

324th Meeting Contractors' Registration and Licensing Board

October 12, 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 12:42 PM. The Chair also recognized, Carol O'Donnell, for being elected to serve as the first woman officer for the Rhode Island Builders Association.**

- 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 323rd meeting, September 14, 2016, were approved on a motion by Mr. Eric Wishart seconded by Mr. David Caldwell with modification made to number 9, correction of the missing words and number 16 change to attendance.**

- 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 new codes are still not ready pending review

by Office of Regulatory Reform.

6. Court Cases: OCTOBER 2016 - Court Statistics

SEPTEMBER 2016 - Funds Received Via CRB:

CONTRACTOR CLAIM/FILE RESTITUION BALANCE

| | |
|---|--------------------|
| J. Ribeiro 7050 \$10.00 (payment) | \$ 2,140.00 |
| J. Ribeiro 7478 \$10.00 (payment) | \$ 340.00 |
| J. Ribeiro 7499 \$10.00 (payment) | \$ 5,560.00 |
| J. Ribeiro 7500 \$10.00 (payment) | \$ 240.00 |
| H. Lemos 8173 \$250.00 (payment) | \$ 2,750.00 |
| A. Tindle 8181 \$200.00 (payment) | \$ 7,300.00 |
| D. Rankin 8567 \$333.00 (payment) | \$ 1,333.00 |
| D. Rankin 8612 \$1,000.00 (payment) | \$ 2,000.00 |
| D. Brady 8614 \$480.00 (paid in full) | - |
| R. Young, Sr. 8738 \$440.00 (payment) | \$ 2,810.00 |
| D. Rankin 8754 \$600.00 (payment) | \$ 2,404.00 |
| S. St. George 8776 \$200.00 (payment) | \$ 1,600.00 |
| J. Berard 8798 \$300.00 (paid in full) | |
| F.J. Scott 8799 \$240.00 (final payment) | |

T. Kaine 8839 \$500.00 (paid in full)
L. Nadales 8842 \$600.00 (payment) \$ 700.00
T. McNamara8864 \$1,000.00 (paid in full)
S. Quinn 8896 \$800.00 (paid in full)

TOTAL: \$ 6,983.00

Upcoming/Recent court dates:

• **09/19/16-PTC-Scott Butler, Claim #4472, 61-2016-08306; picked up on warrant**

issued in 2008, paid full \$1,200.00 restitution owed to claimant for dismissal of action.

• **09/28/16- Arraignments: Jose Paz, Claim #8594; Raymond Simmons, Claim #8659;**

• **10/04/16- Arraignment: Daniel Saffer, Claim #8502, Violations # 10278(1), 4527(8)**

• **10/06/16-Arraignment: Francis Martin, W2-2016-0318A, seven felony counts**

brought by RISP stemming from contracting activities, including

forgery/counterfeiting and OMUFP

• **10/19/16- PTC- James Stanley, Claim #8436, 61-2016-09039**

• **10/20/16-PTC- Yazmarelis Cepeda, 61-2015-09241, appeal P3-2016-0286A**

- **10/24/16-Trial- Francis Martin, Claims #8394, 8416, 8417, 61-2016-01566**

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.

***** Please note that the digital recorder was not operating properly prior to this point. *****

7. Consideration of Motions: Motion by Daniel Saffer to request the board to review registration status for possible conditional reinstatement. Mr. Saffer was represented by legal counsel, Kevin Salvaggio, and presented his concerns. Contractor was in attendance and his counsel presented reasons why the contractor wanted to reinstate his registration and if not reinstated may have to file in Bankruptcy Court. Presented his past practices and problems and was petitioning for conditional reinstatement of registration. Many

questions were asked by the members and answered by legal counsel. Concerns by members of responsibility and disregard to decisions issued by the Board in the past were raised. After further discussion and suggestions from the members, it was decided to continue this matter until next month to provide time for counsel to establish a plan as to all outstanding claims, violations as well as consideration of listing all properties and investors as to a possible conditional re-instatement. This plan would have to include outstanding liens, vacant property etc. as well as establish a time table to resolve all the issues. The Executive Director would be available to review plan prior to presenting to the Board. This was put in the form of a motion by Ron Caniglia and seconded by Paul Brunetti and unanimously passed. Matter will be put on the agenda for next month.

8. Consideration of Cases on Appeal and Oral Argument:

12:45 PM: Claim# 8498, Joshua and Hilary Vale vs. Bryant Construction, Inc. Registration #1339, exceptions filed by the Respondent. Mr. Ladouceur, the chairman recused himself and left the room regarding this matter and the vice-chair, Tom Furey took over as chair. Both parties were present or represented. Attorney John Longo represented the contractor who filed the exceptions and presented the case to the Board. The Board listened to the testimony by both sides and concerns over the safety of the children. A motion was made by Paul Brunetti and seconded by Carol O'Donnell to

uphold the decision rendered by the hearing officer as to fine amount, but to allow the contractor to be put on a payment plan starting November 1, 2016 of \$1,000.00 a month for 17 months on the condition of not missing any payments. Motion was called by the chair and passed unanimously.

