

MINUTES

270th Meeting Contractors' Registration and Licensing Board May 09, 2012

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:40 PM.

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

(C) The minutes of the 269th meeting were approved on a motion by Mr. David Caldwell and seconded by Mr. Steve Gianlorenzo.

(D) Court Case Update:

May 2012 - Court Ordered Restitution/Fines:

Contactors	Claim/File	Fines	Restitution	Complainant
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Malo	3444	500	1000	Bedrosian
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Totals: Fines \$500 Restitution \$1000

TOTAL: \$1500

May 2012 - Funds Received Via AG's Office:

Contactors Claim/File Fines Restitution Complainant

Natale 7446 500 19,334 Sweeney

Verrier 6374 - 200 Rankin

Totals: Fines \$500 Restitution \$19,534.00

TOTAL: \$20,034.00

Picked Up/Surrendered on Warrants:

Noboa, Juan Reg. 28127 (25 Harriet St., Providence)

Warrants Issued:

Goncalves, Julio Reg. 24777 (In North Carolina – negotiating payment/surrender)

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

1.) This matter was continued until next month due to the loss of an inspector in the Cranston Building Department. Carlo Testa's dad also died this week and our thoughts and prayers are with him and his family.

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

1.) 12:40 PM, Claim #7677: Registration #33357; Foley Masonry and

Construction, Sean Foley; exceptions filed by the Contractor. Both parties were represented by counsel. The Respondents attorney presented the case to the Board to reduce the fines that were rendered by the hearing officer. Both parties presented concerns and the Board reviewed the file and the claim. After much discussion a motion was made by J.L.Brillion and seconded by R. Cardoza to cut the fines in half for each offense. After more discussion a vote was called for by the chair and it was five members against and four members for this modification. The motion failed to carry. A new motion was made by Felix Carlone and seconded by William Nash to uphold the decision of the hearing officer. After more discussion the vote was called by the chairman Felix Carlone and the motion passed six to three; order will be issued accordingly.

2.) 12:55 PM, Claim #7747: Registration #29750, JB & Sons Construction, Joaquin: Exceptions filed by Homeowner. Both parties were present and the homeowner presented the case to the Board. The Respondent presented his concerns and the Board reviewed the file and evidence presented at the original hearing. After many questions to the parties and much discussion a motion was made by J. L. Brillion and seconded by Dave Caldwell to modify the decision of the hearing officer; that the Contractor make all the repairs required by a third party inspector who will be mutually selected and agreed to by the parties or the local building inspector and investigator assigned to this claim by the Board review work; all work weather permitting would be completed by June 1, 2012 as determined by

staff and fines would be waived. The matter was discussed further and the vote taken on the motion which passed unanimously.

EXPUNGEMENTS:

1.) 1:00 PM, Registration #16894, Mario Amaral request to expunge file # 7333-1, 2, & 3; two insurance violations and AAR; Action Against Registration pending. The Board reviewed the files and listened to the contractor present his case. A motion was made by R. Cardoza and second by Steve Gianlorenzo to Deny this request. A vote was called by the chair and the motion carried unanimously.

2.) 1:10 PM, Registration #21331, Lopco Contracting, Thomas Lopatosky, Jr., request to expunge file #3113, hiring a non-registered sub-contractor. The contractor presented his case and explained what had happened regarding hiring an employment agency which wasn't registered. After much discussion a motion was made by Dave Caldwell and seconded by Steve Gianlorenzo to remove this record. Motion was called and passed unanimously.

