291
Notice of Hearing	4	
Non-Registered Contractor		
846		
TOTAL RECORDS	2199	

Number of New Violations **30**
02/08/2012-03/14/2012

Lapsed Registrations/Never Re-Newed:

February	2011
69	
March	2011
76	
April	2011
91	

79	May	2011
90	June	2011
57	July	2011
79	August	2011
103	September	2011
81	October	2011
88	November	2011
88	December	2011
83	January	2012
124	February	2012
219	March	2012

Month **# Tickets Issued**
Fines
2011

January	0
\$00.00	
February	1
\$250.00	
March	1
\$550.00	
April	2
\$1,000.00	
May	3
\$800.00	
June	3
\$1,500.00	
July	5
\$2,000.00	
August	0
\$ 00.00	
September	1
\$250	
October	2
\$750	
November	5
\$2,250.00	
December	0
\$00.00	

2012

January	0
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\$00.00

February

1

\$50.00

Commercial Roofers: 03/14/2012

Number registered 135

Number surrendered 18

Number invalidated 61

Number suspended 1

Number revoked 0

Pending approval 0

Registration Actions; 02/08/2012-03/14/2012

Number of New Registered Contractors 5

Number of Renewed Roofer Contractors 130

Number of Cards Surrendered 0

Number of Expired/Lapsed 3

Registrations Invalidated 0

Registrations Suspended 0

Registrations Revoked 0

(H) Old Business:

(1.) Review of regulations, laws and standards, established by

sub-committee,

report of committees and progress. No meetings have been held yet on this matter and no further progress. Legal Counsel and the Executive Director will meet to review these standards further and then bring modifications to sub-committee for discussion when time permits. Work has been preceding with the education requirements and hopefully they will be ready soon.

(I) New Business:

(1.) Budget: Funds need to be utilized to purchase two new card machines

and to be used with the new software to be ready for picture identification

cards; this will need to take place soon if we are to implement the Home

Inspectors and Commercial Roofers Licensing requirements.

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

has been proceeding and making progress. Projected date because of data

transfers may be later than expected.

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

some possible

modifications to the schedule which will be given more consideration in

the near future with the changes to the rules and regulations.

(4.) The Board was advised that the position of licensing aide position was

posted and pending approval by the Director of Administration for

interviews. Some 300 people applied for this position.

(5.) Legislation; Home Inspector legislation was submitted, as well as moving

the well drillers to this agency. Several other bills have also been filed

which will need to be reviewed so position papers can be properly filed.

(6.) Education: Currently we are working with the Rhode Island

Builders Association in developing criteria for continuing education as

well as possible classes which is almost ready for discussion with the

subcommittee and ready for public hearing. A meeting will need to be

scheduled with the subcommittee to proceed to get

this ready.

**Subcommittee of Felix Carlone, Ed Ladouceur and
Dave Caldwell**

**establish. Date to be established, and review of all
options: Putting
package out to Bid; NASCLA as a clearing house; or
multiple providers.**

**(7.) NASCLA: Meeting of Board of Directors and
Executive Board
is scheduled for next month in Orlando Fl.**

**(8.) Request for Proposal: The Board working with the Department of
Labor**

**was included in an RFP to seek testing companies to provide the
RICRLB**

**with an avenue to test Home Inspectors and Commercial Roofers
Selection was put on hold by the Department of Labor for further
review**

**and hopefully will get final approval in the very near future. This
will be**

**necessary to implement the Home Inspection Program and
Commercial**

Roofers program. This matter is still pending.

**(10) Discussion took place on this years Home Show and
working with the**

Building Officials Organization and staffing the booth. Show is scheduled for the end of this month and beginning of next.

(11) New appointments and renewals were made by the Governor.

(12) Insurance certificates were discussed and the Board set a policy just to update the record and not maintain the certificate in that if need be the agent has copies.

(J) Public Comment: None

(K) Announcements: The next Board meeting is scheduled for Wednesday April 11, 2012 at 12:30 PM Conference Room "A", 2nd Floor, One Capitol Hill, Providence, Rhode Island.

(L) Adjournment: A motion was made by Mr. Tom Furey and seconded by Mr. Dave Caldwell to adjourn at 2:55 PM.

Members Present: R. Cardoza, Paul Brunetti, T Furey, R.Caniglia,
W. Nash, David
Caldwell, Martin Ezeama, William Geddes, Felix
Carlone, and
S.Gianlorenzo

Members Absent: E. Anderson, who resigned from the Board,
E. Ladouceur, Steven Carlino, A. Salibury and.
J. Lawrence Brillon

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

Respectfully Submitted,

**George W. Whalen
Executive Director
Rhode Island Contractors' Registration and Licensing Board**