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14 **PRESENT:**

WILLIAM LEPORE, CHAIRMAN

15 **FRANK BENELL**

KEITH BURLINGAME

16 **STANLEY DAVIES**

ALLEN DURAND

17 **RONALD RACINE**

GLENN DUSABLON, INVESTIGATOR

18 **VAL LOMBARDI, ESQUIRE**

19

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22

23 **RHODE ISLAND COURT REPORTING**

25 SEA VIEW AVENUE

24 **EAST PROVIDENCE, RI 02915**

(401) 437-3366

1 (COMMENCED AT 9:35 A.M.)

2 THE CHAIRMAN: Call the meeting to

3 order. Everyone review the minutes of the

4 previous meeting?

5 MR. DAVIES: I'll make a motion

6 that we accept the minutes.

7 MR. BENELL: Second it.

8 THE CHAIRMAN: Motion made and

9 seconded; all in favor? Now, we have a hearing

10 for Christopher Cornell; is he here? No response

11 on Cornell.

12 **MR. DUSABLON: Chris Cornell was**
13 **in here and did request a hearing on 8/1/06, but**
14 **it was too late for him to make the August hearing**
15 **by the time we received it, he faxed it to us the**
16 **day before the August hearing. So he was put on**
17 **for the hearing for today.**

18 **He did come into the office, I confirmed**
19 **with him verbally that this hearing was for today.**
20 **However, I don't have any return receipt cards**
21 **that he has received certified mail from us to be**
22 **at the hearing today.**

23 **THE CHAIRMAN: This is an appeal**
24 **as opposed to any other subject?**

1 **MR. DUSABLON: This is 2815. We**
2 **did receive two certified slips back of notice for**
3 **hearing today for Mr. Wildgoose, who is here, and**
4 **the other one was for Ryan Dewey, who is on for**
5 **today. Both of them were employed by Cornell on**
6 **the job site. So we can proceed with violation**
7 **2816 and 2817.**

8 **THE CHAIRMAN: Mr. John Wildgoose,**
9 **will you take that seat at the end, please.**

10 **JOHN WILDGOOSE, ROBERT GAJ**

11 **(SWORN)**

12 **THE CHAIRMAN: We'll attempt to**
13 **keep our voices up for Mr. Wildgoose's benefit, he**
14 **has a hearing problem. Mr. Dusablon, will you**
15 **advise the board of the violation?**

16 **MR. DUSABLON: Violation 2816,**
17 **Mr. John Wildgoose. Violation occurred at the**
18 **location of Joann's Fabrics on Route 2 in Warwick.**

19 **On July 6, 2006, Rhode Island DLT**
20 **Investigator Robert Gaj did find John Wildgoose,**
21 **an employee of Mr. Christopher Cornell of Cornell**
22 **Electric performing electrical work in Warwick,**
23 **Rhode Island without a valid Rhode Island**
24 **Electrical License.**

1 **This is a violation of Rhode Island**
2 **General Law 5-6-2, work for which a license is**
3 **required. It further requests the following**
4 **penalty was to be imposed upon the violator of**
5 **\$500.**

6 **THE CHAIRMAN: Mr. Wildgoose, is**
7 **there a different seat in the room that would make**
8 **it easier for you?**

9 **MR. WILDGOOSE: He sounds pretty**
10 **good.**

11 **THE CHAIRMAN: Mr. Gaj, were you**

12 the field investigator?

13 MR. GAJ: Yes, I was.

14 THE CHAIRMAN: Can you describe

15 for the board what you came across?

16 MR. GAJ: As described in the

17 violation form, I came across three individuals in

18 the back left-hand corner of the Joann's Fabric

19 store. They're all on lifts working at the

20 ceiling level installing current carrying

21 conductors and terminating those conductors. All

22 those conductors were in electrical conduit.

23 Mr. Wildgoose was one of those

24 individuals. He immediately came down from the

1 lift, did not present a valid Rhode Island
2 license. He was very, very cooperative, not a
3 problem with Mr. Wildgoose at all.

4 THE CHAIRMAN: Board members have
5 any questions for Mr. Gaj?

6 MR. WILDGOOSE: I think I did the
7 right thing by taking the test and I don't have
8 the \$500 right now. I figured Chris was going to
9 pay it, but I guess I'm stuck dealing with it.

10 And I feel I did the right thing by trying to get
11 everything rectified and getting that Rhode Island

12 license.

13 THE CHAIRMAN: Any questions from

14 the board?

15 MR. DURAND: Two. You have a

16 license right now?

17 MR. WILDGOOSE: I have a

18 Massachusetts license.

19 MR. DURAND: Not a Rhode Island

20 license?

21 MR. WILDGOOSE: No. I took the

22 test -- the last test that was just held. I don't

23 remember the date.

24 MR. DURAND: Do we know if he

1 passed the examination or not?

2 MR. WILDGOOSE: I was told I

3 wouldn't get the results until I paid the fine.

