

MINUTES

**247th Meeting Contractors' Registration and Licensing Board May
12, 2010**

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:43 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Arthur Salisbury and seconded by Mr. Steven Gianlorenzo.

(C) The minutes of the 246th meeting was approved on a motion by Mr. Arthur Salisbury and seconded by Mr. Steven Gianlorenzo.

(D) Court Case Update: The court cases were continued until next month.

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

1.) 12:40 PM, Claim #7152, Zarella vs. Bachman, Bachman Design Build LLC., registration #20054, exceptions filed by the Respondent. Prior to hearing the matter one of the Board members, Mr. Tom Furey, recused himself from hearing this case in that his construction firm had performed repair work on this property. Paper work reflecting his recusal was filed and will be forwarded to the Ethics Commission.

Both parties were in attendance and the Respondent who filed the exceptions presented his case. His presentation included copies of the pictures which were submitted at the hearing as full exhibits and never refuted at the time, which depicted work of another unit, not the one in question. The pictures were reviewed by the Board as well as other evidence presented by the parties. Concerns were expressed by the Board members that the work was performed by a third party prior to the contractor having the ability to correct the deficiencies. Testimony was provided that efforts were made to have the contractor return and fix the deficiencies; however there was nothing in the file to substantiate this testimony. After much discussion and many questions a motion was made Felix Carlone and seconded by Richard Welch to reduce the hearing officer's award to \$3,000.00 and fine the contractor the same amount. After further discussion the motion was withdrawn and a new motion was made by J.L. Brillon and seconded by Ron Caniglia to reduce the payment to the condo association to \$1,500.00 and fine the contractor \$3,000.00 for the hiring of a non-registered contractor. After further discussion the motion carried with Richard Welch voting in opposition. Therefore the following order was issued: The Board, on May 12, 2010 reviewed the exceptions filed by the RESPONDENT, Ron Bachman, Bachman Design Build LLC., registration #20054, and listened to both parties testimony in regard to this claim. Upon reviewing the file, asking questions of the parties, and reviewing all the information provided the Board elected to modify the decision rendered by the hearing officer and issued the following order. Therefore based on the

testimony & evidence presented at the administrative hearing the RESPONDENT is ORDERED to pay the CLAIMANT, Garden Village Condo, Arthur Zarrella, the amount of \$1,500.00. The monetary award was determined by the members of the Board. Payment is due within 30 days of the issuance date of this ORDER. Additionally, fines in the amount of \$3,000.00 are assessed against the RESPONDENT for violating Rhode Island General Law's 5-65-3 (j): Hiring non-registered sub-contractor & 5-65-10 (a) (12): Improper work. Failure to comply will result in SUSPENSION of registration #20054.

2.) 1:00 PM, Claim #7114, Bernstrom vs. John Fink III, registration #13339, exceptions filed by the Respondent. The matter was heard by the Board with all the parties present; the Respondent reported to the Board that Mr. Edgar Ladouceur who volunteered his services at the last meeting view the property with Mr. Lanni, the Boards investigator. All parties were in agreement with the results of the view and work was proceeding as directed. The Board in light of the fact that the parties were working together on this resolution, continued this case for another month so that work could be completed before the next meeting. Matter was continued until next months meeting June 9, 2010.

3.) 1:20 PM, Claim #7108, Holmes vs. Corsi Jr., Quality Swimming Pool & Spas, Inc., The Board continued this matter to be heard today; however, the contractor is working with his insurance company and the executive director for the Board on a possible settlement with the

parties, who asked for a continuance until next month if necessary.

4.) 1:40 PM, Claim # 7208, Northup vs. Pelletier, R.E.P. Construction Co., exceptions filed by the Respondent. Both parties were present and the Respondent was represented by legal counsel who presented the case. Concerns were expressed that the Respondent who had been communicating with the Board, had never received notice of the hearing. Evidence in file reflected a returned notice sent to the Respondent that had the proper address but the zip code was not correct and reflected “no such address”. The board reviewed the file and a motion was made by Tom Furey and seconded by Steven Gianlorenzo to remand the matter back for a new hearing because of the lack of proper notice. Motion passes with J.L. Brillon voting in opposition.