3.) 1:15 PM, Registration #23175, Luis Nadales request to expunge file #3905 #1, 2 & 3, Action on Registration and Insurance. Case was presented by the contractor and reviewed by the Board. After further discussion a motion was made by Robert Cardoza and seconded by the chair Felix Carlone to expunge #1 and #2 but to keep #3. After additional discussion the motion was called by the chair and passed

unanimously.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 05/09//2012

Registrations:

Number of Registered Contractors	11495		
Number of Cards Surrendered	5769	Number of Cards	
Expired/Lapsed	16457	Number of Cards Invalidated	1105
Number of Cards Suspended	494		
Number of Cards Revoked	102		

Registration Actions

04/11/2012-05/09/2012

Number of New Registered Contractors	87		
Number of Renewed Contractors	11408		
Number of Cards Surrendered	36		
Registrations Invalidated	1	Registrations Suspended	4
Registrations Revoked	0		

Claims:

Administrative Appeals	5
Board Appeals	2

Address Trace	90		
Awaiting Further Action			31
		Court	
	623		
Disposed			6365
Final Orders	45		
Hearings	30		
Out of State Services	9	Proposed Orders	111
Under Investigation			82

Total Claims Filed with the Board 7393

Number of New Claims Processed 12

04/11/2012-05/09/2012

Violations:

Action Against Registration 34

Advertising 3

Non-Registered Subcontractors

19

Cancelled Insurance 1034

Notice of Hearing 4

Non-Registered Contractor

826

TOTAL RECORDS

1920

Number of New Violations 42

04/11/2012-05/09/2012

Lapsed Registrations/Never Re-Newed:

March 2011

74

April 2011

90

May 2011

77

June 2011

87

July 2011

56

August 2011

78

September 2011

100

October 2011

75

November 2011

84

December

2011

87

January

2012

74

February

2012

77

March

2012

140

April

2012

258

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
\$00.00	
February	1
\$50.00	
March	2
\$200.00	
April	0
\$000.00	

Commercial Roofers: 05/09//2012

Number registered 136

Number surrendered	18
Number invalidated	61
Number suspended	1
Number revoked	0
Pending approval	0

Registration Actions;

04/11/2012-05/09/2012

Number of New Registered Contractors	1
Number of Renewed Roofer Contractors	135
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 but have made some progress updating information in standards. 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 a review by

the sub-committee will happen soon.

(I) New Business:

Announcement: Christy Hetherington, Special Assistant Attorney General, has been promoted within the Attorney Generals Office and will no longer be serving as Boards counsel. There will be a transition period and hopefully a new attorney will be appointed soon. We wish her the best in this new endeavor and thank her for all the time, energy and efforts she has provided the Board over the last several years. She will be missed by staff and the Board. Congratulations!

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

Will be expended soon to purchase the new software to be ready for picture

Identification cards; this will need to take place soon so we are able to

implement the Home Inspectors and Commercial Roofers Licensing

requirements and new licensing law that are currently pending.

(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 July or August of this year and may

be even later in that we are phase III.

(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 three positions that have been pending

will be processed and hopefully filled by July 1, 2012.

(5.) Legislation; Home Inspector legislation is in the Senate and several other

bills are pending passage. New legislation was drafted regarding the

underground utilities installers and well drillers. A motion was made by

William Nash and seconded by Martin Ezeama to support this legislation.

(6.) Education: Staff has been 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 being prepared for public hearing. A meeting will need to be scheduled soon to discuss this matter with the subcommittee. NASCLA is working on education standards and serving as a clearing house and this may be available by mid summer.

(7.) NASCLA: Meeting of Board Executive Board and Fiscal Finance Committee is scheduled for May 21st in AZ.

(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. Matter is still pending.

(9.) RIBA invited the Board to have a booth at their show today to

better

educate contractors.

(J) Public Comment: None

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

June 13, 2012 at 12:30 PM Conference

Room "A", 2nd

Floor, One Capitol Hill, Providence, Rhode

Island.

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

Dave Caldwell at 3:25 PM.

**Members Present: R.Caniglia, W. Nash, David Caldwell, Martin
Ezeama, William**

Geddes, Felix Carlone, S.Gianlorenzo, Steven

Carlino, J. Lawrence

Brillon. and R. Cardoza.

**Members Absent: E. Anderson, who resigned from the Board, A.
Salisbury, T. Furey,**

Paul Brunetti and E.Ladouceur.

**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**