

MINUTES

304th Meeting Contractors' Registration and Licensing Board February 11, 2015

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

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:37 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 303rd meeting, January 14, 2015, were approved on a motion by Mr. Arthur Salisbury and seconded by Mr. David Caldwell.

(D) Court Case Update: February 2015 - Court Ordered Restitution/Fines:

Contactor Claim/File Fines Restitution

Contractor Claim/File Fines Restitution

M. Downey 10371(1) - 2,000

R. Valle 4756 50 -
E. Boyce 10437 - 200 (settled)
B. Webster 8424 - 1,500 (settled)
T. Smith 8401 - 850 (settled)
W. Marti 8083 - 16,500 (settled)
M. Bulpitt 8288 250 10,775
M. Bresette 8407 - 6,005 (settled/ins.)
N. Ludovici 8106 250 2,500 (settled)

Fines \$550

Restitution \$40,330

TOTAL: \$ 40,880

Upcoming court dates:

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

2/11/15 – Arraignment – Anthony Piccirilli (may settle)

**2/12/15 – Status Conf. - David Bottoms (61-14-11755, 11756, 11757,
11758, 13176/cl 8227)**

2/13/15 – PTC – Jerry Pelland (61-15-01088/cl 8192)

2/13/15 – PTC – Everett Gibbons (61-15-01090/cl 8217 & file 10201(1))

**2/26/15 – PTC – Jose Tavares (P2-14-2391A OMUFP – same facts as
claim 8230)**

2/3/15 – PTC - Gary Bouffard (61-14-13174/cl 7858)

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

2/20/15 Arraignment – Alvin Morris Williams (OMUFP/Conspiracy –

P2-2014-1709A)

PTC - Jason Leone (need case number)

PTC - Jason Braz (need case number)

PTC - Joseph Miceli (need case number)

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. (seek dismissal)

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 nothing new to report from the Rhode Island Building Officials Association. At last month's Building Officials meeting discussion as to snow loads and roofs was discussed and information from ICC provided.

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

APPEALS and MOTIONS:

1. 12:40 PM: Claim # 8235, J & J Remodeling LLC., Jeffery Smith, Registration #35684, Motion to Vacate the Final Order. Both parties in regard to the motion to vacate were present and the Respondent Jeffery Smith presented his exceptions to the Board advising the members that he was present in the building regarding another claim he had before the Board but never received notice of the first hearing he had at nine only the second at ten. When he came upstairs for the hearing he was advised by staff that he missed the first hearing and would have to appeal the decision. Having failed to appeal the proposed order issued it became a final order and was now being prosecuted. His motion to the Board was to vacate both the final and proposed order and remand it back for a new hearing. The homeowner was in attendance and explained that he received notice and showed; presented his case and supported the decision rendered by the hearing officer. Upon reviewing the file and asking questions to both parties the Vice-Chair requested a copy of the Respondents Record to review. After a short recess the executive director

provided the information requested and it was reviewed by the Board. A motion was heard by Felix Carlone and seconded by David Caldwell to vacate the Final Order issued by the Board and served upon the Respondent; the chair called the motion and the Board unanimously agreed to vacate the final order. Another motion was made by Felix Carlone to vacate the proposed order issued and remand this matter back to the hearing officer for a new hearing. The motion was seconded by David Caldwell and Martin Ezeama and motion called with a unanimous decision to vacate proposed order and remand back to a new hearing. The suspension as a result of the claim would be removed but in that an outstanding order issued by the Board and served was still outstanding and suspended registration, the registration would remain in that status until such time as that matter was resolved.

EXPUNGEMENTS:

1. 1:00 PM: Request by Edward Santos, SR Painting and Remodel LLC, Registration #23227, to expunge claims #6403, 7037, 7892, & 8140. The Board again reviewed the claims presented by Mr. Santos last month and decided to take them one at a time. Mr. Santos presented each claim he wanted expunged and provided the Board with as much information as he could recall. In regard to Claim #8140, a motion was made by Mr. Ladouceur and seconded by Mr. Brunetti not to expunge this record due to a lack of sufficient evidence; the motion was called and unanimously denied. In regard to claim #7892,

Mr. Santos presented his case again and a motion was made by Mr. Ladouceur and seconded by Mr. Wishart to hold on action in this regard until he could provide the Board with additional information at which time he could re-present this matter for expungement; motion was called and agreed to unanimously by the Board. In regard to claim #7037 again information was provided by the Respondent and reviewed by the Board. A motion was made by Mr. Brunetti and seconded by Mr. Ladouceur to deny this request; motion was called and motion passed with Martin Ezeama voting in opposition of the motion. The last claim presented #6403 was also presented by Respondent and after listening to testimony a motion was made by Mr. Ladouceur and seconded by Mr. Brunetti to deny this request. The motion was called and it passed with Mr. Carlone voting in opposition.

