

MINUTES

286th Meeting Contractors' Registration and Licensing Board November 13, 2013

The meeting began with the pledge of allegiance to the flag of the United States of America led by, William Nash, Building Official member of the Board.

(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. David Caldwell and seconded by Mr. William Geddes.

(C) The minutes of the 285th meeting were approved; on a motion by Mr. David Caldwell and seconded by Mr. Arthur Salisbury.

(D) Court Case Update: November 2013

November 2013 - Court Ordered Restitution/Fines:

Contactors Claim/File Fines Restitution

Lomax, F. 6803 \$300 (all paid) \$,2,225 (all paid)

Philips, L. 7760 \$1,000 (all paid) \$250 (all paid)

Totals: Fines: \$ 1,300

Restitution: \$ 4,475

TOTAL: \$ 5,775

November 2013 - Funds Received Via CRB:

Contractor	Claim/File	Fines	Restitution
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Ogilvie, T.	5933	- 80	
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Michael, S.	8126	- 1,500	
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Hassane, M.	8108	- 2,500	
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Lopes, M.	8101	- 2,350	
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Young	7893	500	1,000
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Totals: Fines \$ 500

Restitution \$ 7,430

TOTAL: \$ 7,930

Upcoming court dates:

11/8/13 PTC – Donald Petit

11/15/13 PTC – Edward Morenzoni

**1/13/14 PTC – Adriano Medeiros (cases transferred to Superior Court
– P3-13-3028A and 3029A)**

11/15/13 PTC – John Gonzalez

11/22/13 PTC- Julio Goncalves (disposition)

11/22/13 PTC – Steven Baker

11/22/13 PTC – Dominic Mitchell

Outstanding Warrants:

Mark Marshall, 454 Chapel Street, Harrisville, RI 02830

Marvin Reyes, 179 Carleton Street, Providence, RI 02908

Edward Joseph, 161 Randolph Drive, Tiverton RI 02878

Kenneth Noiseux, 7 Denver Street, Pawtucket RI 02860

Michael McAteer, 1459 Warwick Ave, #2, Warwick RI 02888

Status of Administrative Appeals:

Carson v. CRB – Case is on for Declaratory Judgment in Superior Court, January 2014

Kapucinski v. CRB – briefing process

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

1.) The Building Officials were not represented at this meeting; however Bill Nash promoted the Expo being conducted later in the week.

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

APPEALS and MOTIONS:

1. 12:40 PM: Motion to vacate Final Order issued by the Board filed by Attorney Richard Walsh, III for the Respondent David Metcalf in

regard to Claim # 7957, **Bonneau vs Metcalf**. The parties were both present and the Respondents attorney presented his case before the Board. The exceptions filed were reviewed as well as the contents of the file. Members of the Board asked questions to the parties and the Claimant also responded to the Board. After much discussion and review of the file, a motion was made by William Nash and seconded by Robert Cardoza to deny the request of the Respondent to vacate the Final Order issued by the Board. After more discussion, the chair called the motion and it carried unanimously.

2. 1:00 PM: Motion to Vacate the Final Order issued in regard to Claim # 7468, filed by Attorney Robert Craven & Associates. This matter was reviewed by the Board and items of concern were discussed regarding this matter which is currently filed in District Court for prosecution pursuant to RIGL 5-65-19. The chair felt that circumstances of the Respondent were somewhat unique in the Registrants legal counsel at the time died and the allegation was that notice was not provided to him thereby not giving him due process. After much discussion the chair made a motion to continue this matter until next month when the Boards legal counsel will be present. The motion was seconded by Mr. Arthur Salisbury and passed with William Nash, William Geddes and Robert Cardoza voting against this motion. Matter will be put on next months agenda.

3. 1:20 PM: Registration #22075, John A. Boillard; Request to go before the Board for Re-instatement of Revoked Registration. This

matter was heard by the Board and the information requested from the Respondent was never provided to the Board. A motion was made by William Nash and seconded by Robert Cardoza to deny Mr. Boillards request for re-instatement. Motion was called by the chair and passed unanimously.

EXPUNGEMENTS:

1. 1:30 PM: Request from Barta Construction, LLC., Craig Barta, Registration #719, to expunge File # 1303 #1 & 2, Insurance Cancellations in 1994 and 2002. Matter at the request of the Respondent was continued until next months meeting.

2. 1:35 PM: Request from MPJ Construction, Malcolm Judson Jr., Registration #13842, to expunge File# 2929 #1 & 2, Non-registered Contractor and Insurance cancellation. The matter was heard by the Board and a motion was made by Arthur Salisbury and seconded by Dave Caldwell to deny this request. Motion was called by the chair and vote was unanimous to deny this request.

