

# **MINUTES**

## **288th Meeting Contractors' Registration and Licensing Board January 8, 2014**

**The meeting began with the pledge of allegiance to the flag of the United States of America led by, Robert Cardoza, the Home Inspector member of the Board.**

**(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:44 PM.**

**(B) Approval of the agenda and order of business was accepted on a motion by Mr. Arthur Salisbury and seconded by Mr. Eric Wishart and Mr. Martin Ezeama.**

**(C) The minutes of the 287th meeting were approved; on a motion by Mr. Eric Wishart and seconded by Mr. Arthur Salisbury.**

**(D) Court Case Update:**

**January 2014 - Court Ordered Restitution/Fines:**

**Contactors Claim/File Fines    Restitution**

**D. Petit 7530/1280(3) 500    5,064**

**M. McAteer 7198 500 725 (restitution all paid)**

**Totals: Fines: \$1,000**

**Restitution: \$ 5,789**

**TOTAL: \$ 6,789**

**January 2014 - Funds Received Via CRB:**

**Contractor Claim/File Fines Restitution**

**Landmark Pools File 9347(1) 1,000 -**

**R. Kapucinski Claim 7828 700 -**

**D. Rushworth Claim 6880 - 300**

**R.Rasmussen Claim 7419 - 100**

**J. Ribeiro Claim 7478 - 20**

**J. Ribeiro Claim 7499 - 20**

**J. Ribeiro Claim 7500 - 20**

**J. Ribeiro Claim 7050 - 20**

**Totals: Fines \$ 1,700**

**Restitution \$ 480**

**TOTAL: \$ 2,180**

**Upcoming court dates:**

**1/3/14 PTC – Dominic Mitchell (court website not updated – may pay h/o restitution to dismiss)**

**1/3/14 PTC – James Simmons (court website not updated – may pay \$500 fine)**

**1/10/14 PTC – John Gonzalez**

**1/10/14 PTC – Steven Baker**

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

**1/17/13 PTC - Mark Marshall (61-13-06934)**

**1/31/14 Trial – Edward Morenzoni**

**Outstanding Warrants:**

**Marvin Reyes, 179 Carleton Street, Providence, RI 02908**

**Edward Joseph, 161 Randolph Drive, Tiverton RI 02878**

**Kenneth Noiseux, 7 Denver Street, Pawtucket RI 02860**

**Status of Administrative Appeals:**

**Carson v. CRB – Case is being dismissed by Plaintiff.**

**Kapucinski v. CRB – needs to be assigned for decision.**

**Ribeiro (2) from 2010 – Judge Stern has for Decision.**

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

**1.) The Building Officials were not represented at this meeting; however, the Board was informed by the Executive Director that the Coventry and North Providence Building Officials both retired at the end of last year.**

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

### **APPEALS and MOTIONS:**

**1. 12:40 PM: Matter of Claim #8021, being appealed by the Respondent, Jonathan Joaquin, Int'l Equipment leasing Corp., Registration #20820. Both parties were in attendance and the Boards Chief Investigator Mike Lanni provided testimony in regard to this matter. Mr. Joaquin presented his exceptions and had several concerns regarding the fines being assessed by the hearing officer. Many questions were asked by the Board members and much discussion had on the specifics of the contract. The vice-chairman was especially concerned as to the requirement that fence material was to be used as specified in the contract. The engineer on the Board as well as the Architect clearly stated for every ones' understanding that this was not to industry standards. After more questions and discussion a motion was made by Edgar Ladouceur and seconded by Tom Furey to reduce the fines to \$4,000.00, by deducting the \$1,000.00 assessed for not taking out a permit in that based on information provided at the hearing and by the Building Official member on the Board that it was a judgment call. At this time the contractor was very upset and began packing up his material until the Director called for Order and the Boards legal counsel expressed concerns that not all of the items filed as exceptions were addressed and wanted to know if Board members were going to address each one individually or as a whole. It was at this time the second was**

withdrawn and Mr. Ladouceur withdrew his motion to address all items filed as exceptions before making a motion. The claimant also expressed her concerns regarding the work performed and need to re-do the job at a major cost to her. After further review and more discussion a brief recess was had and the chair met with the parties to see if a solution could be had. Upon return, a motion was made Mr. Ladouceur and seconded by Mr. Tom Furey to modify the proposed order to reduce the ordered amount by \$1,000.00 the amount of the fine assess for no permit and order fines be assessed at \$4,000.00 instead of \$5,000.00. After discussion motion was called by the chairman and carried with all but one member voting in favor of the motion, the exception was Mr. Arthur Salisbury, who abstained.

#### **EXPUNGEMENTS:**

1. 1:00 PM: Request from Barta Construction, LLC., Craig Barta, Registration #719, to expunge File # 1303 #1 & 2, Insurance Cancellations in 1994 and 2002. In regard to this matter no one showed and the chair motioned to pass on this request which was seconded by Edgar Ladouceur and Eric Wishart and passed unanimously.