EXPUNGEMENTS:

1.) 1:40 PM, Armino Mourato, Mourato Remodeling Inc., registration #4307 Claims' #1741 & #3889. Mr. Mourato presented his case and asked that the Board expunge these two claims. The motion was moved by the chair and seconded by Art Salisbury to expunge the record, and motion passed unanimously.

2.) 1:50 PM, Claudio Carreiro, registration #22062, claims'#4247 & #4799. Mr. Carreiro, failed to show so the Board passed on this

matter.

3.) 2:00 PM, Paul Okolowicz III, Okolowicz Construction, registration #30367, violation #5706, Insurance; Mr. Okolowicz failed to show so the Board passed on this matter.

4.) 2:10 PM, Kevin Sweet, KESCO, registration #2648, Board to review information

regarding the following claims: #3437, #3830, & #4257. The Board reviewed the information provided regarding these claims which were continued from last month. In regard to claim #3437 no further information was available so no further action could be taken on the claim at this time; however a motion was made by JL Brillon and seconded by Steve Gianlorenzo to expunge claims #3830 & #4257.

5.) 2:15 PM, David Sande, registration #20394, claim #5640. Mr. Sande after notice and opportunity failed to show so the Board passed on the motion.

6.) 2:20 PM, Brandy Trautman, B. Trautman Masonry, registration #7933, file #7320, Insurance. Mr. Trautman presented his concerns regarding his violation before the Board and on a motion from Felix Carlone and second by Dave Caldwell to expunge, the Board unanimously elected to expunge the record.

(F) Report of the Executive Director and Staff:

(1) Statistics Report: 05/12//2010

Registrations:

Number of Registered Contractors 11691
Number of Cards Surrendered 5128 Number of Cards
Expired/Lapsed 15154 Number of Cards Invalidated 1007
Number of Cards Suspended 461
Number of Cards Revoked 83

Registration Actions

04/14/2010-05/12/2010

Number of New Registered Contractors 100
Number of Renewed Contractors 11591
Number of Cards Surrendered 849
Registrations Invalidated 7 Registrations Suspended 7
Registrations Revoked 9

Claims:

Administrative Appeals 7
Board Appeals 5
Address Trace 124
Awaiting Further Action 51

Court

Disposed		5876
Final Orders	51	
Hearings	36	
Out of State Services	24	Proposed Orders 78
Under Investigation		134
Total Claims Filed with the Board		6930

Number of New Claims 39
04/14/2010-05/12/2010

Violations:

Action Against Registration	19
Advertising	6
Non-Registered Subcontractors	12
Cancelled Insurance	1218
Notice of Hearing	4
Non-Registered Contractors	776

TOTAL RECORDS 2035

Number of New Violations 12 04/14/2010-05/12/2010

Lapsed Registrations/Never Re-Newed:

April 2009 107

May	2009	105
June	2009	
92		
July	2009	
81		
August	2009	
77		
September	2009	
116		
October	2009	
117		
November	2009	
114		
December	2009	
107		
January	2010	
108		
February	2010	
141		
March	2010	
183		
April	2010	
255		

Month **# Tickets Issued**
Fines

April	8
\$6,250.00	
May	8
\$4,700.00	
June	16
\$5,300.00	
July	6
\$3,250.00	
August	3
\$ 800.00	
September	3
\$1,600.00	
October	3
\$1,650.00	
November	2
\$6,000.00	
December	1
\$ 500.00	
January	0
\$	
February	3
\$1,750.00	
March	3
\$1,000.00	
April	1