4 MR. DUSABLON: Mr. Wildgoose did

5 pass the exam. It's being held pending the

6 hearing.

7 THE CHAIRMAN: Your license is

8 withheld until this hearing is completed.

9 MR. DUSABLON: You passed the

10 test, but the license is being held until this

11 hearing is over.

12 MR. WILDGOOSE: Okay. Okay.

13 THE CHAIRMAN: Any other questions

14 by the board? Do you want to address the board,

15 Mr. Wildgoose?

16 MR. WILDGOOSE: No. I felt Bob

17 was very good the way he went about dealing with

18 us.

19 THE CHAIRMAN: Any discussion?

20 MR. RACINE: Where are you working

21 now?

22 MR. WILDGOOSE: I work for myself

23 in Massachusetts.

24 MR. RACINE: In Massachusetts.

1 **MR. DURAND: I mean, in light of**
2 **what's happened with the testing and passing of**
3 **the test, and I know he did violate the law -- in**
4 **light of the fact that you've taken the**
5 **examination and you passed it, even though you had**
6 **a violation, I'm having a tough time giving you**
7 **the green light, so to speak, because of the fact**
8 **that I don't know you were forced to take the**
9 **examination, you took it on your own, why didn't**
10 **you take it prior to the fact that you came to**
11 **Rhode Island to do electrical work? I'm just**

12 trying to sort that part out. Have you worked in

13 Rhode Island in the past?

14 MR. WILDGOOSE: No. What it was

15 was I slowed down with no work and Chris had an a

16 ad in the paper. And I called him and he wanted

17 to use me. And I knew he was going to Rhode

18 Island and I was going to end up taking the test

19 anyway. I don't want nothing against my name in

20 the electrical trade on my license in

21 Massachusetts or any other state. I was only

22 there not even a week.

23 MR. DURAND: I make a motion to

24 recommend to the director to suspend the fine,

1 then issue Mr. Wildgoose his license to practice
2 electricity in the state of Rhode Island.

3 MR. BENELL: I'll second that
4 motion.

5 THE CHAIRMAN: Motion made and
6 seconded; all in favor? The board is going to
7 recommend to the Director of Labor that your fine
8 be eliminated and your license be issued.

9 MR. WILDGOOSE: What?

10 MR. DUSABLON: The fine is
11 suspended and the license will be issued to you.

12 **MR. WILDGOOSE: Okay. I really**
13 **appreciate it. I felt I did everything to make it**
14 **right and I really don't want anything on my**
15 **license or my trade name. I took the test a few**
16 **years back, quite a while ago, and I didn't pass.**

17 **MR. DUSABLON: Thank you.**

18 **MR. WILDGOOSE: Thank you.**

19 **MR. DUSABLON: Donovan was done**
20 **last month. That violation was upheld by the**
21 **director. Next one is --**

22 **MR. DURAND: What number?**

23 **THE CHAIRMAN: Donovan was**
24 **Violation 2818.**

1 **MR. DUSABLON: 2818 was done last**
2 **month. I don't know why it was redone.**

3 **THE CHAIRMAN: Ryan Dewey; is he**
4 **here?**

5 **MR. DUSABLON: He did receive**
6 **certified mail. He did accept it, Mr. Dewey.**

7 **THE CHAIRMAN: Kevin Andrade; is**
8 **he here? They both received notices?**

9 **MR. DUSABLON: Andrade, I haven't**
10 **received anything back that he received certified**
11 **mail, so I really can't say one way or the other.**

12 **THE CHAIRMAN:** We only know for a
13 fact that Dewey did?

14 **MR. DUSABLON:** Dewey did. We have
15 the card here. Noticed and requested, he was
16 noticed to be here.

17 **THE CHAIRMAN:** So we can drop him
18 from the agenda? Kevin Andrade, we'll wait to
19 see?

20 **MR. DUSABLON:** Yes.

21 **MR. D'AMBRUOSO:** Mr. Chairman,
22 they don't always sign the notice, they just
23 ignore it. That company was notified verbally,
24 plus by mail.

1 **MR. DUSABLON:** This gentleman
2 received certified mail. He was supposed to be
3 here. We should move forward.

4 **MR. D'AMBRUOSO:** Is there three
5 more with that?

6 **MR. DUSABLON:** Andrade, I don't
7 know that Andrade received his certified mail. I
8 have no card.

9 **MR. RACINE:** Andrade is a separate
10 issue. That's a different company.

11 **MR. DUSABLON:** That's correct.

12 Right now the only one I can confirm is Dewey,
13 which is here.

14 THE CHAIRMAN: We have the return
15 on him so we can drop him from the agenda because
16 he didn't show up.

17 MR. DUSABLON: We have to go
18 forward with it, we don't drop him from the
19 agenda.

20 THE CHAIRMAN: What's to go
21 forward with, it's his appeal? We don't have any
22 action.

23 MR. LOMBARDI: Mr. Chairman, you
24 have to put on the record that he did request an

1 appeal, he failed to appear, and that the
2 action -- and that the fine should be upheld based
3 on the complaint. That has to go on the record.

