

# **MINUTES**

## **278th Meeting Contractors' Registration and Licensing Board February 13, 2013**

**(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 Arthur Salisbury and seconded by Mr. Paul Brunetti.**

**(C) The minutes of the 277th meeting were approved by Mr. Paul Brunetti and seconded by Mr. Arthur Salisbury.**

**(D) Court Case Update: February 2013 - Court Ordered  
Restitution/Fines:**

<b>Contactors</b>	<b>Claim/File</b>	<b>Fines</b>	<b>Restitution</b>	<b>Complainant</b>
Tavares, J.	-	14,500	Rezendes	
Appleton, A.	7142	- 2,500	CRB	
Briggs, J.	-	3,200	Herbert	

**Totals: Fines: \$**

**Restitution: \$ 20,200**

**TOTAL: \$ 20,000**

**February 2013 - Funds Received Via CRB:**

**Contactor Claim/File Fines Restitution Complainant**

**Ouellet, P. 7625 - 200 Faufaw**

**Ouellet, P. 7340 - 200 Putnam**

**Ouellet, P. 7639 - 200 Picchioni**

**Vicioso, L. 5764 100 - NRB**

**Totals: Fines \$ 100**

**Restitution \$ 600**

**TOTAL: \$ 700**

**Warrants Issued/Outstanding:**

**Anthony Mitchell, NRB, 1055 Toll Gate Road, Warwick RI 02886, DOB 6/25/68**

**Doug Lima, NRB, 13 Lima Drive, Westerly RI 02891, DOB 6/26/67**

**Upcoming court dates:**

**2/8/13 Thomas Dragon (Pre Trial Conference - PTC)**

**2/15/13 Pamela Coutu (PTC)**

**Richard Beverly (PTC – possible disposition)**

**Nicholas Cinieri (PTC)**

**Jose Mourato (PTC)**

**Luis Vicioso (reassigned – disposition)**

**Joseph Ridondo (reassigned – disposition)**

**Justin Perreault**

**Jamie Lynch**

**Jose Paz (PTC)**

**Michael Broccoli (PTC)**

**Lucas Tiberio (PTC)**

### **Administrative Appeals**

**John Riberio – 3/12/13: Ribeiro's appeals 1 and 2 have motions for being assigned to a judge and for briefing schedule.**

**Ron Kapucinski – To be assigned for a briefing schedule.**

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

**1.) The Building Officials were not represented at this meeting.**

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

### **APPEALS and MOTIONS:**

**1.) 12:40 PM; Motion filed by the Respondents attorney to vacate the**

**Final Order issued in Claim #7799, Gerald Terry vs. Timothy Benoit. This matter is currently pending in District Court, before Judge Bucci. Motion to vacate was heard by the Board, Attorney George Bauerle III, with his client provided testimony to the Board regarding this claim and the Boards investigator Mike Lanni testified in regard to his communication to Mr. Benoit. Concerns were expressed by Attorney Bauerle that his client had never received any notice of any hearings in regard to this matter and his client never received service of the final order issued by the Board. The Board members asked a number of questions in regard to Mr. Benoit changing his address, and the executive director for the Board read into the record the section requiring contractors to notify the Board of any change to their address. Concerns were expressed by members who had before them a signed service of the final order issued by the sheriff which the contractor denied ever receiving. Mr. Lanni testified that work was not performed properly and that he had communicated to Mr. Benoit that he would be going to a hearing if he didn't want to resolve this dispute with him. After further review of the file and more testimony by Mr. Bauerle, the Board on a motion by Bill Nash to deny the motion to vacate the final order, and a second by Ron Caniglia, the motion to deny passed unanimously.**

**2.) 1:00 PM; Request by Richard Beverly, Handyman Construction, LLC; Registration #24644, for reinstatement of Revoked Registration. The Board after waiting over a half hour, on a motion by Felix Carlone and seconded by Paul Brunetti, unanimously denied the request for**

reinstatement.

