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1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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4 PROCEEDINGS AT HEARING :

5 IN RE: :

6 ELECTRICAL BOARD :

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10

DATE: AUGUST 15, 2007

11 TIME: 9:38 A.M.

PLACE: 1511 PONTIAC AVE.

12 CRANSTON, RHODE ISLAND

13

14

15 PRESENT:

16 STANLEY DAVIES, ACTING CHAIRMAN

GLENN F. DUSABLON, INVESTIGATOR

17 HERBERT F. JOSLIN

KEITH BURLINGAME

18 ALLEN P. DURAND

FRANK R. BENELL, JR.

19 MARY ELLEN McQUEENY-LALLY, LEGAL COUNSEL

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21

22

23 **RHODE ISLAND COURT REPORTING**

**747 NORTH MAIN STREET**

24 **PROVIDENCE, RHODE ISLAND 02904**

**(401) 437-3366**

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1 **THE CHAIRMAN: It's 9:38 a.m.**

2 **We'll call the Electrician Board of Examiners**

3 **into session. We will go right into the cases.**

4 **The first case on the agenda is Berini Electric,**

5 **Case No. 3135.**

6 **Glenn, could you please read the charges.**

7 **MR. DUSABLON: Violation --**

8 **THE CHAIRMAN: Sir, would you**

9 **stand to be sworn in, please.**

10 **G L E N N D U S A B L O N,**

11 **first having been duly sworn by the Notary**

12 **Public, was examined and testifies as follows:**

13 **J A M E S B E R I N I,**

14 **first having been duly sworn by the Notary**

15 **Public, was examined and testifies as follows:**

16 **J O H N S U L F A R O,**

17 **first having been duly sworn by the Notary**

18 **Public, was examined and testifies as follows:**

19 **R I C H A R D O C O N N E L L,**

20 first having been duly sworn by the Notary  
21 Public, was examined and testifies as follows:

22 MR. DUSABLON: I received a  
23 anonymous phone call that Berini Electric was  
24 performing work in West Warwick. I went down to  
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1 Main Street in West Warwick at the Mayo Quanchi  
2 Judo School. Mr. Jim Berini, doing business as  
3 Berini Electric, 106 Hartford Avenue East,  
4 Mendon, Mass. 01756, contracted electrical work  
5 in Rhode Island without a Rhode Island electrical  
6 contractor's license. This was one violation of  
7 Rhode Island General Law 5-6-2, work for which a  
8 license is required.

9 Mr. Berini had four unlicensed employees,  
10 John Sulfaro, Noel Gurley, Brian Anderson, and  
11 Thomas Lajoie, performing electrical work at the  
12 above location without a Rhode Island electrical  
13 license.

14 Mr. Glenn Dusablon, DLT Chief Electrical  
15 Investigator, witnessed only Mr. Sulfaro  
16 performing electrical work. This is one  
17 violation of Rhode Island General Law 5-6-2, work  
18 for which a license is required.

19 Mr. Berini did not obtain an electrical  
20 permit with the Town of West Warwick. This is

21 one violation of Rhode Island General Law 5-6-25,  
22 failure to comply with the rules and requirements  
23 of town, city, or state.

24 During the investigation Mr. -- Mr. Sulfaro

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1 was doing a ballast on a light fixture. The  
2 other gentlemen weren't on the site. I asked him  
3 if he was alone, and he said, "No, the others  
4 were out to lunch." I witnessed what Mr. Sulfaro  
5 was doing.

6 I went across the street, went down the road  
7 to another job, came back and the gentlemen were  
8 now back from lunch; they were sitting and  
9 eating. I did not cite them. I only warned them  
10 that they cannot work here in Rhode Island just  
11 as a journeyman and Massachusetts electrician.  
12 The other two were helpers.

13 After I conducted the investigation, I  
14 called the electrical inspector for the Town of  
15 West Warwick and spoke with him concerning a  
16 permit. He told me a permit was required, they  
17 did not have one on record, so I included that in  
18 the violation.

19 A few days after the violation, the  
20 West Warwick electrical inspector called me and  
21 said that it was a mistake, that one of the

22 people in the office did inform Mr. Berini that  
23 he didn't need a permit and it wasn't required.

24 So I ask that the board take that into

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1 consideration, that is not -- that Mr. Berini was  
2 informed that the permit was not required by the  
3 Town of West Warwick.

4 THE CHAIRMAN: Do the board  
5 members have any questions of Mr. Dusablon? No  
6 questions. Sir, who would like to start?