4 THE CHAIRMAN: Okay.

5 MR. DUSABLON: Violation 2817,

6 Mr. Ryan P. Dewey. Location of violation:

7 Joann's Fabric, Route 2, Warwick, Rhode Island.

8 On July 6, 2006, Rhode Island DLT

9 Investigator Robert Gaj did find Ryan P. Dewey, an

10 employee of Christopher Cornell, Cornell Electric

11 performing electrical work in Rhode Island without

12 a Rhode Island Electrical License.

13 This is a violation of Rhode Island

14 General Law 5-6-2, work for which a license is

15 required. The fine imposed was a \$500 fine.

16 Mr. Dewey did request a hearing. Mr. Dewey did

17 receive certified mail. He did accept that

18 certified mail. However, Mr. Dewey is not here.

19 THE CHAIRMAN: The board

20 recommends that Mr. Dewey's fine be upheld based

21 on his violation and his failure to appear to

22 appeal.

23 MR. DURAND: I'll make that

24 motion.

1 **MR. DAVIES: I'll second it.**

2 **THE CHAIRMAN: All in favor?**

3 **MR. DUSABLON: In regards to**

4 **Christopher Cornell, I have no return receipt for**

5 **certified mail. Mr. Cornell has requested a**

6 **review. I don't have a copy of his having**

7 **received his certified mail to be here. He was**

8 **told verbally.**

9 **He was in here just to register some**

10 **apprentices and was told at that time today was**

11 **the date to be here. I was told that a letter was**

12 sent out to him again to be here, but I have no
13 card or certified mail receipt. I would assume
14 regular mail was sent, no mail has been returned.

15 MR. BURLINGAME: I would think he
16 has notice of it. He sent a fax in requesting it.
17 He sent a fax in, so he has to know about it.

18 MR. D'AMBRUOSO: That was sent out
19 registered mail and regular mail.

20 THE CHAIRMAN: You're referring to
21 the notice to Mr. Cornell?

22 MR. D'AMBRUOSO: Yes, it was. And
23 also the other people that were involved in that
24 same case, they all received two letters, which

1 none have been returned at this point in time.

2 THE CHAIRMAN: Based on Mr.

3 D'Ambruoso's testimony and Mr. Cornell's fax

4 communication, the board will recommend a motion

5 that his fines be upheld.

6 MR. DURAND: Mr. Chairman, before

7 we make that motion, I have a question. I did not

8 attend last month's meeting, so I'm a little

9 confused. On 8/1, he sent a fax; did he get

10 notified by certified mail the first time around?

11 MR. DUSABLON: It was too late.

12 His letter dated is 8/1. We didn't receive it
13 until after that date. We didn't have the 15 days
14 to do notice. By the time we received it from
15 him, we didn't have enough time, the hearing was
16 already set, our agenda was already set. We had
17 to put him into September.

18 MR. DURAND: So the fax he sent to
19 this office on 8/7, I have a copy of that attached
20 to the violation, he was too late for the August
21 meeting, so he would have to appear today?

22 MR. DUSABLON: Yes, correct.

23 MR. DURAND: That is the basis of
24 his text message in there, that he would be able

1 to appear today?

2 MR. DUSABLON: Yes.

3 MR. DURAND: You said you mailed

4 out regular and certified mail for today's date?

5 MR. D'AMBRUOSO: Yes.

6 MR. DURAND: My next question is

7 how many violations has he had in the last three

8 years?

9 MR. DUSABLON: Maybe I should read

10 this for the record, first. Violation 2815,

11 Mr. Christopher Cornell, doing business as Cornell

12 **Electric. Location of violation: Joann's Fabric,**
13 **Route 2, Warwick, Rhode Island.**

14 **On July 6, 2006, Rhode Island DLT**

15 **Investigator Robert Gaj did find three employees,**

16 **John Wildgoose, 10 Whipple Street, North**

17 **Attleboro, Mass.; a Mr. Ryan P. Dewey, 1**

18 **Birchbrook Lane, Norton, Mass.; and a Mr. John J.**

19 **Donovan, 28 Holly Street, South Attleboro, Mass.**

20 **of Mr. Christopher Cornell of Cornell Electric**

21 **performing electrical work in Warwick, Rhode**

22 **Island without a valid Rhode Island Electrical**

23 **License.**

24 **This is a violation of 5-6-2, work for**

1 which a license is required, three violations.

2 This is Mr. Cornell's second offense. He's

3 appeared before the board for violations before,

4 so the fines were addressed at \$950 a piece, which

5 would total to \$2,850.

6 THE CHAIRMAN: His previous

7 offense was multiple violations?

8 MR. DUSABLON: Yes, it was.

9 MR. RACINE: Make a motion?

10 THE CHAIRMAN: Yes.

11 MR. RACINE: I make a motion that

12 based on the information we have and the fact that
13 it's a second offense that Mr. Christopher Cornell
14 be declared guilty of the charges and \$2,850 is
15 the right amount to be fined.