2. 1:10 PM: Request by Robert Carvallio Jr., Registration #17829, to expunge insurance violation, File #8188. In light of the Respondent not showing a motion was made by Mr. Ladouceur and seconded by Mr. Carlone and Mr. Fox to deny this request; motion was called and Board voted unanimously to deny.

3. 1:15 PM: Request by Jonathan Paolino, All-Pro Inc., Registration #13682, to expunge insurance violation, File #10386, and waive fine imposed. In regard to this matter concern was expressed by Mr. Wishart that the letter was not properly directed to the Respondent and because of that moved to re-notice the party for expungement

next month; motion was seconded by Mr. Ladouceur and unanimously agreed to by the Board. New notice with correction will be sent out for next month's meeting.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 2/11/2015

Registrations:

Number of Registered Contractors	11281		
Number of Cards Surrendered	6885		
Number of Cards Expired/Lapsed	17948	Number of Cards Invalidated	1662
Number of Cards Suspended	501		
Number of Cards Revoked	119		

Registration Actions

Number of New Registered Contractors	60
Number of Renewed Contractors	11221
Number of Cards Surrendered	30
Registrations Invalidated	0
Registrations Suspended	5
Registrations Revoked	4

Claims:

Administrative Appeals	2	
Board Appeals	1	
Address Traces		80
Awaiting Further Action	29	
	Court	
	599	
Disposed		262
Final Orders	48	
Hearings	34	
Out of State Services	14	Proposed Orders 144
Under Investigation		107
Total Claims Filed with the Board	8018	

Number of New Claims Processed 13

Violations:

Action Against Registration	40	
Advertising	3	
Cancelled Insurance		1289
Notice of Hearing	3	
Non-Registered Contractor		
904		

TOTAL RECORDS 2270

Number of New Violations 78

Lapsed Registrations/Never Re-Newed:

January	2014
57	
February	2014
82	
March	2014
84	
April	2014
87	
May	2014
88	
June	2014
114	
July	2014
79	
August	2014
87	
September	2014
83	
October	2014
83	

November	2014
78	
December	2014
47	
January	2015
85	

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 2014	0
\$.00	
November 2014	2
\$ 250.00	
December 2014	2
\$ 1,000.00	
January 2015	3
\$1,250.00	
February 2015	1
\$ 500.00	

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 reviewed again and proper forms prepared for final submittal to the Regulatory Reform Committee before being submitted for public hearing. A public hearing date was discussed and set for Thursday April 2, 2015 at 3:00 PM; at One Capitol Hill in conference room "A" on the second floor. Upon review this should give us more than the thirty days required to schedule this matter. The Board will then review all the public comments and at the regular scheduled meeting April 8, 2015 adopt the changes to submit to the Secretary of State for implementation. Nancy Scarduzio, from Office of Regulatory Reform attended the meeting and provided the Board with more information on how to proceed as well as the adoption of Emergency Rules and Regulations for the underground utility contractors.

(I) New Business:

(1.) Budget: The estimated rate increase for the next fiscal year has yet to be determined and should be established soon as part of the budget submittal.

(2.) Computer Program Update: Working on our existing system and making changes to support all the new programs. We are currently testing the system and changes made and hope to get this completed soon.

Staffing with the weather conditions as of late has slowed down this process.

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 and needs to be filled.

4) PSI: The date to get licensing programs up and running was moved again to May 28, 2015 with hopes that all the other licensing programs are ready with their rules and regulations. They were informed to start working on the Underground Utility License Examination to get this available as soon as possible with hope that the new Board members will be appointed to assist in this process. The SME's (subject matter experts) will hopefully meet sometime in March to review the questions.

5) Roofers and Well/Pump installers licensing requirements. Legislation was submitted in regard to this to include water filtering systems in this la, H-5426.

6) Board Appointments: No new appointments as well as those whose appointments which 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 board's responsibility on January 1, 2015.

7) Legislation: Minor changes were made by counsel to the legislation proposed to change the Boards terms and this legislation was submitted to the Department of Administration for submittal this legislative session.

8) Underground Utility Contractors License: Emergency rules and regulations were developed and reviewed by the Board for filing. Upon filing the Board has 120 days to develop rules, regulations and standards and hopefully within that time frame the two new Board members will be appointed to assist in this task. A motion was made by David Caldwell and seconded by Michael Fox to approve the emergency rules and regulations. The motion was called by the chairman and the motion carried unanimously. A onetime 90 day extension may be applied for if Board doesn't comply with the 120 day period.

(J) Public Comment: None

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

March 18, 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.**

**Edgar Ladouceur to adjourn the
meeting at 3:00 PM.**

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

**Caldwell, Tom Furey, Ronald
Caniglia, Felix Carlone,**

**William Geddes, Michael Fox, Steve
Carlino, Edgar**

**Ladouceur, Arthur Salisbury and
J.L.Brillion.**

**Members Absent: William Nash and Robert
Cardoza.**

**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**