\$ 250.00

Commercial Roofers: 05/12/2010

Number registered	130
Number surrendered	15
Number invalidated	47
Number suspended	0
Number revoked	0
Pending approval	0

Registration Actions; 04/14/2010-05-12-2010

Number of New Registered Contractors	1
Number of Renewed Roofer Contractors	129
Number of Cards Surrendered	0
Number of Expired/Lapsed	0
Registrations Invalidated	0
Registrations Suspended	0
Registrations Revoked	0

(G) Old Business:

(1.) Review of regulations, laws and standards, established by

sub-committee,

report of committees and progress. No further meetings have been held and currently the executive director is working on information so the committee can save time in the sub-committee meetings and the rules and regulations can be reviewed quicker.

(H) New Business:

(1.) Study Commission; No new meetings have been held so far this year and

the committee is scheduled to be sunseted in late June 2010 unless extended

legislatively.

(2.) Legislation; S-2350 was heard in committee and hopefully will be heard

by the full Senate soon and sent to the House.

(3.) Computer Software Program Update on Progress (DBR); several meetings

have transpired and recently CAVU sent representative to meet at DBR to

discuss this program and the time table. This matter is pending transfer of

information to the participants.

(4.) Retention Schedule; still needs to be addressed by the sub-committee.

(5.) Lead paint and water discussion; new regulations went into

effect in April

2010.

(6.) Home Show; for two years in a row now the Board has not participated

in this educational event.

(7.) Position; still waiting to hear from personnel regarding candidates that

have the qualifications to be interviewed.

(8.) Sample contracts & forms; this matter was discussed in brief, concerns as

to the Boards liability. This may require further research from staff and the

Boards attorney.

(9.) Appointments; currently no new appointments have been made and all

appointments except one will be up in September 2010.

(10.) NASCLA midyear meeting; was held in CA with a joint meeting of the

CA Board and the NV Board. It was a great experience. The Board suggested

that each member be provided with a laptop computer to be able to review the

laws and the cases each month. This would pay for itself over time in the

mailings of all the information and cost to compile all the paperwork each

month. Executive committee coming to Rhode Island later this month.

(11.) Code Books should be available soon through NASCLA. New codes go

into effect July 1, 2010.

(12.) Discussion was conducted on the notices the Board sends to the parties via

the U.S. mail. Sending all the notices on violations and claims would be a

costly process and would require additional staff in tracking these notices.

Ideally this would provide notice however many times certified mail isn't

returned back to the Board until after the hearing is held. Measures have been

made to assure notice was sent to proper address or address of record however

the problem still seems to be re-occurring. When the Board had other staff, a

courtesy call was made prior to the hearing to both parties to assure they were

aware of the hearing, and messages were left on telephone numbers provided.

This was so noted in the file to show a second effort was made to contact

parties involved. A motion was made by Felix Carlone and

second by Dave

Caldwell to re-institute this policy. Motion carried unanimously and the

executive director will have staff call prior to the hearing.

(13.) Credit Report; legal counsel advised the Board of the research she had

conducted in this regard and Board asked that she continue to follow-up on this

matter.

(I) Public Comment: None.

(J) Announcements: The next Board meeting is scheduled for Wednesday

June 09, 2010 at 12:30 PM Conference

Room "A", 2nd Floor,

One Capitol Hill;

(K) Adjournment: A motion was made by Steven Gianlorenzo and seconded by Arthur Salisbury to adjourn at 3:15 PM.

Members Present: D. Caldwell, A. Salisbury, F. Carlone, T. Furey, R. Caniglia

JL Brillon, S. Gianlorenzo, W. Nash & R. Welch.

Members Absent: B. Calcagni and E. Anderson, both who have resigned

from the Board and positions are pending new appointments; E.Ladouceur, P. Brunetti, S. Carlino and R. Cardoza.

Others Present: George Whalen (Executive Director), Christy Hetherington (Attorney Generals Office, legal counsel), stenographer, staff and parties for appeals and motions.

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board