9. Consideration of Request for Expungement;

1:00 PM: David LaPrey, Registration #10312, American Woodwrights; expungement of claims #2560, 5936 & 6186. The contractor failed to show after notice and opportunity and a motion was made by Tom Furey and seconded by Eric Wishart and Edgar Ladouceur to deny request. Motion was called by the chair and unanimously passed.

2. 1:10 PM: Jose Dasilva, RI Property Mgt., Registration #22856; expungement of claim #5303 and violation # 6669 #1,2 &3. Mr.Dasilva presented his case before the Board. In reviewing the claim Dave Caldwell made a motion to expunge the record, seconded by Tom Furey. After more discussion concerns were express regarding the insurance violations listed and a motion was made by Tom Furey and seconded by Ron Caniglia to continue this matter until next month. Motion carried unanimously and matter will be put on next month's agenda.

3. 1:15 PM: Daniel Pilkington, EPCO Roofing, Siding and Windows Inc., expungement of claim #2386 and violation # 1619.

The contractor, having been provided notice and opportunity to attend, failed to show. A motion was made by Tom Furey and seconded by Dave Caldwell and Ron Caniglia to deny this request. Motion was called by the chair and passed unanimously.

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

the Sub-Committee; None

11. Report of Executive Director and Staff;

(1) Statistics Report: 10/12/2016

Registrations:

Number of Registered Contractors 11775

Number of Cards Surrendered 4980

Number of Cards Expired/Lapsed 10748 Number of Cards Invalidated 1754

Number of Cards Suspended 518

Number of Cards Revoked 128

Registration Actions

Number of New Registered Contractors 84

Number of Renewed Contractors 11691

Number of Cards Surrendered 19

Registrations Invalidated 0

Registrations Suspended 7

Registrations Revoked 1

Claims:

Administrative Appeals 2

Board Appeals 1

Address Traces 95

Court

560

Awaiting Further Action 29

Disposed 295

Final Orders 54

Hearings 21

Out of State Services 11 Proposed Orders 148

Under Investigation 107

Total Claims Filed with the Board 8438

Number of New Claims Processed 24

Total Disposed Claims to date 8460

Violations:

Action Against Registration 48

Advertising 3

Cancelled Insurance

1421

Notice of Hearing 3

Non-Registered Contractor

975

Non-Registered Sub-Contractors

27

TOTAL RECORDS

2477

Number of New Violations 55

Lapsed Registrations/Never Re-Newed:

October 2015

61

November 2015

70

December 2015

53

January 2016

57

February 2016

42

March 2016

66

| | |
|------------------|-------------|
| April | 2016 |
| 17 | |
| May | 2016 |
| 85 | |
| June | 2016 |
| 116 | |
| July | 2016 |
| 124 | |
| August | 2016 |
| 120 | |
| September | 2016 |
| 1126 | |

| 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 | |
| October | |

Commercial Roofers:

Number of Registered Roofers

145

Number of New Registered Contractors 1

Number of Renewed Roofer Contractors 144

Number of Cards Surrendered 26

Number of Expired/Lapsed 88 **Registrations Invalidated** 1

Registrations Suspended 0

Registrations Revoked 0

12. Old Business:

(1.) Regulations, laws and standards were the topic of discussion. Working on reduction of regulations and re-codification.

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. 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: 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.

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 of joint study commission. Putting lien on property will be part of discussion.

Budget: Contractor's Registration Board Cash Flow 2016

Budgeted amount:

Beginning Balance Forward \$ 603,015.00

Receipts \$ 388,265.00

Expenditures \$ 262,972.00

Ending Balance \$ 728,308.00

Projected Registrations and Renewals

| Type | FY 2016 | FY 2017 |
|------------------------------------|----------------|---------------------|
| Commercial Roofer New Reg. | | |
| Commercial Roofer Renewals | | \$ 22,000 |
| Contractor New Registration | | |
| Contractor Renewals | | \$ 1,038,200 |
| Fines and Fees | | \$ 50,000 |
| Total | | \$1,110,200 |

14. Public Comment: Mr. William Kazounis presented to the Board as well as the public attending, issues regarding the new filtration licensing requirements. The members listened intently and explained the process regarding establishing a sub-committee which Mr. Kazounis would like to be a member. Board will take his comments

into consideration as well as being part of the committee..

**15. Announcements; Next Board Meeting is scheduled for
November 09, 2016 at
12:30 PM, Conference Room "A" 2nd Floor;
One Capitol Hill, Providence, Rhode Island.**

**16. Adjournment: A motion was made by Carol O'Donnell and
seconded by Bill Geddes and Paul Brunetti to adjourn the meeting at
3:20 PM.**

**Members Present: Tom Furey, Michael Fox, Ron
Caniglia, Carol Ann
Nelson, Tony Raposo, David
Caldwell, Carol O'Donnell,
Annette Stockley, Eric Wishart,
Edgar Ladouceur, Martin
Ezeama, William Geddes and
Paul Brunetti.**

**Members Absent: Kimberly Wooten (resigned),
J. L. Brillon,
Alfred DeCorte and Mathew Olson.**

Others Present: George Whalen (Executive

Director), Attorney Mariana

motions, expungements and appeals,

Ormonde, parties for

stenographer and staff.

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board