16 THE CHAIRMAN: That's your
17 recommendation to the director?

18 MR. RACINE: Yes.

19 THE CHAIRMAN: We have a motion;
20 do we have a second?

21 MR. BURLINGAME: Second.

22 THE CHAIRMAN: All in favor?

23 MR. DURAND: I have a question.

24 At what point does suspension come into play in a

1 situation like this if he refuses to pay his fine?

2 MR. D'AMBRUOSO: Want me to answer

3 that?

4 THE CHAIRMAN: Yes.

5 MR. D'AMBRUOSO: First of all, if

6 he doesn't pay his fine, he can't renew his

7 license. That's number one. Number two, it goes

8 into collections if he doesn't pay his fine.

9 I believe, I'd have to check into this,

10 I'm not sure on this, but you can go for

11 revocation of license if it's more than four

12 violations. I'm not sure on that number. I'm not
13 sure on the four, that would have to be looked up.

14 MR. LOMBARDI: Just reviewing the
15 law, there's no set number. It's what the
16 department believes that he's -- that the company
17 has demonstrated or the individual has
18 demonstrated conduct which would warrant that his
19 license be suspended or actually taken away.

20 That would be up to the department to
21 bring that before the board, or if the board could
22 recommend the department look into that, but other
23 than that, as far as the collection of the fine,
24 Mr. D'Ambruoso is correct.

1 **MR. DURAND: Okay.**

2 **THE CHAIRMAN: Do you have the**

3 **total number of violations that he has on his**

4 **record, not occasions, but violations?**

5 **MR. DUSABLON: Three last time and**

6 **three this time.**

7 **THE CHAIRMAN: A total of six so**

8 **far.**

9 **MR. DUSABLON: Not occurrences,**

10 **just violations. Two separate jobs. He had three**

11 **unlicensed people on both jobs. Last time he came**

12 in for an appeal with the board, he was rowdy with
13 the board, he left, and then he didn't pay the
14 fine and it had to go to collections.

15 MR. DURAND: How long ago was
16 that?

17 MR. DUSABLON: About a year.

18 MR. DURAND: Did we ever recover?

19 MR. DUSABLON: Yes. We collected
20 through collections.

21 MR. D'AMBRUOSO: Mr. Chairman,
22 there is also past violations before Glenn became
23 chief of the division with Herb Jocelyn. I don't
24 know exactly how many. I know there was at least

1 one. I believe his father was involved with that
2 also.

3 THE CHAIRMAN: Do you have a
4 record of that?

5 MR. DUSABLON: I don't, no.

6 MR. D'AMBRUOSO: We would have it
7 in the system.

8 THE CHAIRMAN: Can we put that on
9 the agenda for the next meeting, to get the total
10 into the record into the board's minutes to
11 discuss it?

12 **MR. D'AMBRUOSO: We can, but I**
13 **would recommend to see what the director does with**
14 **the violations today. I don't see any problem.**
15 **It's my recommendation to see what goes through**
16 **with the director. Then you would have a number**
17 **of violations. You would have two within a**
18 **one-year period.**

19 **THE CHAIRMAN: Okay.**

20 **MR. DURAND: Mr. Chairman, would a**
21 **motion be in order if I made a motion to suspend**
22 **his license for six months today, would that be in**
23 **order, or should we wait for this process of the**
24 **fine being paid and the collection process to make**

1 its way through the system?

2 THE CHAIRMAN: When we get the
3 total number of violations into our agenda so we
4 have a subject to discuss, we'd probably have a
5 stronger case to discuss.

6 MR. LOMBARDI: Mr. Chairman, just
7 to clarify for the board, if there is a decision
8 to request a suspension of a person's or a
9 company's license, that person or company has to
10 receive notice that there is a separate hearing to
11 that effect. You can't suspend without giving

12 notice that there is going to be a hearing, and
13 suspension should come after the hearing.

14 THE CHAIRMAN: We can proceed to
15 put the subject in our agenda to determine the
16 background?

17 MR. LOMBARDI: There's nothing
18 wrong with that. You can't assess any suspension
19 against him until he's given a hearing.

20 MR. DURAND: I move that we notify
21 Christopher Cornell to appear in front of the
22 board at next month's board meeting.

23 THE CHAIRMAN: Motion to ask
24 Christopher Cornell to appear before next month's

1 board meeting.

2 MR. DAVIES: I'll second it.

3 MR. LOMBARDI: For what reason?

4 MR. DURAND: Well, without putting

5 the cart before the horse, for possible revocation

6 of his contractor's license.

7 MR. RACINE: Shouldn't you wait

8 for this process to be concluded? It seems to me

9 that we just fined him.

10 THE CHAIRMAN: We can get all of

11 the information into our agenda to review what

12 he's done.

13 MR. DURAND: Invite him next

14 month, late November.

