

MINUTES

303rd Meeting Contractors' Registration and Licensing Board January 14, 2015

The meeting began with the pledge of allegiance to the flag of the United States of America led by: Felix Carlone.

A moment of silence was taken at the request of the Executive Director, in memory of Ross Dagata, who passed away on December 31, 2014; former Executive Director for the Rhode Island Builders Association for over 43 years.

(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. David Caldwell and seconded by Mr. Eric Wishart.

(C) The minutes of the 302nd meeting, December 10, 2014, were approved on a motion by Mr. David Caldwell and seconded by Mr. Eric Wishart.

(D) Court Case Update: January 2015 - Court Ordered

Restitution/Fines:

Contactor Claim/File Fines Restitution

A. Appleton 7142 (61-14-14167) 2,500 (paid) -

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

Fines: \$2,500

Restitution: \$ -

TOTAL: \$ 2,500

January 2015 - Funds Received Via CRB:

Contractor Claim/File Fines Restitution

H. Hitchen 8404 - 14,000 (settled/paid)

M. Netro 8022 500 (payment plan) -

P. Forsell 8172 - 7,000 (settled/paid)

R. Lewis 8398 - 365 (settled/paid)

P. Ruggerio 7553 100 (250 balance) -

Fines \$600

Restitution \$21,365

TOTAL: \$ 21,965

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)**

**1/20/15 – PTC David Bottoms (61-14-11755, 11756, 11757, 11758,
13176/cl 8227)**

**1/26/15 – PTC – Jose Tavares (P2-14-2391A OMUFP – same facts as
claim 8230)**

1/27/15 – PTC - Gary Bouffard (61-14-13174/cl 7858)

PTC - Joseph Miceli

PTC - B. Angell (61-14-11759/7663)

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 again 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

Brad Ward contacted the Executive Director and he had no new items to discuss. The Association will be advised by the Executive Director for the Board of new proposed legislation to gather their support or modifications.

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

APPEALS and MOTIONS:

1. 12:40 PM: Violation #10149 #6, Ace Wood Flooring Inc., Troy Hewes, registration #25742, Appeal of Proposed Order issued for hiring a Non-Registered Subcontractor. The contractor presented his case to the Board regarding the claim #8335 as well as the violation issued as a result of the claim. Mr. Hewes explained to the Board that at the hearing only allegations of others working at the job were made and no evidence was produced to state who exactly was working. Mr. Case, the Boards Principle Investigator presented and stated that the recording reflected that Mr. Hewes had stipulated to at the hearing that contractors did not have workers compensation. After much discussion and review of the file, a motion was made by Felix Carlone and seconded by David Caldwell to modify the decision rendered in the Proposed Order to reduce the fine to \$750.00 upon proof to the Board that a consent decree was issued by the Department of Labor and Training and a fine paid to them. Upon further discussion the motion was called by the chair and the matter passed on a six to three vote with; Tom Furey, Bill Geddes and Ron Caniglia voting in the negative.

As a result of concerns expressed by some members of the Board, the Executive Director suggested, and Board agreed that someone from Workers Compensation attend the next meeting to review distinctions in forms issued by Workers Compensation for example (DWC-11).

2. 1:00 PM: File #9257, Violation #2, Registration #35607; Motion to Vacate the Default Final Order assessing a penalty; KMT Property

Main Inc., represented by Attorney Robert Ameen, his client, Sandra Sanchez was not present. This matter was continued at the request of counsel from last month. Attorney Ameen presented his case for his client as to why he wanted to vacate the Order concerning notice. The Board listened to his presentation as well as that of Mr. Case the Boards Principle Investigator and viewed the file. After some discussion a motion was made by Tom Furey and second by Mr. Paul Brunetti to deny the motion to vacate the Final Order. The motion was called by the chair, Mr. Felix Carlone and motion passed unanimously to deny request to vacate.

EXPUNGEMENTS:

1. 1:20 PM: Request by Shawn Perry Registration #6687 to expunge violation #9840, Insurance. Mr. Perry failed to attend after notice and opportunity. A motion was made by Felix Carlone and second by Bill Geddes to deny request. Motion was called by the chair and unanimously denied.

2. 1:30 PM: Request by Edward Santos, SR Painting and Remodel LLC, Registration #23227, to expunge claims #6403, 7037, 7892, & 8140. Mr. Santos was present and requested that the Board expunge the above claims. After some discussion the chair didn't think that the contractor was very well prepared and granted a continuance until next month to request a review of these claims. Felix made the

motion to reschedule until next month and David Caldwell seconded the motion. The chair called the motion and it passed unanimously to give the contractor until next month to prepare for a presentation next month.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 1/14/2015

Registrations:

Number of Registered Contractors	11209		
Number of Cards Surrendered	6870		
Number of Cards Expired/Lapsed	17990	Number of Cards	
Invalidated	1636		
Number of Cards Suspended	500		
Number of Cards Revoked	118		

Registration Actions

Number of New Registered Contractors	84
Number of Renewed Contractors	11125
Number of Cards Surrendered	62
Registrations Invalidated	0
Registrations Suspended	5

Registrations Revoked 1

Claims:

Administrative Appeals	2	
Board Appeals	2	
Address Traces		81
Awaiting Further Action	29	
	Court	
	595	
Disposed		275
Final Orders	42	
Hearings	32	
Out of State Services	16	Proposed Orders 144
Under Investigation		115
Total Claims Filed with the Board	8006	
Number of New Claims Processed	26	

Violations:

Action Against Registration	40	
Advertising	3	
Cancelled Insurance		1293

87

September 2014

84

October 2014

83

November 2014

82

December 2014

56

January 2015

92

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 2

\$ 1,000.00

January 2015 3

\$1,250.00

Commercial Roofers:

Number of Registered Roofers

145

Number of New Registered Contractors 0

Number of Renewed Roofer Contractors 145

Number of Cards Surrendered 22

Number of Expired/Lapsed 75 Registrations Invalidated 1

Registrations Suspended 0

Registrations Revoked 0

(H) Old Business:

(1.) Regulations, laws and standards, established by sub-committee,

were reviewed by the Regulatory Reform Committee before being submitted for public hearing. Nancy Scarduzio, from Office of Regulatory Reform attended the meeting and provided the Board with a marked up set of rules and regulations and the changes she suggested be made by the Board. The Boards legal counsel also had marked up the changes and all the comments were reviewed. After discussion and modifications of suggested changes a motion was made by Tom Furey and seconded by David Caldwell to submit this document with the changes so it can go to public hearing. The motion was called by the chair and passed unanimously. Discussion continued regarding rules and regulations for the other disciplines and if we were to go forward with all of them at the same time as originally planned. Nancy suggested that maybe it would be better to get these processed and then schedule the others in the very near future after they were all reviewed by her office. The Board discussed the costs involved for multiple meetings and advertising and it was suggested that maybe we advertise only once in the paper and the future meetings we do via the Secretary of States Web Notice. It was decided to move forward with current rules and regulations and then

have a separate meeting on the new programs after they have been reviewed and modified if necessary. Nancy also informed the Board of the process to get rules and regulations adopted and necessary paper work required to be filed. The Board voted not to put notice in paper on a motion by Felix Carlone and second by David Caldwell; this motion passed unanimously.

(I) New Business:

(1.) Budget: The estimated rate increase for the next fiscal year has yet to be determined and should be established shortly by the Budget Office.

(2.) Computer Program Update: Working on our existing system and making changes to support all the new programs. We are still waiting to test the system which is occurring now and should be completed in a couple of weeks.

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 is also vacant.

4) PSI date to get licensing programs up and running was moved until early April. They also were informed to start working on the Underground Utility License Examination to get this available as soon as possible.

5) Roofers and Well/Pump installers Licensing requirements. A meeting was conducted with interested parties and legislation is going to be submitted to include water filtering systems. Modifications are being made to the legislation and should be submitted later this month.

6) Board Appointments: No new appointments as well as those whose appointments have lapsed have been made as of the Board Meeting. The new appointments will have an impact on the implementation of the new underground utility license program which became the boards responsibility on January 1, 2015.

7) Legislation: Minor changes were made by counsel to the legislation proposed to change the Boards terms and Felix will be submitting that bill to the Builders for submittal this legislative session. Additionally, the Attorney General has proposed legislation which will require registrants and license contractors to provide a National Criminal Records Check The board reviewed this matter and discussed concerns. A motion was made by Felix Carlone and seconded by David Caldwell to support this legislation. Another bill was also drafted on behalf of the Board regarding making failure to

comply with a Final Order over \$5,000.00 a felony offense. This was legislation which the Board had discussed in the past to assure that homeowners were not left hanging after a year in a misdemeanor charge and will allow a longer payment plan to resolved costly disputes. Felix Carlone made the motion to support with a second by David Caldwell with unanimous support for this piece of legislation. A few more bills were discussed and may submitted this session. The chair requested that a letter be drafted by the Executive Director, and upon these bills being processed, sent to the Speaker of the House and President of the Senate, this was put in the form of a motion which was seconded by David Caldwell and unanimously passed.

8) **Underground Utility Contractors License:** It was brought to the Boards attention that effective January 1, 2015 the Board is required to License Underground Utility Contractors. The boards staff and legal counsel reviewed the law and found out on January 2, 2015 that 5-20-11 of the Rhode Island General Laws repealed the cities and towns authority effective January 1, 2015 and only the Board could license this industry unless someone held a valid license in a city or town. Immediate action was taken to establish a process to license this industry to assure that there would be no stoppage of work. An application was developed and the law establishing bonding and insurance was established. The law included a grandfather clause and a time line of 180 days. The Board on a motion by David Caldwell and seconded by Felix Carlone unanimously decided that this was the best avenue to pursue until such time as emergency rules and

regulations were established. The Board will work to try to get this program up and running as soon as possible to assure no stoppage in construction.

9) A request was received from the National Construction Authority, Kenya, Africa, to consider attaching two of their staff to the Rhode Island Contractors' Registration and Licensing Board for a maximum period of one month. The objective is to have their staff gain practical experience while in our office, and would not cost the Board anything. The Board discussed this and agreed to the concept but felt that this was an issue that would need to be addressed by Administration, Personnel and possibly the union; concerns were expressed as to liability but the idea was supported by the Board. The Executive Director will need to follow-up on this request and get back to the Board.

(J) Public Comment: None

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

February 11, 2015 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. Ronald Caniglia to adjourn the meeting at 3:15 PM.

Members Present: Paul Brunetti, Eric Wishart, Martin Ezeama, David Caldwell, Tom Furey, Ronald Caniglia, Felix Carlone, William Geddes and Michael Fox.

Members Absent: Steve Carlino, William Nash, Robert Cardoza, Edgar Ladouceur, Arthur Salisbury and J.L.Brillion.

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

Respectfully Submitted,

George W. Whalen

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