

# **MINUTES**

## **300th Meeting Contractors' Registration and Licensing Board October 08, 2014**

**The meeting began with the pledge of allegiance to the flag of the United States of America led by the Vice-Chairman Mr. Edgar Ladouceur.**

**(A) The meeting was called to order by the Vice- Chairman, Edgar Ladouceur, at 12:42 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.**

**(C) The minutes of the 299th meeting, September 10, 2014, were approved; on a motion by Mr. David Caldwell and seconded by Mr. Martin Ezeama.**

**(D) Court Case Update:           October 2014 - Court Ordered  
Restitution/Fines:**

<b>Contactor</b>	<b>Claim/File</b>	<b>Fines</b>	<b>Restitution</b>
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<b>D. Lavoie</b>	<b>File 8816(1)</b>	<b>250 (pd)(61-14-06807)</b>	<b>250 (on 41-07-00303)</b>
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**B. Gencarella Claim 6254 250 (pd) 3,925 (on 41-08-00959)**  
**(restitution paid in full as of March 2009, but fine paid 8/20/14 prior to reregistration)**

**S. Branch File 7201(2)**  
**(61-14-06803) 500 (paid) -**

**J. Rodrigues Claim 7966(61-14-02763) 2,000(250 if rest pd)\* 1,585**  
**(Prob may file 32f)**

**M. Warhurst Claim 7504/6663(5) (61-14-02755) - 2,000 (paid in court)**

**J. Forte File 2741(3) (61-14-06805) 10,000\***

**(\* = Fines not pursued/ordered in court, but remain pending and within the Board's discretion to alter amounts until homeowners are paid restitution)**

**Totals: Fines: \$13,000**

**Restitution: \$ 7,760**

**TOTAL: \$ 20,760**

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

**Contractor Claim/File Fines Restitution**

**J. Rego 8276 200 (paid) 75 (paid)**

**S.Sanchez 8056 - 1,000 (paid)**

**A. Willard 7093 - 4,878.29 (paid – refund)**

**T. Oliver 8209 - 1,000 (paid – payment plan)**

**A. Willard 7203 - 1,219 (paid – refund – disp)**

**A. Willard File 5177(2) 500 (paid) -**  
**D. Rushworth 6880 - 100 (paid – payment plan bk)**  
**J. Ribeiro 7050 - 10 (paid – payment plan)**  
**J. Ribeiro 7478 - 10 (paid – payment plan)**  
**J. Ribeiro 7499 - 10 (paid – payment plan)**  
**J. Ribeiro 7500 - 10 (paid – payment plan)**  
**R. Champlin 8038 - 200 (paid – payment plan)**  
**J. Gugliemo 8139 - 500 (paid – payment plan)**  
**G. Stanley 8297 - 1200 (paid – payment plan)**  
**J. Clark 8333 - 1000 (paid – payment plan.)**

**Totals: Fines \$700**

**Restitution \$ 11,212.29**

**TOTAL: \$ 11,912.29**

**Upcoming court dates:**

**Felony Screening (OMUFP > 1,500) - Edward Elston  
(22-13-02636/OMUFP / Claim 8125)**

**10/10/14 PTC - Jose Tavares (61-14-06809 and 61-14-06811)**

**10/9/14 Trial – Kevin Cardoso (61-14-06808/file 9357(1))**

**Outstanding Warrants:**

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

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

**(61-13-12063)**

**- Otto De Jesus Mendoza Lopez, 121 Bradford St., Bristol RI 02809 (#/ file 8728(1))**

**Status of Administrative Appeals:**

**Kapucinski v. CRB – Filed Opposition/Objection to Petition for Cert to the Supreme Court.**

**Stephen Colucci/Colucci Brothers v. CRB –Admin Appeal. (possible resolution out of court)**

**Greene v. CRB –Admin Appeal. (PC-14-3371) (Possible resolution out of court)**

**Review of Pending Issues with the Building Officials Association: Tabled until next month in that no one was in attendance. It was reported by the Executive Director that a new slate of officers were elected.**