15 THE CHAIRMAN: Based on what the

16 history is, we can make a determination that is

17 factual.

18 MR. DURAND: I withdraw the

19 motion.

20 MR. DAVIES: I withdraw the

21 second.

22 THE CHAIRMAN: All right. Kevin

23 Andrade.

24 MR. DUSABLON: Kevin Andrade

1 requested a hearing before the board on a
2 violation. Violation is 2814. Location of the
3 violation is Silver Pines Condos, Unit 34, Alpine
4 Way, North Smithfield, Rhode Island.

5 On July 5, 2006, Mr. Robert Gaj, Rhode
6 Island DLT Investigator, did find Kevin Andrade,
7 an employee of Mr. Daniel Costa of Costa Electric
8 performing electrical work in North Smithfield,
9 Rhode Island without a valid Rhode Island
10 Electrical license.

11 This is a violation of 5-6-2, work for

12 which a license is required. Mr. Andrade did
13 receive a certified mail to appear, and as yet, we
14 have not received anything from Mr. Andrade and
15 he's not here. He was sent a letter for his
16 appeal hearing and he did not appear today.

17 THE CHAIRMAN: Mr. Gaj, is
18 Mr. Andrade licensed or registered anywhere?

19 MR. GAJ: No, he is not.

20 THE CHAIRMAN: He's not licensed
21 in another state that you know of?

22 MR. GAJ: Not that I'm aware of.

23 THE CHAIRMAN: He's not a
24 registered apprentice?

1 **MR. GAJ: Not that I'm aware of.**

2 **MR. DUSABLON: Just to inform you,**

3 **Costa was before the board last month. He had**

4 **\$1,000 fine for two unlicensed employees. One**

5 **didn't appeal at all and Mr. Costa's fine was**

6 **reduced to \$500 by the board here. And Mr. Andrade**

7 **requested an appeal after the fact.**

8 **MR. DAVIES: This is on the same**

9 **case?**

10 **MR. DUSABLON: Same case, yes.**

11 **But Mr. Andrade did request it and he received a**

12 letter from us certified mail to be here today and
13 he's not here today.

14 MR. DAVIES: I'll make a motion on
15 Violation 2814 that Mr. Andrade -- that the
16 violation be upheld.

17 MR. DURAND: I second that motion.

18 THE CHAIRMAN: That's your
19 recommendation to the director?

20 MR. DAVIES: Yes. I also move on
21 2814 that the fine be upheld, \$500.

22 THE CHAIRMAN: That's your
23 recommendation to the director?

24 MR. DAVIES: Yes.

1 **MR. DURAND: I'll second that**

2 **motion.**

3 **THE CHAIRMAN: Motion made and**

4 **seconded; all in favor? Any other business?**

5 **MR. LOMBARDI: Just to bring the**

6 **board up to snuff on the passage of the act**

7 **regarding the lightening protection installers and**

8 **contractors licenses. As the board knows, that**

9 **legislation passed at the last legislative**

10 **session.**

11 **However, we see some initial problem**

12 with it in that lightening protection installers
13 license is issued to an individual who has passed
14 an examination before the department.

15 Also, to qualify to take that
16 examination, in the section under apprentices and
17 registration fee, 5-6-24, it indicates that
18 apprentice lightening installer is required to
19 work a minimum of 4,000 hours over a period of
20 time of not less than two years to qualify for the
21 examination, provided that the test applicant has
22 possessed for at least two years prior to the
23 filing of the application a certificate of
24 registration in full force and effect from the

1 department, specifying that the person as an
2 apprentice lightning protection installer.

3 And the application will be accompanied
4 by affidavit or affidavits by his or her employer
5 or former employers or other reasonable
6 satisfactory evidence showing that the applicant
7 has been actually engaged in the lightning
8 protection work as an apprentice during those two
9 years.

10 The problem being that there has been no
11 apprentice program from the state of Rhode Island

12 previously under which an individual can serve
13 such an apprenticeship. But the law goes into
14 effect January 1, 2007. So the department is
15 ready to give tests, but finds that there may be
16 more people to give tests to without devising some
17 regulation in which to explain how people can
18 become qualified to take the installers
19 examination.

20 And after discussions with the assistant
21 director and the administrator of this division,
22 we had concluded that a regulation should be put
23 into effect as soon as possible under the normal
24 methods, not an emergency type method, but under

1 the normal methods which would basically amend the
2 Examiner of Electricians's Rules and Regulations
3 to add section 19 indicating that any person
4 applying to take an examination for the lightning
5 protection installers license as set forth in the
6 law must provide the department with an affidavit
7 or notarized letter from a current or prior
8 employers, evidencing that said applicant has
9 worked for recognized lightning protection
10 company for a minimum of 4,000 over a period of
11 not less than two years.