3. 1:40 PM: Request from Matthew Cullen, MC Square Construction, Registration #23558, to expunge File # 5876 # 1 & 2, Insurance violation. The matter was heard by the Board and the Board on a motion by William Nash and second by Dave Caldwell unanimously Denied the request to expunge this record at this time.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 11/13/2013

Registrations:

Number of Registered Contractors	11390		
Number of Cards Surrendered	6357	Number of Cards	Expired/Lapsed
17291	Number of Cards Invalidated	1231	
Number of Cards Suspended	507		
Number of Cards Revoked	114		

Registration Actions

10/09/2013-11/13/2013

Number of New Registered Contractors	109
Number of Renewed Contractors	11281
Number of Cards Surrendered	59
Registrations Invalidated	2
Registrations Suspended	8
Registrations Revoked	2

Claims:

Administrative Appeals	7
Board Appeals	2

Address Traces				75
Awaiting Further Action			29	
		Court		
	581			
Disposed				6635
Final Orders	52			
Hearings	34			
Out of State Services	10	Proposed Orders	127	
Under Investigation				104
Total Claims Filed with the Board			7714	
Number of New Claims Processed			27	

10/9/2013-11/13/2013

Violations:

Action Against Registration		40	
Advertising	10		
Cancelled Insurance			1374
Notice of Hearing	3		
Non-Registered Contractor			
867			
TOTAL RECORDS		2317	

Number of New Violations 99

10/09/2013-11/13/2013

Lapsed Registrations/Never Re-Newed:

October 2012

65

November 2012

55

December 2012

65

January 2013

40

February 2013

35

March 2013

84

April 2013

116

May 2013

102

June 2013

95

July 2013

83

August	2013
77	
September	2013
120	
October	2013
136	

Month	# Tickets Issued
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Fines

January 2013	4
\$1,200.00	
February 2013	3
\$ 525.00	
March 2013	0
\$.00	
April 2013	13
\$3,800.00	
May 2013	10
\$2,900.00	
June 2013	7
\$2,000.00	
July 2013	5
\$1,950.00	
August 2013	5
\$2,750.00	

September 2013	9
\$6,995.00	
October 2013	9
\$3,150.00	
November 2013	2
\$2,000.00	

Commercial Roofers:

Number of Registered Roofers

142

Number of New Registered Contractors	0
Number of Renewed Roofer Contractors	143
Number of Cards Surrendered	22
Number of Expired/Lapsed	63 Registrations Invalidated
Registrations Suspended	0
Registrations Revoked	0
	1

(H) Old Business:

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

report of committees and progress. The Boards attorney has been working with the executive director to get the regulations formulated for the committee to review. Process is ongoing and working on rules and regulations for Home Inspectors, Commercial Roofers, and Well

& Pump Installers. More progress has been made with the Home Inspectors rules and regulations and hope to get that completed soon.

(I) New Business:

(1.) Budget: 2014 & 2015 Budget presented to fiscal office.

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

has been proceeding but due to the amount of the figures to complete

process with necessary corrections to get programs up and running. Costs

provided by CAVU well exceeded the budget and has brought this matter

to a halt. Matter is currently under review as to how to proceed with

management and IT.

(3) Positions: The Board still waiting for the position of Sr. State Building

Official to be filled by the Director of Administration.

Additionally;

waiting on position for enforcement aide or other similar position.

(4.) Legislation; Preparing for any new items that need to be submitted for next

session.

(5.) Request for Proposal: Staff of the Board developed a new RFP to seek

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

Inspectors, Commercial Roofers and Well Drillers. This was processed but

no bidders were received. Recently reissued RFP with modifications and

hope to get bids back by December for selection.

(6.) Education: Still a matter that is pending. NASCLA presentation to Board

next month.

(J) Public Comment: None

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

December 11, 2013 at 12:30 PM Conference Room "A", 2nd

Floor, One Capitol Hill, Providence, Rhode Island.

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

Arthur Salisbury to adjourn at 3:05 PM.

Members Present: Felix Carlone, Arthur

Salisbury, David Caldwell,

William Geddes, Tom Furey,

Robert Cardoza, Ronald Caniglia,

Michael Fox, Martin Ezeama,

William Nash and Steve Carlino.

Members Absent: J.L.Brillion, Eric Wishart, Paul

Brunetti and Edgar

Ladouceur.

**Others Present: George Whalen (Executive Director), staff,
parties for motions and**

Expungements.

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board