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

**(1) Statistics Report: 1/08/2014**

**Registrations:**

Number of Registered Contractors	11301		
Number of Cards Surrendered	6411	Number of Cards	
Expired/Lapsed	17418	Number of Cards Invalidated	1229
Number of Cards Suspended	507		
Number of Cards Revoked	109		

**Registration Actions**

**12/11/2013-01/08/2014**

Number of New Registered Contractors	39
Number of Renewed Contractors	11262
Number of Cards Surrendered	28
Registrations Invalidated	2
Registrations Suspended	3
Registrations Revoked	0

**Claims:**

Administrative Appeals	3	
Board Appeals	2	
Address Traces		74
Awaiting Further Action	29	
	Court	

Disposed		6661
Final Orders	51	
Hearings	37	
Out of State Services	15	Proposed Orders 127
Under Investigation		99
Total Claims Filed with the Board		7737

Number of New Claims Processed 15

12/11/2013-01/08/2014

**Violations:**

Action Against Registration	39	
Advertising	7	
Cancelled Insurance		1371
Notice of Hearing	3	
Non-Registered Contractor		
868		

**TOTAL RECORDS 2313**

Number of New Violations 39

12/11/2013-01/08/2014

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

<b>January</b>	<b>2013</b>
<b>38</b>	
<b>February</b>	<b>2013</b>
<b>34</b>	
<b>March</b>	<b>2013</b>
<b>82</b>	
<b>April</b>	<b>2013</b>
<b>116</b>	
<b>May</b>	<b>2013</b>
<b>100</b>	
<b>June</b>	<b>2013</b>
<b>93</b>	
<b>July</b>	<b>2013</b>
<b>77</b>	
<b>August</b>	<b>2013</b>
<b>74</b>	
<b>September</b>	<b>2013</b>
<b>103</b>	
<b>October</b>	<b>2013</b>
<b>95</b>	
<b>November</b>	<b>2013</b>
<b>118</b>	
<b>December</b>	<b>2013</b>
<b>114</b>	

<b>Month</b>	<b># Tickets Issued</b>
<b>Fines</b>	
<b>January 2013</b>	<b>4</b>
<b>\$1,200.00</b>	
<b>February 2013</b>	<b>3</b>
<b>\$ 525.00</b>	
<b>March 2013</b>	<b>0</b>
<b>\$ .00</b>	
<b>April 2013</b>	<b>13</b>
<b>\$3,800.00</b>	
<b>May 2013</b>	<b>10</b>
<b>\$2,900.00</b>	
<b>June 2013</b>	<b>7</b>
<b>\$2,000.00</b>	
<b>July 2013</b>	<b>5</b>
<b>\$1,950.00</b>	
<b>August 2013</b>	<b>5</b>
<b>\$2,750.00</b>	
<b>September 2013</b>	<b>9</b>
<b>\$6,995.00</b>	
<b>October 2013</b>	<b>9</b>
<b>\$3,150.00</b>	
<b>November 2013</b>	<b>9</b>
<b>\$4,000.00</b>	

**December 2013**

**2**

**\$1,500.00**

**Commercial Roofers:**

**Number of Registered Roofers**

**137**

**Number of New Registered Contractors 0**

**Number of Renewed Roofer Contractors 137**

**Number of Cards Surrendered 22**

**Number of Expired/Lapsed 68 Registrations Invalidated 1**

**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. 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. Not much progress has transpired since last month but pushing to get this accomplished early this year.**

**(I) New Business:**

**(1.) Budget: 2014 & 2015 Budget presented to fiscal office awaiting approval no changes from last month. The Budget should be presented by the Governor to the General Assembly later this month.**

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

**has been on hold due to the amount of the figures to complete this**

**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 with Administration and**

**possible tie in to e-permit software. RFP has been developed and should**

**be put out to bid by months end.**

**(3) Positions: The position of Sr. State Building Official was filled by the**

**Director of Administration. Mr. John Hoyle will start this job on Monday**

**January 13, 2014. Still waiting on position for enforcement aide or**

**another similar position.**

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

**years session and looking for suggestions from Board members. Mechanics**

**Lien Law changes will be reintroduced by the industry which was never**

**acted on last year.**

**(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, but recently reissued RFP with modifications**

**and received bids which were reviewed by committee of staff and sent on**

**to the Board for approval. PSI was the selected vendor and this matter was**

**brought to the Board for discussion and approval. It was noted that the**

**time to get this introduced and be ready for licensing and testing would be**

**six months after signing. Contract was approved and all the concerns**

**expressed by board members at the last meeting were addressed.**

**Meeting**

**will be scheduled with PSI to get this project on course and in place.**

**(6.) Education: Still a matter that is pending. NASCLA presentation will be**

**scheduled for the next Board meeting to review the process and try to get**

**this pre-registration education process at least started.**

**(7.) Sub-Committees will need to have meetings in January to get the**

**rules and regulations approved in a timely fashion.**

**Notices will go out in**

**this regard to get committee input and work with new staff.**

**(J) Public Comment: None**

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

**February 12, 2014 at 12:30 P M Conference**

**Room "A", 2nd**

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

**(L) Adjournment: A motion was made by Felix Carlone and seconded by Mr.**

**Martin Ezeama and Edgar Ladouceur to adjourn at 2:30 PM.**

**Members Present: Arthur Salisbury, William Geddes, Tom Furey,**

**Robert Cardoza, Ronald Caniglia, Michael Fox, Martin Ezeama,**

**William Nash, Eric Wishart, Edgar Ladouceur, Steve Carlino and**

**Felix Carlone.**

**Members Absent: J.L.Brillion, Paul Brunetti and David Caldwell.**

**Others Present: George Whalen (Executive Director), attorney, staff, stenographer,**

**parties for motions and expungements.**

**Respectfully Submitted,**

**George W. Whalen**

**Executive Director**

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