

MINUTES

323rd Meeting Contractors' Registration and Licensing Board September 14, 2016

- 1. The meeting began with the pledge of allegiance to the flag of the United States of America, led by: Tony Raposo.**

- 2. The meeting was called to order by the Chairman, Edgar Ladouceur, at 12:47 PM, after obtaining a quorum.**

- 3. Approval of the agenda and order of business was accepted on a motion by Mr. David Caldwell and seconded by Carol O'Donnell.**

- 4. The minutes of the 322nd meeting, August 10, 2016, were approved on a motion by Mr. David Caldwell and seconded by Mr. Bill Geddes.**

- 5. Review of pending issues with Code Officials from Rhode Building Officials Association: The Executive Director informed the Board of the progress of the e-permitting system and that the town of North Smithfield just**

recently went live on

the system. The new codes are still not ready and are pending review by Office of

Regulatory Review; a new date to implement is still pending, the original planned

date was July 1, 2016.

6. Court Cases: SEPTEMBER 2016 - Court Statistics

AUGUST 2016 - Funds Received Via CRB:

Contractor	Claim/File	Fines	Restitution
J. Ribeiro	7050	- \$10.00	(payment plan)
J. Ribeiro	7478	- \$10.00	(payment plan)
J. Ribeiro	7499	- \$10.00	(payment plan)
J. Ribeiro	7500	- \$10.00	(payment plan)
H. Lemos	8173	- \$250.00	(payment plan)
A. Tindle	8181	- \$500.00	(payment plan)
T. Gaskin	8186	- \$120.00	(final payment)
D. Rankin	8567	- \$333.00	(payment plan)
D. Marcotte	8574	- \$1,400.00	(payment)
D. Rankin	8612	- \$1,000.00	(payment plan)
R. Young, Sr.	8738	- \$500.00	(payment plan)
D. Rankin	8754	- \$601.00	(payment plan)
TOTALS:		\$ 0.00	\$ _4,744.00 _____

Upcoming/Recent court dates:

- **08/15/16-Donald Marcotte, Claim #8574, 61-2016-02895; pled nolo, paid \$1,400 in restitution, received one-year filing with JA to pay remaining \$1,450**
- **09/21/16- PTC- James Stanley, Claim #8436, 61-2016-09039**
- **09/28/16- Arraignments: Jose Paz, Claim #8594; Raymond Simmons, Claim #8659; Daniel Saffer, Claim #8502, Violations # 10278(1), 4527(8)**
- **10/04/16-PTC- Francis Martin, Claims #8394, 8416, 8417, 61-2016-01566**
- **10/20/16-PTC- Yazmarelis Cepeda, 61-2015-09241, appeal P3-2016-0286A**

Outstanding Warrants:

- **Otto De Jesus Mendoza Lopez, 61-2014-06804**
- **Joshua Genereux, 61-15-04113 and 61-15-04097**
- **Olksiy Dubovy, 61-2016-00172**
- **Greg Theisler, Claim #8477, 61-2016-04169**
- **Vaughn Allen, Claim #8494, 61-2016-06335**
- **Brian Campbell, Claim #8311, 61-2016-07655**

Administrative Appeals:

- **Stephen Colucci/Colucci Brothers v. CRB, PC-2014-1101;**
- **Daniel Saffer/Jefe Properties, LLC v. CRB, PC-2015-2923;**
- **Jorge Suchite v. CRB, PC-2009-3609;**
- **Ace Wood Flooring, Inc. v. R.I. CRLB, PC-2016-3493.**

7. Consideration of Motions; None

8. Consideration of Cases on Appeal and Oral Argument:

12:45 PM: Claim #8799, Massa vs. Scott Painting; Exceptions filed by the

Registrant Frank Scott regarding notice of hearing. Both parties regarding this

claim were present. The Respondent who filed the exceptions due to the notice

issue presented his case before the Board. Concerns were expressed that he had two

registrations but during the question and answer period it was noted that the

contractor had changed the business to an LLC and that is how another number was

issued to the contractor by the Board. After many questions the sub-contractor

presented his concerns and express his displeasure with the General as well as the

Board in getting the matter resolved. After more discussion and questions from the

Board members before a motion was made the Executive Director asked if the

matter could be settled with the original amount offered. The

chair asked the

parties and both parties agreed that they would be willing to settle this matter with

a check for that amount. Unfortunately, the General did not have his check book

with him however agreed to settle for the original amount of \$240.00. After further

discussion, a motion was made by Tom Furey and seconded by Paul Brunetti that if

a check was received for the amount agreed upon by end of the day on Friday that

this matter would be closed out; if fail to make payment then this matter would be

remanded for another Administrative Hearing. The motion was called by the chair

and passed unanimously.

