

MINUTES

302nd Meeting Contractors' Registration and Licensing Board December 10, 2014

The meeting began with the pledge of allegiance to the flag of the United States of America led by: J. L. Brillion.

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:42 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Eric Wishart and seconded by Mr. Paul Brunetti.

(C) The minutes of the 301st meeting, November 12, 2014, were approved on a motion by Mr. David Caldwell and seconded by Mr. Eric Wishart.

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

December 2014 - Court Ordered Restitution/Fines:

Contactoer Claim/File Fines Restitution

G. Greene 8104/3303(2)(admin appeal) \$500 (not yet paid) \$3,500 (2,500 paid)

**J. Tavares 8135 (61-14-06811) \$4,500 (w.CRB)* \$4,337.50 (3,000 paid)
(balance to be paid at 100/month – monitored by probation)**

J. Tavares 7915 (61-14-06809) \$2,500 (w.CRB)* -

J. Briggs 7685 (61-14-13178) \$1,000(w.CRB)* -

(* = Fines remain pending and within the Board's discretion to alter amounts until homeowners are paid restitution)

Fines: \$8,500

Restitution: \$ 7,837.50 (ordered)/ 5,500 paid

TOTAL: \$ 16,337.50

December 2014 - Funds Received Via CRB:

Contractor Claim/File Fines Restitution

J. Ribeiro 7478 - 10 (payment plan)

J. Ribeiro 7500 - 10 (payment plan)

J. Ribeiro 7499 - 10 (payment plan)

J. Ribeiro 7050 - 10 (payment plan)

K. Ditusa 8205/file 9744 100 400

T. Ogilvie 5933 - 80 (payment plan)

T. Gaskin 8186 - 100 (payment plan)

T. Oliver 8209 - 1,000 (final paymt. of 8,500)

E. Peach 8362 - 800 (settled in full)

S. Brito 8118 - 9,876 (settled in full)

S. Sanchez 8056 - 1,000 (final payment)

V. Diprete 8723(1) 250 -

Fines \$350

Restitution \$ 13,296

TOTAL: \$ 13,646

Upcoming court dates:

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

**1/16/15 Arraignment – Alvin Morris Williams (OMUFP/Conspiracy –
P2-2014-1709A)**

**1/6/15 – PTC David Bottoms (61-14-11755, 11756, 11757, 11758,
13176/cl 8227)**

12/8/14 – PTC Bob Angell (61-2014-11759/claim 7663)

**1/5/15 – PTC – Jose Tavares (P2-14-2391A OMUFP – same facts as
claim 8230)**

12/8/14 – PTC - Gary Bouffard (61-14-13174/cl 7858)

Joseph Miceli

Outstanding Warrants:

**- Emanuel Melo (61-14-13179/cl 7680 and file 8243(1)) – (1) 106 1st
Street, Apt. 2, Providence 02914, (2) 15 Unity Ave, E. Prov, 02914**

**- Scott Hicks (61-14-13177/cl 7722) – 26 Acres of Pine Road, Coventry
RI 02816**

- 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) – Settled for \$3,500. \$2,500 paid on 11/25/14 (admin appeal will be dismissed).

(E) Review of pending issues with Code Officials from Rhode Island Building Officials Association; The executive director informed the Board that a new slate of officers was elected by the Building Officials Association. The new officers are:

President: Wayne Pimental, CBO

Vice President: Peter Scorpio

Secretary: Thomas DiFusco

Treasurer: Alfred DeCorte

Immediate Past President: William Nash

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

APPEALS and MOTIONS:

1. 12:40 PM: File #9257, Violation #2, Registration #35607; Motion to Vacate the Default Final Order assessing a penalty; KMT Property Main Inc. D/B. This matter was at the request of legal counsel continued until next year.

EXPUNGEMENTS:

1. 1:00 PM: Request from Jalette Contracting; Registration #25429, for expungement of violation #9573 #1, Advertising. The contractor failed to attend after notice and opportunity. A motion was made by J. L. Brillion and seconded by David Caldwell to deny the request to expunge record. This motion was called by the chair and carried unanimously.

2. 1:15 PM: Request from Christopher Davenport; Registration #31583, for expungement of insurance violation #8339 #1. A motion was made by J. L. Brillion and seconded by David Caldwell to deny the request to expunge record. This motion was called by the chair and carried unanimously.

3. 1:20 PM: Request from Neville Haye; Registration #19730 for

expungement of violation #5262, insurance violation. The contractor presented his case and the Board reviewed the record. After some discussion a motion was made by Tom Furey and seconded by Paul Brunetti and Martin Ezeama to expunge this violation. Motion was called by the chair and passed unanimously.