12 **The second part of that says the rules**
13 **shall expire two years from the date of the**
14 **establishment of an apprentice program for**
15 **lightening protection installers by this**
16 **department, under the administrative requirements**
17 **of the apprenticeships regulations.**

18 **So what we're doing is basically taking**
19 **people who might have, who don't hold a license**
20 **now, don't hold an electricians license at all,**
21 **but who have installed, maybe in another state,**
22 **have installed lightening protection equipment and**
23 **have had that minimum amount of 4,000 hours in not**
24 **less than two years be able to sit for that**

1 examination. We have no idea of how many people
2 this would affect.

3 It might affect none or it might affect
4 a few who will be able to sit and take this
5 installers examination and receive a certificate
6 of installation for the limited purpose of doing
7 that type of work.

8 THE CHAIRMAN: Basically a
9 grandfather's clause.

10 MR. LOMBARDI: It's somewhat of a
11 grandfather clause, but by taking the test -- a

12 regular grandfather's clause would indicate that
13 they wouldn't have to take the test. But this
14 we're requiring them to take the test, since the
15 law does say particular take the test.

16 It's a way of putting, effectuating this
17 law that went into -- that's going into effect on
18 January 1st.

19 MR. DURAND: Question on that is
20 from many times that we've gone over this thing
21 saying a lot of these contractors they get
22 certified or UL approved, so to speak, from
23 certain manufacturers; would you want to
24 incorporate anything like that in there too, or

1 you just want them having worked for a lightning
2 protection contractor?

3 Because you may get a case where someone
4 could be certified from a manufacturer. He's done
5 the work, hasn't worked for the contractor, but
6 he's certified by the manufacturer, and wants to
7 come in and take the examination, so what you're
8 saying is --

9 MR. LOMBARDI: We would welcome
10 the board's input to that. If the board believes
11 that a person who has done that for that period of

12 time should also be eligible to take the exam, I
13 think the department would consider that. I don't
14 know how the board feels about that.

15 THE CHAIRMAN: Does this law
16 provide for one license or two?

17 MR. LOMBARDI: There's two
18 licenses. One is a contractor's and this is the
19 installer's, but a contractor's license only
20 states they can do contracting work. They can't
21 do any installation unless they have an
22 installer's or have already been an installer.

23 MR. DURAND: Was this regulation
24 written by your department?

1 **MR. LOMBARDI:** This rule.

2 **MR. RACINE:** To your point, wasn't

3 that the argument?

4 **MR. DURAND:** Lots of arguments.

5 **MR. RACINE:** That they were UL

6 approved.

7 **MR. DAVIES:** They had certificates

8 they showed us.

9 **THE CHAIRMAN:** Outside the

10 building codes.

11 **MR. DUSABLON:** As any of you guys

12 know, you can go to supply house and take a course
13 on fire alarms for an hour and you walk out with a
14 certificate.

15 MR. DURAND: I'm not recommending.

16 I'm just curious to the fact what happens if these
17 people come forward with this certificate, but
18 have not worked for a contractor; we want them to
19 work for the contractor?

20 MR. LOMBARDI: This basically says
21 that.

22 MR. DUSABLON: You don't want to
23 include a UL regulation?

24 MR. DAVIES: We also -- electrical

1 contractors aren't affected by this?

2 MR. LOMBARDI: No.

3 MR. DUSABLON: License supercedes

4 all of this.

5 MR. LOMBARDI: We checked the

6 definition of electrical contractors, class A, and

7 then certain other licenses were added to that. I

8 noticed when the sign installer's license was

9 added, the definition of contractor's class A was

10 not amended to add sign installers, so my

11 assumption is that a master class A licensed can

12 also install signs.

13 MR. DAVIES: Yes. I think that

14 always was part of the law.

15 MR. LOMBARDI: Therefore, a class

16 A license installer can also install lightening

17 protection equipment and can contract lightening

18 protection equipment.

19 MR. DAVIES: When the sign

20 contractor's license was started, Herb and I and a

21 couple of others sat and we went over the people

22 with their credentials before they were issued any

23 grandfather license, and the same with fire alarm,

24 it was the same way, they had to prove so many

1 years.

2 MR. LOMBARDI: Class A definition

3 talks about installing wires, conduits, apparatus,

4 fixtures, fire alarm, and safety communication

5 systems and other electrical appliances, including

6 low voltage wiring for heating, venting and air

7 condition equipment.

8 That definition would include oil burner

9 because it's a heating item and it would include

10 fire alarms, but it says fire alarms. However, it

11 doesn't say anything about sign in there, but yet

12 when you added the sign certificate, it was deemed
13 that people who installed signs can come under the
14 class A certificate also.

15 MR. DUSABLON: So probably the
16 thing to do would try to include the A license,
17 both the sign part of it and the lightening
18 protection, should it become an issue later?

19 MR. LOMBARDI: Every time you do
20 that, you probably should expand that definition,
21 but since you didn't do it for the electrical sign
22 and it's assumed that it's done, I think, for
23 lightening protection, it also would be all
24 encompassed by the class A license.

12 the law next year.