1:00 PM: Claim #8791, Fontaine vs. S & D Construction, Sean Hareld Sr.,

Registration #29245; Exceptions filed by Complaint, Alan Fontaine regarding

failure to appear at hearing were caused by circumstances outside of his

control. The contractor, Mr. Hareld Sr., failed to attend but the Claimant was

represented by providing power of attorney, which was review

and verified by the

Boards Legal Counsel as being proper, and she presented the case for her son who

was out of town. The case was reviewed by the Board and presented by the

Claimant's mother. After answering a few questions from the members and

viewing the file a motion was made by Tom Furey and Edgar Ladouceur to Re-

Open the case and remand the matter back for a new hearing with proper

notification to the new address as well as to the holder of the power of attorney.

Motion was called by the chair and passed unanimously by the Board.

9. Consideration of Request for Expungement;

1:15 PM: R.I. Kitchen & Bath, Inc., Registration #3984, Expunge Advertising

Violations file #875 # 1 & 2. The owner of the company, Steven St. Onge, was

present and presented his case as to why he wanted the two advertising removed

from his record. After review and a short discussion a motion was made by Tom

Furey and seconded by Tony Raposo and Mathew Olson to expunge both of these items and was unanimously approved by the Board.

1:20 PM: Bathrooms by Design Inc., Registration #32132, Request to expunge

Claim #8468. The contractor after having been notified several times and for the

last few months failed to appear before the Board. A motion was made by Tom

Furey and seconded by Edgar Ladouceur to Deny this request. The motion was

called by the chair and passed unanimously.

10. Education; Review of the Providers and Courses discussed and reviewed by

the Sub-Committee; Discuss accredited institutions regarding pre-education

requirements as well as if multiple holders of registrations and licenses how

the hours will be accounted for in the computer system.

Review a submittal by

an Approved Provider for three new additional courses of three hours each.

The executive director advised the Board that the sub-committee had not met on

the new submittal of three new courses in they were just received but in that the

Provider had already by approved and the courses were all related to construction

the only review would be to verify if program was acceptable. The chairman asked

the chair of the subcommittee to view material as well as other members and upon

review a motion was made by the chair of the education sub-committee to accept

the following three courses: 1. Starting and Building Your Business-Basic Building

and Remodeling Business; 2. Introduction to Estimating; 3. Introduction to

Estimating 2, all of these courses are for three hours. A second was received by

Paul Brunetti and Carol O'Donnell and the chairman called the motion which

passed unanimously. The Board was informed by the Executive Director that the

Provider who submitted last month for pre-education classes withdrew his

application and his check and materials were returned. The Executive Director also

informed the Board that there are several types of accreditations for educational

institutes and recently approved pre-education from Amos House's carpentry program. Additionally it was brought to the Boards attention that an announcement was received regarding a class being provided for the 2015 International Building Code (yet to be adopted by the state) by HalfMoon Education, Inc. The Board reviewed the information provided and recommended that the Executive Director follow-up on letting this company know that there is a pre-approval process of providers and courses in Rhode Island. The sub-committee will look at measures to prevent this from happening in the future.

11. Report of Executive Director and Staff;

(1) Statistics Report: 09/14/2016

Registrations:

Number of Registered Contractors	11564
Number of Cards Surrendered	4972

Number of Cards Expired/Lapsed 10875
Number of Cards Invalidated 1742

Number of Cards Suspended 515

Number of Cards Revoked 128

Registration Actions

Number of New Registered Contractors 92

Number of Renewed Contractors 11472

Number of Cards Surrendered 62

Registrations Invalidated 3

Registrations Suspended 2

Registrations Revoked 0

Claims:

Administrative Appeals 2

Board Appeals 2

Address Traces 93

Court

562

Awaiting Further Action 29

Disposed 286

Final Orders 42

Hearings 23

Out of State Services 22 Proposed Orders 148

Under Investigation		110
Total Claims Filed with the Board	8438	
Number of New Claims Processed	24	
Total Disposed Claims to date		7350

Violations:

Action Against Registration	48	
Advertising	3	
Cancelled Insurance		1455
Notice of Hearing	3	
Non-Registered Contractor		
971		
TOTAL RECORDS	2505	

Number of New Violations 86

Lapsed Registrations/Never Re-Newed:

August	2015
55	
September	2015
45	
October	2015

66		
	November	2015
71		
	December	2015
54		
	January	2016
58		
	February	2016
42		
	March	2016
67		
	April	2016
109		
	May	2016
89		
	June	2016
123		
	July	2016
131		
	August	2016
154		
	September	2016
172		
	Month	# Tickets Issued
Fines		

January	0
\$.00	
February	2
\$ 500.00	
March	7
\$ 2,000.00	
April	6
\$ 2,000.00	
May	4
\$ 3,000.00	
June	4
\$ 3,500.00	
July	4
\$ 3,250.00	
August	1
\$ 250.00	
September	1
\$ 250.00	

Commercial Roofers:

Number of Registered Roofers

145

Number of New Registered Contractors 1

Number of Renewed Roofer Contractors 143

Number of Cards Surrendered 26

Number of Expired/Lapsed	87	Registrations Invalidated	1
Registrations Suspended	0		
Registrations Revoked	0		

12. Old Business:

(1.) Regulations, laws and standards were the topic of discussion. Home Inspectors rules and regulations are proceeding and hopefully only one more meeting will be necessary to complete this process so it can go to the Board, Regulatory Reform and Public Hearing. Status of the Commercial Roofers Regulations are still pending completion of the forms and Regulatory Review. Currently a 60 stay on developing new rules and regulations. Legal Counsel and the Executive Director attended a meeting regarding the new laws that were implemented in regard to the APA and new requirements established by ORR. All regulations in the state are going to be reviewed and re-codified as well as new regulations. A reduction of 10% of the regulations is required which may be able to be done with the merging of duplicated information. Currently we are working with ORR and hope to get this process going soon.

13. New Business:

Board Member: The Board request to fill the Home Inspector position vacated on the Board is still pending. Other positions are also pending for those Board members which expired in September.

Members will continue to serve until new members are appointed or members are reappointed.

Computer Program Update: We are currently testing the system and still finding some bugs that need to be worked out. We are progressing but with staff shortages it has been a very slow process. Testing is progressing but target date more than likely will be extended out until such time as all the testing and corrections have been made to the system.

Positions: The Sr. State Official Position has been filled and the Board was introduced to to Lawrence Enright Jr. our new staff member. One position is still pending.

Retention Schedule: The Board tabled this matter and the Executive Director would like to see this modification made after all the new rules and regulations have been established so it doesn't have to be modified after each change. Keep on the Agenda.

Enforcement of Final Orders: Richard Case presented concerns to the Board as to the enforcement of the violations in court for criminal prosecution. Concerns as to how this should be resolved were discussed and Board will try and address concern with legislative changes in the future. He also advised the Board that a request for i-phones to verify information from our website can be conducted in the future.

Licensing: Discussion as to moving onto licensing continues and efforts will be made to have the legislation that was submitted last year re-introduced for early enactment.

Lien on Property: Matter discussed but continued for further research or change to legislation which may be required.

NASCLA: Training for investigators (2), was conducted at the annual meeting in Minneapolis and proved to be a very valuable training session. The hearing officer is also going to training in OR.

Budget: Contractor's Registration Board Cash Flow 2016

Budgeted amount:

Beginning Balance Forward \$ 603,015.00

Receipts \$ 234,329.00

Expenditures \$ 167,994.00

Ending Balance \$ 669,350.00

Projected Registrations and Renewals

Type	FY 2016	FY 2017
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Commercial Roofer New Reg.		
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Commercial Roofer Renewals		\$ 22,000
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Contractor New Registration

Contractor Renewals

\$ 1,038,200

Fines and Fees

\$ 50,000

Total

\$1,110,200

14. Public Comment: None

15. Announcements; Next Board Meeting is scheduled for October 12, 2016 at

**12:30 PM, Conference Room "A" 2nd Floor;
One Capitol Hill, Providence, Rhode Island.**

16. Adjournment: A motion was made by Tony Raposo and seconded by Bill Geddes and Martin Ezeama to adjourn the meeting at 2:55 PM.

Members Present: Tom Furey, Michael Fox, Ron Caniglia, Tony Raposo, David Caldwell, Mathew Olson, Carol O'Donnell, Edgar Ladouceur, Martin Ezeama, William Geddes and Paul Brunetti.

**Members Absent: Kimberly Wooten (resigned),
J. L. Brillon,
Eric Wishart, Alfred DeCorte and Annette
Stockley.**

**Others Present: George Whalen (Executive
Director), Attorney Mariana
Ormonde, parties for
expungements and appeals, stenographer
and staff.**

Respectfully Submitted,

**George W. Whalen
Executive Director
Rhode Island Contractors' Registration and Licensing Board**