## **EXPUNGEMENTS:**

1.) 1:05 PM; Registration #23177, Mark Brodeur, Brouder & Sons, LLC; request for expungement of claim #5181. Matter was heard by the Board and the claimant had contacted the executive director of the Board to inform the Board that she was not able to attend but would not support the Board in expunging this claim. The contractor presented his case and provided a signed agreement that the parties had resolved this dispute. He felt that he has been in good standing and didn't want this old claim on his record. After further discussion by the members it was mutually decided to table this matter until next month to allow the contractor to provide additional information to support his request for expungement. Matter will be put on the calendar for next months meeting, being held on March 6, 2013.

2.) 1:10 PM; Registration #1382, DRGC, Dave Rose; request for expungement of claim # 4592 and violation #1247. Upon review of the Board a motion was made Art Salisbury and seconded by Eric Wishart to deny request. Motion carried unanimously.

3.) 1:15 PM; Harry James, LLC; Registraton # 31377; request for expungement of claim #7813. Matter heard by Board and contractor presented his request to expunge record. Matter reviewed and motion made by Felix Carlone and seconded by David Caldwell to expunge

record unanimously passed by the Board.

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

**(1) Statistics Report: 02/13/2013**

**Registrations:**

<b>Number of Registered Contractors</b>	<b>11273</b>				
<b>Number of Cards Surrendered</b>	<b>6119</b>	<b>Number of Cards Expired/Lapsed</b>	<b>16878</b>	<b>Number of Cards Invalidated</b>	<b>1283</b>
<b>Number of Cards Suspended</b>	<b>510</b>				
<b>Number of Cards Revoked</b>	<b>104</b>				

**Registration Actions 02/13/2013**

<b>Number of New Registered Contractors</b>	<b>102</b>		
<b>Number of Renewed Contractors</b>	<b>11171</b>		
<b>Number of Cards Surrendered</b>	<b>92</b>		
<b>Registrations Invalidated</b>	<b>1</b>	<b>Registrations Suspended</b>	<b>5</b>
<b>Registrations Revoked</b>	<b>1</b>		

**Claims:**

<b>Administrative Appeals</b>	<b>8</b>
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<b>Board Appeals</b>	<b>3</b>		
<b>Address Traces</b>			<b>65</b>
<b>Awaiting Further Action</b>		<b>30</b>	
		<b>Court</b>	
	<b>617</b>		
<b>Disposed</b>			<b>6488</b>
<b>Final Orders</b>	<b>54</b>		
<b>Hearings</b>	<b>34</b>		
<b>Out of State Services</b>	<b>21</b>	<b>Proposed Orders</b>	<b>125</b>
<b>Under Investigation</b>			<b>105</b>
<b>Total Claims Filed with the Board</b>		<b>7550</b>	
<b>Number of New Claims Processed</b>		<b>12</b>	

**1/9/2013-02/13/2013**

**Violations:**

<b>Action Against Registration</b>	<b>32</b>	
<b>Advertising</b>	<b>2</b>	
<b>Non-Registered Subcontractors</b>		
<b>19</b>		
<b>Cancelled Insurance</b>		<b>1308</b>
<b>Notice of Hearing</b>	<b>4</b>	
<b>Non-Registered Contractor</b>		

**TOTAL RECORDS**

**2209**

**Number of New Violations 131**

**1/9/2013-02/13/2013**

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

<b>February</b>	<b>2012</b>
<b>56</b>	
<b>March</b>	<b>2012</b>
<b>97</b>	
<b>April</b>	<b>2012</b>
<b>135</b>	
<b>May</b>	<b>2012</b>
<b>127</b>	
<b>June</b>	<b>2012</b>
<b>128</b>	
<b>July</b>	<b>2012</b>
<b>119</b>	
<b>August</b>	<b>2012</b>
<b>109</b>	
<b>September</b>	<b>2012</b>
<b>110</b>	
<b>October</b>	<b>2012</b>

77

November

2012

76

December

2012

88

January

2013

71

Month

# Tickets Issued

Fines

January

0

\$00.00

February

1

\$50.00

March

2

\$200.00

April

0

\$000.00

May

0

\$00.00

June

3

\$550.00

July

1

\$250

August

11

<b>\$2,750.00</b>	
<b>September</b>	<b>11</b>
<b>\$4,100.00</b>	
<b>October</b>	<b>9</b>
<b>\$2,450.00</b>	
<b>November</b>	<b>10</b>
<b>\$2,000.00</b>	
<b>December</b>	<b>5</b>
<b>\$1,600.00</b>	
<b>January 2013</b>	<b>4</b>
<b>\$1,200.00</b>	