13 MR. LOMBARDI: It has to be in the

14 law.

15 THE CHAIRMAN: Is this board going

16 to establish the training criteria for these

17 people and pass that on to the apprenticeship

18 council?

19 MR. LOMBARDI: Yes.

20 MR. DUSABLON: Not on to the

21 apprenticeship council, not indentured. It's like

22 fire alarm and sign people, they just have to show

23 that they've been working for 4,000 hours in the

24 trade, a notarized letter from the employer to do

1 the same thing. They're non-indentured.

2 MR. LOMBARDI: Then this second

3 part of this is that will never be applicable

4 because the department would not establish an

5 apprenticeship program for lightening protection.

6 It's not indentured.

7 MR. DUSABLON: They just have to

8 serve 4,000 hours in the trade.

9 MR. LOMBARDI: So that will omit

10 that. So there will never be apprentice program.

11 They'll just serve as an apprentice, per se,

12 working for someone.

13 MR. D'AMBRUOSO: Val, who would

14 set the criteria for that?

15 MR. LOMBARDI: What?

16 MR. D'AMBRUOSO: What the program

17 would have to follow, 4,000 hours?

18 MR. DUSABLON: Same as all the

19 other ones.

20 MR. LOMBARDI: That's 4,000 hours

21 and not less than two years working that type of

22 work. That's what they have to prove.

23 MR. DUSABLON: If you wanted to

24 throw in under the apprenticeship part of it not

1 **only the 4,000 hours, but certification from UL as**
2 **installer, that would be the place to stick that**
3 **in. That would make them show more proof that**
4 **they've done their trade.**

5 **MR. DURAND: They weren't a truck**
6 **driver for two years.**

7 **MR. LOMBARDI: There'll be no**
8 **schooling necessary, just on-the-job experience.**

9 **MR. DUSABLON: But you could throw**
10 **in the UL or testing agency certification for the**
11 **installation of fire alarm equipment -- I mean, of**

12 lightning protection equipment. You could do
13 that, the apprentice part of it.

14 MR. LOMBARDI: If an individual is
15 working for a contractor, an electrical
16 contractor, an individual is apprenticing for an
17 electrical contractor and is doing lightning
18 protection; what are you going to do? Are you
19 going to say, "You can't do that"? He'll say,
20 "Well, I'm apprenticing, so how am I going to
21 learn if there's no program?" I'm just telling
22 you.

23 MR. DAVIES: The other side of the
24 coin is there's plenty of contractors putting in

1 lightening systems.

2 MR. DURAND: What if at the end of
3 the two-year period, we make them work for
4 lightening UL contractor, that they possess a UL
5 certificate from a manufacturer?

6 MR. LOMBARDI: That could be.

7 MR. DURAND: That way there, like
8 Glenn was saying earlier, they don't serve an
9 apprenticeship program, but that means you can
10 still install the equipment, but you're going to
11 need a certificate some day in order to take the

12 examination.

13 MR. DUSABLON: Either that or he

14 may have an electrical contractor that once this

15 goes into effect that says, "Gee, I've never bid

16 this stuff, I should start looking into doing

17 lightening work," and he's got journeymen

18 electricians, he's got indentured apprentices, it

19 might throw a curve into that and keep him from

20 moving into that.

21 MR. DURAND: It's a situation with

22 that law that pertains to a lot of the other laws

23 that it's all about definition. And obviously

24 this being new, they're not going to know every

1 paragraph that's written about it. So obviously
2 there's going to be a learning curve here for
3 everybody.

4 If an electrical contractor wants to bid
5 that portion of it, then he should actually know
6 the law the way it's written and the fine print on
7 the apprenticeship laws and the certificate holder
8 language, so that, "Hey look, I got to get my kid
9 certified by some manufacturer."

10 Because a lot of the manufacturers, you
11 know we sat here and listened to them, they won't

12 let these guys touch it unless they get certified.

13 It's a catch 22.

14 MR. LOMBARDI: Can't you add in

15 this regulation then beside this word, "And also

16 process a certificate"?

17 MR. DUSABLON: From an approved

18 manufacturing listed or labeled are the key words

19 that they use.

20 MR. LOMBARDI: I think we could

21 add that there at the end of the regulation

22 because we're saying that they just getting that

23 is not enough. It's the working the hours and

24 getting that is the combination.

1 **MR. DURAND:** I'd be happy with
2 **that.**

3 **MR. RACINE:** Like Glenn says, you
4 **can probably get it anywhere.**

5 **MR. LOMBARDI:** Let them do that
6 **extra step.**

7 **MR. DUSABLON:** You can't use the
8 **word "UL."**

9 **MR. LOMBARDI:** Let's work on the
10 **language with that. Since there'll never be an**
11 **apprentice program, that second part was taken**

12 out, the board feels if they get that certificate,
13 it's like another aspect of training because it's
14 very simple. It's easy to get the certificate,
15 plus the 4,000 hours of training.

