

MINUTES

306th Meeting Contractors' Registration and Licensing Board April 8, 2015

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

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:46 PM after obtaining a quorum.

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

(C) The minutes of the 305th meeting, March 18, 2015, were approved on a motion by Mr. Martin Ezeama and seconded by Mr. David Caldwell.

(D) Court Case Update: April 2015 - Court Ordered Restitution/Fines: This matter was table until next month's meeting.

(E) Review of pending issues with Code Officials from Rhode Island Building Officials Association; Matter was also continued until next month's meeting.

(F) Consideration of Cases on Appeal and Oral Argument: None

APPEALS and MOTIONS: None

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 4/08/2015

Registrations:

Number of Registered Contractors	11384		
Number of Cards Surrendered	6929		
Number of Cards Expired/Lapsed	18009	Number of Cards	
Invalidated	1696		
Number of Cards Suspended	500		
Number of Cards Revoked	120		

Registration Actions

Number of New Registered Contractors	87
Number of Renewed Contractors	11297
Number of Cards Surrendered	33
Registrations Invalidated	0
Registrations Suspended	0
Registrations Revoked	0

Claims:

TOTAL RECORDS

2309

Number of New Violations 64

Lapsed Registrations/Never Re-Newed:

April	2014
86	
May	2014
84	
June	2014
110	
July	2014
75	
August	2014
85	
September	2014
79	
October	2014
76	
November	2014
68	
December	2014
41	

January	2015
60	
February	2015
87	
March	2015
112	

Month	# Tickets Issued
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Fines

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	
March 2015	1
\$ 250.00	

Commercial Roofers:

Number of Registered Roofers

146

Number of New Registered Contractors 0

Number of Renewed Roofer Contractors 146

Number of Cards Surrendered 22

Number of Expired/Lapsed 74 Registrations Invalidated 1

Registrations Suspended 0

Registrations Revoked 0

(H) Old Business:

(1.) Regulations, laws and standards were the topic of discussion. The Public Hearing which was held on Thursday April 2, 2015 at 3:00 PM in Conference Room "A" at One Capitol Hill, Providence, Rhode

Island produced public comments and recommendations as well as other documents received from the time of filing to the close of the Public Hearing. The following list was compiled from all the testimony, e-mails and comments:

Public Hearing Comments on Contractors' Rules, Regulations and Standards

- **Page 7 definition contractor, #3 add after millwork and trim; mold remediation work. Page 36**
- **Page 7 definition contractor, #3 add after roofing or flashing: removal of snow or ice from roofs for compensation.**
- **Page 12, 3.1.5 Advertising, Written Contracts, Proposals, invoices, onto page 13 #4, use of the word “ license” when not licensed instead of “registration” changed to: 4. Use of the word “license” when not licensed instead of “registration” or “bonded” when not licensed or bonded shall result in the assessment of fines. See Section 5.3.4. Modifications were made to the fine assessments in this regard to read: First Offense: A warning shall be provided with corrective action to be completed within 30 days. Second Offense: \$100 - \$500, Third Offense: \$250 - \$1,000, Any Subsequent Offenses: Maximum fines up to \$5,000 may be imposed.**
- **Page 13, Applications for registration #2 b, reads: ”A certificate of insurance constitutes satisfactory evidence of insurance coverage so long as it lists the Board as the holder and the policy number”.
Modify to:**

”A certificate of insurance constitutes satisfactory evidence of insurance coverage so long as it lists the policy number and the Board as the holder.” Another option would be to have no deductible.

• Page 13, 3.2 applications for Registration, #3 (d) an additional statement or a continuation of a statement should address deductibles. Language should reflect something to the protection of the consumer that any insurance line of coverage with a deductible shall be the responsibility of the registrant for payment of said deductible. Registrant’s insurance deductibles shall not have a negative, detrimental effect to homeowners/claimants when insurance claims are processed, or similar language. After discussion changed section to: d) The registrant shall maintain the insurance required by R.I.G.L. §§ 5-65-7 and 5-65-7.1 continuously until the certificate of registration is terminated, revoked, or expired. If the registrant, in performance of work subject to Chapter 5-65, through failure to comply with this subsection, causes damage to another entity or to the property of another person for which that entity could have been compensated by an insurance company had the required insurance been in effect, the Board may assess a civil penalty against the registrant in an amount up to \$5,000.00 in addition to such other action as may be taken under R.I.G.L. § 5-65-10. It shall be the responsibility of the registrant for payment of any insurance deductible. Registrant’s insurance deductibles shall not have a negative, detrimental effect to the homeowners/claimants when insurance claims are processed.