7 MR. BERINI: That's an accurate  
8 description.

9 MR. O'CONNELL: Yes, I agree.

10 THE CHAIRMAN: State your name for  
11 the record.

12 MR. BERINI: My name is  
13 James Berini from Berini Electric. Basically,  
14 what happened here was, we have a dojo club, male  
15 clergy where we have several different  
16 individuals who donate time and labor to the  
17 club, because we have a lot of kids from  
18 underprivileged homes that attend the club. It's  
19 a nonprofit club, and the only reason it keeps  
20 going the way it operates is all of us chipping  
21 in. We help with the maintenance, whatever needs  
22 to be done, cleaning, repairs, and whatnot.

23        So what happened was, I donated the ballast  
24 lamps and some labor to change those lamps and  
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1 ballasts as a charitable donation.

2        I don't know if you guys have my response  
3 letter --

4            MR. DUSABLON: Yes. Each member  
5 has a copy.

6            MR. BERINI: If you want, take a  
7 brief moment rather than having me go on about  
8 it, but it tells you exactly what happened in the  
9 timeline. We did -- I did ask Serge, who was  
10 also the owner of the building to please call  
11 down to find out if do we need a permit. I know  
12 Rhode Island rules are different from Mass.

13        In Massachusetts, if you're doing work for  
14 hire, you have to have a license. And this job  
15 was not for hire. You guys are a little more  
16 witty about the way you wrote the law to cover  
17 such a thing.

18        So he had called to ask if we did need an  
19 electrical permit because we were just changing  
20 ballast lamps. We were not adding or altering  
21 any of the electrical systems as far as the  
22 lighting goes, as far as changing the ballasts  
23 and changing the lamps to get the lighting going.

24 Basically, what we would like to ask you is

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1 if you could find a way to maybe show us some  
2 leniency on the above fines which total between  
3 myself and my employee \$2,500.

4 THE CHAIRMAN: Do the board  
5 members have any questions of Mr. Bernie?

6 MR. DURAND: I have a question.  
7 In Mr. Dusablon's testimony, he stated that  
8 someone from your company went to the Town of  
9 West Warwick to try to get the electrical permit.  
10 Who was that?

11 MR. BERINI: No. No. What I did  
12 was, I asked the owner of the building, who is  
13 Serge Bouyssou. It says right in the letter --  
14 if you look at section 4 on the body of the  
15 letter, we had Serge call down to the town hall  
16 because, you know, I don't live anywhere near  
17 here. I live an hour away. He's familiar with  
18 the people in the town hall. I asked him to make  
19 a phone call to see if we needed a permit and  
20 also if those things could be taken care of. He  
21 talked to the secretary down there, Ms. Silva,  
22 who determined that changing ballasts was  
23 considered maintenance work, which I kind of  
24 agree with, and that a permit was not needed.

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1           MR. DURAND: Well, changing  
2 ballasts, but how many fixtures were involved in  
3 this whole project?

4           MR. BERINI: We were going to  
5 change every ballast in the place.

6           MR. DURAND: How many were there?

7           MR. BERINI: I don't know, 20.

8           MR. SULFARO: Probably 20.

9           MR. DURAND: Did this person that  
10 just called down for the permit tell the people  
11 at the town hall that there were 20 fixtures that  
12 needed ballasts changed and lamps?

13           MR. BERINI: I certainly couldn't  
14 tell you that.

15           MR. DURAND: He may have said  
16 there may have been one or two and her judging it  
17 as maintenance.

18           MR. O'CONNELL: He was familiar  
19 that all the ballasts needed to be replaced. We  
20 were having --

21           THE CHAIRMAN: Sir --

22           MR. BERINI: I couldn't tell you  
23 what the phone conversation was because he wasn't  
24 in front of me, to be honest with you. I know

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1 that he -- he did know that we were prepared to  
2 change whatever ballasts that needed to be  
3 changed. They were pretty old, so they all  
4 needed to be changed.

5 THE CHAIRMAN: Do any other board  
6 members have any questions?

7 MR. DURAND: This also states that  
8 this is a not-for-profit club. Do they pay rent?

9 MR. BERINI: No. He owns the  
10 building. He does not charge the club rent.

11 MR. JOSLIN: Can the people off  
12 the street come in?

13 MR. BERINI: Nobody will ever be  
14 turned away from that club if they weren't  
15 practicing.

16 MR. JOSLIN: So it's opened to the  
17 public?

18 MR. BERINI: You got it.

19 MR. JOSLIN: Do they pay dues?

20 MR. BERINI: There are groups of  
21 people who can afford to pay a due. But if you  
22 can't afford to pay a due, you don't pay a due.