4.1:25 PM: Request from Thomas Horlbogen; New England Restoration and Construction LLC, Registration#16109, to expunge Claim #5768. Letter received from homeowner. This matter was heard by the Board last month and the contractor failed to show and matter was denied. The contractor sent the Board a letter dated November 25, 2014 regarding his failure to attend due to a broken key lodged in his mailbox lock which was repaired the day after the scheduled hearing. He respectfully requested that he be allowed to present his case to the board so the matter was schedule for review at the next meeting. Mr. Horlbogen presented his request to expunge his only claim #5768 which was first opened on August 8, 2006 and was resolved with a settlement to the claimant. The Board listened to his testimony and that of the former building inspector in East Greenwich regarding the work of the contractor. The letter previously submitted to the Board was also reviewed by the members with much discussion and concern. After further questioning the contractor and reviewing the record and time the claim was filed, a motion was made by Paul Brunetti and seconded by J. L. Brillion to expunge this claim from his record. Motion was called by the chair and motioned carried with Robert Cardoza voting in the negative.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 12/10/2014

Registrations:

Number of Registered Contractors 11267

Number of Cards Surrendered 6806 Number of Cards

Expired/Lapsed 17926 Number of Cards Invalidated 1630

Number of Cards Suspended 498

Number of Cards Revoked 116

Registration Actions

Number of New Registered Contractors 57

Number of Renewed Contractors 11210

Number of Cards Surrendered 23

Registrations Invalidated 1

Registrations Suspended 3

Registrations Revoked 0

Claims:

Administrative Appeals 2

Board Appeals 0

Address Traces			81
Awaiting Further Action		29	
	Court		
	596		
Disposed		261	
Final Orders	39		
Hearings	37		
Out of State Services	5	Proposed Orders	144
Under Investigation			126
Total Claims Filed with the Board		7979	
Number of New Claims Processed		20	

Violations:

Action Against Registration	39	
Advertising	3	
Cancelled Insurance		1264
Notice of Hearing	3	
Non-Registered Contractor		
883		
TOTAL RECORDS	2220	

Number of New Violations 86

Lapsed Registrations/Never Re-Newed:

January	2014
59	
February	2014
82	
March	2014
84	
April	2014
91	
May	2014
92	
June	2014
114	
July	2014
81	
August	2014
90	
September	2014
91	
October	2014
94	
November	2014

Month	# Tickets Issued
Fines	
January 2014	0
\$.00	
February 2014	3
\$ 600.00	
March 2014	4
\$1,350.00	
April 2014	7
\$3,100.00	
May 2014	5
\$1,025.00	
June 2014	7
\$1,475.00	
July 2014	0
\$.00	
August 2014	6
\$2,500.00	
September 2014	4
\$1,100.00	
October	0
\$.00	

November	2
\$250.00	
December	0
\$.00	

Commercial Roofers:

Number of Registered Roofers

146

Number of New Registered Contractors 1

Number of Renewed Roofer Contractors 145

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,

are being reviewed by the Regulatory Reform Committee before being submitted for public hearing. Matter is still pending and had meeting with suggested changes which will be provided to the Board upon completed review. Upon review all the other rules and regulations will be built on these changes and hopefully completed shortly thereafter.

(I) New Business:

(1.) Budget: The estimated rate increase for the next fiscal year, due to an estimated shortage, has yet to be determined and should be proposed by early next year.

(2.) Computer Program Update: Working on our existing system and making changes to support all the new programs. We are still awaiting the testing of the system which should occur shortly. Projected date to complete is four to six weeks after testing begins.

(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.

The Principal

Building Official Position will be vacated on December 26th 2014.

Michael Lanni announced his retirement to the Board after 34 years of service.

The **Executive Director** as well as the **Board** thanked him for his hard work and dedication.

4) PSI date to get licensing programs up and running was moved

until early February 2015. A public hearing still needs to be scheduled after Regulatory Review has been completed.

5) **DLT-Task Force on Misclassification:** The Board participated in this discussion with the committee at the second meeting and the Executive will keep the Board informed.

6) **Roofers and Well/Pump installers Licensing requirements.** A review of the law may still be needed to be made to determine if all workers are required to be licensed. Upon further review of the general law changes may not be needed to be made legislatively.

7) **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, but as of date no replacements. The new appointments will have an impact on the implementation of the new underground utility license program.

8) **Legislation:** Several areas of concern need to be addressed this legislative session regarding Board terms, insurance, felony charges, civil judgments etc. The Board discussed some of the proposed changes and agreed on a motion by Felix Carlone and second by J.L. Brillion to submit the changes regarding Board members terms this session. Motion carried unanimously. It was also suggested that we go forward to make a changes to 5-65-19 from a misdemeanor for

under \$5,000 and a felony over that amount. A motion was made by Tom Furey and seconded by J.L. Brillion and was unanimously approved. Board also talked about BCI checks for license holders as well as registered contractors which will be discuss further at the next meeting January 14, 2015.

(J) Public Comment: None

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

January 14, 2014 at 12:30 PM, Conference Room "A" 2nd Floor.

One Capitol Hill, Providence, Rhode Island.

(L) Adjournment: A motion was made by J. L. Brillion and seconded by Mr.

Eric Wishart to adjourn the meeting at 2:20 PM.

Members Present: Paul Brunetti, Eric Wishart, Martin Ezeama, David

Caldwell, Robert Cardoza, Tom Furey, J.L.Brillion, Ronald

Caniglia and Felix Carlone.

Members Absent: William Geddes, Steve
Carlino, William Nash, Michael Fox,
Edgar Ladouceur and
Arthur Salisbury.

Others Present: George Whalen (Executive Director),
attorney, staff,
parties for motions and expungements.

Respectfully Submitted,

George W. Whalen

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