**Commercial Roofers:**

**Number of Registered Roofers**

**140**

<b>Number of New Registered Contractors</b>	<b>1</b>
<b>Number of Renewed Roofer Contractors</b>	<b>139</b>
<b>Number of Cards Surrendered</b>	<b>20</b>
<b>Number of Expired/Lapsed Registrations Suspended</b>	<b>0</b>
<b>Registrations Revoked</b>	<b>0</b>
<b>60 Registrations Invalidated</b>	<b>1</b>

**(H) Old Business:**

**(1.) Review of regulations, laws and standards, established by sub-committee, report of committees and progress. No meetings have been held on this matter but have made some progress. Staff and attorney will be working with executive director to get the regulations formulated for committee review and it was decided that each month we will spend some time reviewing the changes and try to have completed package ready for public hearing by July 1, 2013. This months package included the re-write of the construction standards which will be reviewed by the Board members and suggestions and modifications will be submitted at next months meeting.**

**(I) New Business:**

**(1.) Budget: New RFP to purchase two new card machines is now out to bid.**

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

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

**transfers will be much later than expected in that we are in phase III. This**

**may not be finalized until April 2014 but working on trying to get this**

**resolved sooner. Recent modifications may allow us to go live by years**

**end.**

**(3) The Board was advised that the position of Sr. State Building Official was**

**reposted and awaiting applicants to be reviewed and scheduled for interviews.**

**(4.) Legislation; Home Inspector legislation may be re-submitted for this**

**years session; Paul Brunetti is working on getting this put forth with**

**Robert Cardoza and others. A bill was submitted requiring the Board to**

**take cash payments and is pending committee hearings.**

**(5.) Request for Proposal: The Board will have to develop a new RFP to seek**

**testing companies to provide the RICRLB with an avenue to test Home**

**Inspectors, Commercial Roofers and Well Drillers. Well Drillers are now**

**under the Boards jurisdiction as of January 1, 2013. This hopefully will**

**be put forth shortly.**

**(6.) Board also was informed by the Board's Executive Director of the Open**

**Meeting Seminar which will be conducted by the Attorney Generals**

**Office at the next scheduled meeting March 6, 2013.**

**(7.) Home show will be first week in April and Board approved working on a**

**booth with the Building Officials Association.**

**(8.) Investigative training was discussed and Board was in support of the**

**Provisions put forth from NASCLA.**

**(9.) Insurance concerns were expressed again by the Executive Director**

**regarding cancellation of policies received by insurance companies and**

**then letters received by same companies that their was no lapse in**

**coverage. This is something that needs to be address by the Board in**

**legislation or in our regulations.**

**(J) Public Comment: None**

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

**March 6, 2013 at 12:30 PM Conference**

**Room "A", 2nd**

**Floor, One Capitol Hill, Providence, Rhode**

**Island.**

**Special Seminar regarding Open Government,**

**provided**

**by the Attorney Generals Office, Lisa  
Pinsonneault.**

**(L) Adjournment: A motion was made by Mr. Dave Caldwell and  
seconded by Mr.**

**Arthur Salisbury, to adjourn at 3:15  
PM.**

**Members Present: William Nash, David Caldwell, Michael Fox,  
Arthur Salisbury,  
Eric Wishart, Ronald Caniglia, Paul Brunetti,  
Felix Carlone,  
William Geddes and Tom Furey.**

**Members Absent: Edgar Ladouceur, J.L. Brillion, Steve Carlino,  
Martin Ezeama and  
Robert Cardoza.**

**Others Present: George Whalen (Executive Director), Ariele Yaffee  
(Attorney  
Generals Office, legal counsel), parties for  
appeals/ expungements,  
stenographer and staff.**

**Respectfully Submitted,**

**George W. Whalen**

**Executive Director**

**Rhode Island Contractors' Registration and Licensing Board**