23 As a matter of fact, I have here a list from  
24 the Junior National Championship of the kids that

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1 we sent to Florida. I've highlighted on this

2 list --

3 THE CHAIRMAN: Sir, that's not  
4 really necessary.

5 MR. BERINI: Well, I just wanted  
6 to say that on this list, I highlighted everybody  
7 that we paid for for these kids to go to Florida.  
8 We all chipped in the money for airfare and hotel  
9 accommodations for these kids who could not  
10 afford it.

11 THE CHAIRMAN: That's irrelevant  
12 to the case.

13 MR. O'CONNELL: Can I add  
14 something?

15 THE CHAIRMAN: Any other board  
16 members have any other questions of Mr. Berini?  
17 Okay.

18 MR. BERINI: Does anybody want me  
19 to leave this for you to take a look at? I know  
20 you say it's irrelevant to the case, but just for  
21 curiosity I'd like to leave it for record if  
22 anybody is interested to take a look at it.

23 THE CHAIRMAN: Yeah, we can put it  
24 in, if you want. Exhibit 1. Do you want to pass  
0011  
1 that up.

2 (EXHIBIT NO. 1 MARKED)

3 THE COURT REPORTER: Could I  
4 please have your name.

5 MR. O'CONNELL: Richard O'Connell.  
6 I'd just like to say that we generated the  
7 replacement of the ballasts because we were at  
8 practice one night and Mr. Berini did pick up a  
9 burnt smell of a burnt ballast. At that point, I  
10 said, "Look, I'll just change them all for you."

11 As far as the kids and the donations of the  
12 underprivileged homes, at this point in time we  
13 have five kids that are underprivileged kids that  
14 will start trials in 2012.

15 THE CHAIRMAN: Do any of the board  
16 members have any questions? Does anybody else  
17 want to address the board from your company?

18 MR. BERINI: No, I think we're all  
19 set. Did you want to go up there?

20 MR. SULFARO: No.

21 THE CHAIRMAN: Board members, do I  
22 have a violation on Case No. 3135?

23 MR. JOSLIN: I move that we go  
24 into executive session.

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1 MR. DURAND: I second that.

2 THE CHAIRMAN: We're going to go  
3 into executive session, please. You have to

4 leave the room.

5 (REPORTER INSTRUCTED BY LEGAL COUNSEL NOT TO  
6 WRITE EXECUTIVE SESSION)

7 THE CHAIRMAN: We'll continue on  
8 now with Case No. 3135.

9 Board members, do I have a violation on 3135?

10 MR. DURAND: Mr. Chairman, I --  
11 based upon the finding that a violation occurred,  
12 I move that the board uphold the issued fine in  
13 the amount of \$1,000 for violation of  
14 Rhode Island General Laws 5-6-2, work for which a  
15 license is required.

16 MR. JOSLIN: I second the motion.

17 THE CHAIRMAN: All those in favor?  
18 Opposed?

19 MR. DUSABLON: You need to  
20 make note on 5-6-25 of what the consensus was  
21 on 5-6-25.

22 THE CHAIRMAN: The consensus  
23 on 5-6-25 was that the board finds that the issue  
24 of the permit was misunderstood, so we're

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1 suspending that \$500. Okay, Mr. Berini?

2 MR. BERINI: My only question is,  
3 so what does that come down to because there's  
4 two fines, one to my company and one to

5 Mr. Sulfaro?

6 THE CHAIRMAN: That's a separate  
7 case, sir. We have to do that separate.

8 MR. BERINI: Mr. Sulfaro's case?

9 THE CHAIRMAN: Yeah. You'll be  
10 receiving a letter from Director of Labor, and  
11 she will make the determination on our findings.

12 MR. BERINI: Okay. Thank you.

13 THE CHAIRMAN: Next on the agenda  
14 is John Sulfaro, Case No. 3130. Would you --  
15 you've been sworn in. Have a seat right there.

16 MR. DUSABLON: On 4/24/2007 in  
17 response to a call and a complaint, I went to the  
18 Mayo Quanchi Judo at 751 Main Street,  
19 West Warwick, Rhode Island. I witnessed  
20 Mr. Sulfaro, an employee of Mr. Jim Berini, doing  
21 business as Berini Electric, 106 Hartford Avenue  
22 East, Mendon, MA, performing electrical work at  
23 the above location without a Rhode Island  
24 electrical license. This is one violation of

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1 Rhode Island General Law 5-6-2, work for which a  
2 license is required. The assessed fine was \$500.

3 Mr. Sulfaro has been cooperative. He ceased  
4 working once we had our conversation. He was  
5 doing what he was told to do by his boss. I

6 don't think he was aware that he was in violation  
7 of the state law.