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

**APPEALS and MOTIONS:**

**1. 12:40 PM: Claim #8169, Motion by the Claimant to Vacate the Final Order & Proposed Order and hear exceptions. This matter was rescheduled from last month. The Claimant who filed the exceptions showed but the Respondent failed to show after notice and opportunity. The homeowner presented her case as to why she**

wanted the Board to Vacate the Final Order. The two main concerns were: that the proposed order issued on the last page inferred that she was awarded a monetary award in the amount of \$3,000.00 which was not correct, in that it was for a fine assessed; the other issue was the estimate provided at the hearing which was not accepted. The Claimant presented her case before the Board and several members had questions in regard to her request to vacate. Upon further review and more discussion by the members a motion was made by Eric Wishart and seconded by Tom Furey to Vacate the Final Order issued by the Board and open discussion on the Proposed Order issued, motion carried unanimously. After more discussion and questions to the homeowner, a motion was made by Eric Wishart and seconded by Tom Furey to first modify the fines assessed and issue the maximum amount for each violation, \$5,000.00 each, six violations, for a total amount of \$30,000.00. Motion carried unanimously. In the matter of restitution the Board went back and forth on the amount that should be provided to the Claimant as determined by amount paid to repair as well as estimates provided. After more discussion, a motion was made by Eric Wishart and seconded by Paul Brunetti to award the Claimant \$10,363.75. This motion carried unanimously as well and will be issued as a Final Order.

2. 1:00 PM: Claim #8173, Lupoli vs. Unique Painting, Heldeberto Lemos; exceptions filed by the Respondent's Attorney Sean Mc Ateer. New attorney entered appearance, Arthur Chatfield, III who represented the Respondent and presented his case. The Claimant

who had appeared before the Board in August was excused by the Board because this matter was just about fines. Attorney Chatfield III presented his case and the Board listened to his presentation and reviewed the file. After a brief discussion the Board on a motion by Edgar Ladouceur and second by Eric Wishart and Paul Brunetti the Board unanimously upheld the decision of the hearing officer and a final order will be issued as proposed.

#### **EXPUNGEMENTS:**

1. 1:15 PM: Request from Alexandros Chahine, Imperial Flooring LLC, Registration #24326 for expungement of violations: #4644 # 2 & 3. The party failed to attend after notice and opportunity. A motion was made by Eric Wishart and seconded by David Caldwell to deny this request, which passed unanimously.

#### **EXPUNGEMENTS:**

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

**(1) Statistics Report: 10/08/2014**

#### **Registrations:**

**Number of Registered Contractors 11167**

Number of Cards Surrendered	6777	Number of Cards	
Expired/Lapsed	17960	Number of Cards Invalidated	1580
Number of Cards Suspended	493		
Number of Cards Revoked	116		

### Registration Actions

Number of New Registered Contractors	99
Number of Renewed Contractors	11068
Number of Cards Surrendered	40
Registrations Invalidated	2
Registrations Suspended	6
Registrations Revoked	1

### Claims:

Administrative Appeals	2	
Board Appeals	1	
Address Traces		79
Awaiting Further Action	29	
	Court	
	596	
Disposed		284
Final Orders	39	
Hearings	26	
Out of State Services	8	Proposed Orders 144
Under Investigation		108

**Total Claims Filed with the Board 7940**

**Number of New Claims Processed 19**

**Violations:**

**Action Against Registration 39**

**Advertising 3**

**Cancelled Insurance 1240**

**Notice of Hearing 3**

**Non-Registered Contractor**

**891**

**TOTAL RECORDS 2203**

**Number of New Violations 70**

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

**January 2014**

**61**

**February 2014**

**84**

<b>March</b>	<b>2014</b>
<b>86</b>	
<b>April</b>	<b>2014</b>
<b>95</b>	
<b>May</b>	<b>2014</b>
<b>99</b>	
<b>June</b>	<b>2014</b>
<b>120</b>	
<b>July</b>	<b>2014</b>
<b>85</b>	
<b>August</b>	<b>2014</b>
<b>105</b>	
<b>September</b>	<b>2014</b>
<b>108</b>	
<b>October</b>	<b>2014</b>
<b>136</b>	

<b>Month</b>	<b># Tickets Issued</b>
<b>Fines</b>	
<b>January 2014</b>	<b>0</b>
<b>\$ .00</b>	
<b>February 2014</b>	<b>3</b>
<b>\$600.00</b>	
<b>March 2014</b>	<b>4</b>
<b>\$1,350.00</b>	