16 THE CHAIRMAN: Should be something
17 to demonstrate training.

18 MR. CARVALHO: The statute is
19 quite specific about apprenticeship program.

20 MR. LOMBARDI: They do that for
21 fire alarm people.

22 MR. DUSABLON: Once you sign up,
23 get a card, it is not indentured. It's not run by
24 the program.

1 **MR. CARVALHO:** It should be
2 **classified as apprenticeship by our standards.**

3 **MR. DUSABLON:** No, it's not
4 **apprenticeship.**

5 **MR. CARVALHO:** Then you have to
6 **get the statute modified. Because if I were**
7 **looking at that and I wanted to play devil's**
8 **advocate I would say, "The statute mandates us to**
9 **have such a program." Now, whether it's as**
10 **extensive as an indentured program, it won't be.**
11 **They mention apprenticeship.**

12 **MR. LOMBARDI: That's right.**

13 **They're required to work et cetera, et cetera, et**

14 **cetera, and they have -- and that two years**

15 **following the application, a certificate of**

16 **registration in full force and effect that he has**

17 **been an apprentice lightening protection**

18 **installer, but it never says anything about the**

19 **program.**

20 **MR. CARVALHO: Right. But I'm**

21 **saying whatever we do has to call it an apprentice**

22 **lightening -- whatever criteria we put on it.**

23 **Or you get the statute to say, "Or**

24 **whatever program is set forth or requirement is**

1 set forth by the department."

2 MR. LOMBARDI: But that's not a
3 program that you go through for that. It's just
4 simply a certificate that you obtain.

5 MR. DUSABLON: I think adding
6 anything other than the 4,000 hours will be a
7 problem because we don't do it to fire alarm
8 people, we don't do it to sign people. Frank, you
9 guys have a programs on how to install and all
10 that.

11 MR. BENELL: Right.

12 MR. DUSABLON: It's not in your

13 rules.

14 MR. LOMBARDI: Then we'll leave it

15 like that. We'll leave it with the 4,000 hours.

16 THE CHAIRMAN: We got two years to

17 get some experience for ourselves as to working in

18 the field.

19 MR. LOMBARDI: Yes. And if

20 someone, on January 1st, if someone comes here and

21 demonstrates to the department that they've had

22 4,000 in a period of not less than two years of

23 performing this type of work and comes up with

24 affidavits and names of employers indicating that

1 and we verify by calling the employers as we
2 usually do.

3 MR. DUSABLON: It would be
4 notarized letters.

5 MR. LOMBARDI: Yes. And verify
6 that with the employers, then we'll allow them to
7 sit and take the exam.

8 MR. DUSABLON: They're not walking
9 out. They have to take the test any way.

10 MR. CARVALHO: Got two years to
11 figure out the program anyway.

12 **MR. DURAND: What happens if no**
13 **one in the state has worked 4,000, no one can ever**
14 **take the test?**

15 **MR. DUSABLON: A lot of these**
16 **companies have been in business for a long time.**
17 **The problem is they're going unregulated, no**
18 **licensing, no permit, just running rampant, and**
19 **nobody is verifying what they're going. And they**
20 **are going into live switch gears, putting**
21 **lightening arrestors, but it's a way of**
22 **controlling what they're doing and making sure**
23 **it's being looked at and it's being done right.**

24 **THE CHAIRMAN: Kind of like when**

1 only Simplex could put the fire alarm in.

2 MR. LOMBARDI: Thank you for your
3 comments and we'll finalize this and set it up for
4 a regulation to be advertised and have public
5 hearing on this within the time period. We would
6 believe that by the end of the year this will be
7 in effect, so that by January 1, 2007, we can
8 start testing applicants, if there are any.

9 And just one other thing for the board.
10 5-6-23, if you take a look at that, that pertains
11 to revocation or suspension of certificates. It

12 just says, "Certificates issued under this chapter
13 after a hearing before and on the recommendation
14 of the board may be suspended or revoked by the
15 director upon failure or refusal to comply with
16 the rules and requirements of the division or for
17 other sufficient cause." So you see, there has to
18 be a separate hearing for revocation or
19 suspension. Thank you.

20 MR. RACINE: Motion to adjourn.

21 MR. DURAND: Second.

22 THE CHAIRMAN: All in favor?

23 (ADJOURNED AT 10:25 A.M.)

24 * * * * *

1 **C E R T I F I C A T E**

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5 **I, Claudia J. Read, Notary Public, do hereby**

6 **certify that I reported in shorthand the foregoing**

7 **proceedings, and that the foregoing transcript**

8 **contains a true, accurate, and complete record of**

9 **the proceedings at the above-entitled hearing.**

10

11 **IN WITNESS WHEREOF, I have hereunto set my**

12 hand this 6th day of October, 2006.

13

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16

**17 CLAUDIA J. READ, NOTARY PUBLIC/CERTIFIED COURT
REPORTER**

18 MY COMMISSION EXPIRES NOVEMBER 2, 2008.

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