- On page 14 item 3.2 #11, request to delete “unless a waiver form has been filed with the Department of Labor and training and a copy has been provided to the Board” and substitute “as required by Rhode Island state law”. After discussion modified to: 11. Proof of workers’ compensation insurance is required when a company has one or more employees; unless a waiver form has been filed with the Rhode Island Department of Labor and Training as required by Rhode Island state law and a copy has been provided to the Board;
- Page 16, 3.4.3 Lapsed Registration/Surrendered Registration Card, Review to modify to require all registered or licensed contractors who close, suspend terminate or otherwise cease conducting business to surrender their registration or license to the board within 10 days of such acts. After discussion modified to: A person whose registration has lapsed is considered non-registered from the date the lapse occurred until the date the registration is renewed, reissued, or reinstated. During a period of lapse, the person shall not perform or offer to perform the work of a contractor. If a registration becomes invalid or lapses, the registration card(s) must be returned to the Board; at that time, the card will be deemed surrendered. A registration surrendered will not be responsible for any late fees unless an outstanding violation exists and in that case would be subject to fines as well as other fees. Surrendering of registration must be accompanied by a statement of such and the registration card must be returned to the Board within 30 days.
- Page 17, 3.7 paragraph 5 reads: “Any matter that was criminally prosecuted and the respondent was convicted to pled nolo contendere

will not be considered for expungement.” Change to “Any matter which was criminally prosecuted and in which the respondent was convicted or pled nolo contendere will not be considered for expungement.”

- **Page 18, 3.8.1 Authority and Scope, modify to exempt commercial contractors from this education requirement. Changed section to: The Board adopts by rule the following standards and requirements for education. The Board may also seek to have third-party vendors or providers assist in the management of educational programs. Educational requirements for other licenses governed by the Board are set forth under the corresponding rules and regulations for each license. Contractors engaging in only commercial work shall be exempted from this education requirement.**

- **Page 19, 3.8.3 Continuing Education, #2, either remove or revise. Suggested change to state that those Board members with good attendance record would be so exempted. Board discussed this in length and on a motion by Eric Wishart and second by Paul Brunetti Board unanimously approved this modification: 2.Board Members: Service on the Rhode Island Contractors’ Registration and Licensing Board will satisfy the 5 hour Continuing Education requirement, so long as the Board member remains in good standing with the Board and maintains the proper registration/licensing requirements.**

- **Page 20, 3.8.5 and other sections related using same terminology “Board or other third-party vendor approved course” change to “Board-approved or other third-party-vendor approved courses”.**

- **Page 21 3.8.8 paragraph 2.L ii reads: “Any facility where courses will**

be taught will be ADA compliant”. Concerns were express if all facilities need to be in compliance? Discussed and need to be in compliance, no changes made to this section.

- Page 21, 3.8.8 paragraph 2.L iv reads: “each credit hour will be equivalent to 50 minutes.” Modify to by adding “of instruction time”.**
- Page 38, 5.3.6, Lapse or Revocation of Corporate Status, Add licensed and may be violated as a unregistered or unlicensed contractor.**
- On page 54 in the construction standards 5.3 Section 5 Roofing Standards request to delete “ winds greater than 55 mph” in that shingle technology has seen vast improvements over the last decade and some manufactures have limited warranties up to 110 mph or greater. This item was deleted. On the same page Builder Repair Responsibility add the word ‘severe” storm conditions so it is consistent with the previous paragraph. This change was made to document.**

Upon review of all the items and discussion on each one, a motion was made Mr. Edgar Ladouceur, with seconds by Paul Brunetti, Eric Wishart and Dave Caldwell to submit these changes for implementation to the Secretary of State upon receiving approval, as required pursuant to the Governors Executive Order, from the Office of Regulatory Reform. Motion was called by Chairman and unanimously passed.

(I) New Business:

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

(2.) Computer Program Update: We are currently testing the system and the changes made and hope to get this completed 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. 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 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) met and reviewed in early April.

5) Roofers and Well/Pump installers licensing requirements. Legislation was submitted in regard to this to include water filtering

systems. Several other bills have been filed.

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: Currently many bills are pending for consideration. Other legislation has been submitted including making the failure to comply with a Final Order a felony offense which is S756 which will be heard later this week.

8) Underground Utility Contractors License: Emergency rules and regulations were developed and filed by the Board. A onetime 90 day extension may be applied for if Board doesn't comply with the 120 day time period.

9) Education Sub-Committee: Board established a subcommittee on education of three members pending their approval. Members will consist of: Felix Carlone, Tom Furey and Arthur Salisbury.

(J) Public Comment: None

(K) Announcements:

The next Board meeting will be held on Wednesday, May 13, 2015 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 2:25 PM.

Members Present: Felix Carlone, Paul Brunetti, David Caldwell, Michael Fox,

Edgar Ladouceur, Martin Ezeama, J.L.Brillon, Ron Caniglia and Eric Wishart.

Members Absent: Tom Furey, Arthur Salisbury, William Nash,

Steve Carlino, William Geddes and Robert Cardoza.

Others Present: George Whalen (Executive Director) and staff.

Respectfully Submitted,

George W. Whalen

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