<b>April 2014</b>	<b>7</b>
<b>\$3,100.00</b>	
<b>May 2014</b>	<b>5</b>
<b>\$1,025.00</b>	
<b>June 2014</b>	<b>7</b>
<b>\$1,475.00</b>	
<b>July 2014</b>	<b>0</b>
<b>\$ .00</b>	

<b>August 2014</b>	<b>6</b>
<b>\$2,500.00</b>	
<b>September 2014</b>	<b>4</b>
<b>\$1,100.00</b>	

**Commercial Roofers:**

**Number of Registered Roofers**

**143**

**Number of New Registered Contractors                    3**

**Number of Renewed Roofer Contractors    140**

**Number of Cards Surrendered            22**

**Number of Expired/Lapsed            74 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 and staff to get the regulations formulated for the committee to review. This process is ongoing and the newly revised rules and regulations were presented to the Board to discuss, modify or pass to get Regulatory Review and submit for Home Inspectors, Commercial Roofers, and Well & Pump Installers. Upon review and discussion a motion was made by Eric Wishart and seconded by Dave Caldwell to accept the changes propose and to go forward with review and public hearing. Motion was called and the Board unanimously approved the modifications. Now all the other rules and regulations will be built on these changes and hopefully completed shortly.**

**(I) New Business:**

**(1.) Budget: A review of our budget was conducted and an advanced prediction calculated that determined that Fiscal Year 2017 will have a shortage of revenue. In order to correct for this deficit a review of the fees charged will have to be conducted to make a determination as to the need to increase rate. Estimated rate increase is about \$12.50 per year but that rate needs to be verified.**

**(2.) Computer Program Update: Working on our existing system and**

**making**

**changes to support new programs. Hope to be testing the changes shortly and be able to go live soon.**

**(3) Positions: Still waiting on the position of enforcement aide or another similar position which may cause delays to the new licensing**

**programs. This position has been vacant since March 2013. Also anticipating the**

**Principal Building Official Position, to be vacated by years end with the retirement of Michael Lanni.**

**4) PSI date to get licensing programs up and running was October 9, 2014, and have been working on getting SME's to assure the deadline is met, both for roofers and well drillers now have had meetings and pending completion. Due to standards not being adopted and public hearing scheduled the time line will have to be shifted again. New target date is late December.**

**5) DLT-Task Force on Misclassification: Board was invited to participate in this discussion. Tom Furey will join the executive director for the Board and attend the next meeting.**

**6) Call for Action: The executive director was asked to speak before**

**the conference regarding the Boards role in consumer disputes in construction.**

**7) Picture ID's were previously discussed and Board elected to go forward with need to have everyone have a picture taken who did not have a picture on file at the DMV which the Board could utilize. Anyone coming to the counter to get renewed would also have to have a picture taken and pay the adopted fee.**

**8) Roofers and Well/Pump installers Licensing requirements. A review of the law will need to be made to determine if all workers are required to be licensed.**

**9) Board Appointments: A letter was sent to the Director of Administration regarding the need to have the Governor make new appointments as well as those whose appointments have lapsed. The new appointments will have an impact on the implementation of the new underground utility license program.**

**10) Legislation: Several areas of concern need to be addressed this legislative session regarding Board terms, insurance, felony charges, civil judgments etc.**

**(J) Public Comment: None**

**(K) Announcements: The next Board meeting will be held on**

**Wednesday**

**November 12, 2014 at 12:30 PM,**

**Conference**

**Room "A" 2nd Floor.**

**One Capitol Hill, Providence, Rhode**

**Island.**

**(L) Adjournment: A motion was made by Eric Wishart and seconded by Mr.**

**Ladouceur to adjourn the meeting at 2:45 PM.**

**Members Present: Michael Fox, Martin Ezeama, William Geddes, Paul Brunetti, David Caldwell, Steve Carlino, Eric Wishart, Robert Cardoza, Arthur Salisbury Tom Furey and Edgar Ladouceur.**

**Members Absent: J.L.Brillion, Ronald Caniglia, Felix Carlone and William Nash.**

**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**