8 THE CHAIRMAN: Board members, do  
9 you have any questions of Mr. Dusablon's report?

10 MR. JOSLIN: No.

11 THE CHAIRMAN: Sir, would you like  
12 to address the board?

13 MR. SULFARO: I really have  
14 nothing to say. It's all right there. We were  
15 working, and we got caught.

16 THE CHAIRMAN: Do the board  
17 members have any questions?

18 MR. JOSLIN: Are you licensed in  
19 Mass. as an apprentice?

20 MR. SULFARO: I am not. I didn't  
21 even know there was an apprenticeship license in  
22 Massachusetts.

23 MR. JOSLIN: How long have you  
24 been working for this company?

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1 MR. SULFARO: Two years now, sir.

2 MR. JOSLIN: Doing electrical  
3 work?

4 MR. SULFARO: Yeah, underneath his  
5 license and everybody else.

6 MR. JOSLIN: You've been doing

7 electrical work in Mass.?

8 MR. SULFARO: No. No. I work  
9 with him as a journeyman, so I'm an apprentice.

10 MR. JOSLIN: But you're not  
11 registered?

12 MR. SULFARO: No.

13 THE CHAIRMAN: Do any of the board  
14 members have any questions?

15 MR. DURAND: I do. Have you ever  
16 worked in Rhode Island before?

17 MR. SULFARO: No, sir.

18 MR. DURAND: This is your first  
19 time?

20 MR. SULFARO: First time.

21 THE CHAIRMAN: Any other questions  
22 from the board members? Do I have a violation on  
23 Case No. 3130? Do I have a motion?

24 MR. DURAND: I -- I move that the  
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1 company be fined, and I also move that the  
2 individual be -- the fine for the individual be  
3 rescinded.

4 THE CHAIRMAN: Do I have a second  
5 on that?

6 MR. JOSLIN: Second.

7 THE CHAIRMAN: Do you want to make

8 a statement on the fine for 3130 to Mr. Berini?

9 MR. DUSABLON: Mr. Chairman --

10 MR. DURAND: Question to him you

11 mean?

12 THE CHAIRMAN: No. On the  
13 violation that's going to be moved. There's only  
14 one fine, but this is going to the company.

15 MR. DURAND: That's for the  
16 individual.

17 THE CHAIRMAN: For this  
18 individual, you're rescinding the fine, and I  
19 have a second on it, correct?

20 MR. DURAND: Yes. I rescind the  
21 fine on the individual, John Sulfaro.

22 THE CHAIRMAN: Do I have a second?

23 MR. BENELL: Second.

24 THE CHAIRMAN: Do I have an

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1 approved vote? All those in favor, aye?

2 Opposed? So voted. So the fine has been  
3 rescinded, sir. Again, you're all set, sir, on  
4 that.

5 MR. DUSABLON: Case No. 3158 --

6 THE CHAIRMAN: Wait a minute.

7 MR. DUSABLON: Violation 3158

8 and 3159 have been postponed to a September

9 meeting. An attorney's letter was sent to the  
10 department, and it was approved by Ron D'Ambrouso  
11 to extend that to September.

12 THE CHAIRMAN: Okay. The next  
13 case on the agenda is Paul Lavoie, d/b/a Star  
14 Tech, Case No. 3199. Would you be sworn in,  
15 please.

16 P A U L L A V O I E,  
17 first having been duly sworn by the Notary  
18 Public, was examined and testifies as follows:

19 THE COURT REPORTER: Please state  
20 your name.

21 MR. LAVOIE: Paul Lavoie, doing  
22 business as Star Tech.

23 THE CHAIRMAN: Are you going to  
24 testify?

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1 MS. ROWELL: If they want me to.

2 THE CHAIRMAN: Would you swear her  
3 in, please.

4 J A N E T G A G N O N - R O W E L L,  
5 first having been duly sworn by the Notary  
6 Public, was examined and testifies as follows:

7 THE COURT REPORTER: State your  
8 name for the record.

9 MS. ROWELL: Janet Gagnon,

10 **G-A-G-N-O-N, Rowell, R-O-W-E-L-L.**

11 **THE CHAIRMAN: Glenn, could you**  
12 **please read.**

13 **MR. DUSABLON: Violation 3199. I**  
14 **received a complaint from Mrs. Janet Rowell at**  
15 **50 Prospect Avenue, Wakefield, Rhode Island.**  
16 **Mrs. Rowell filed a complaint based on the**  
17 **information on our investigation on June 4th of**  
18 **Mr. Paul R. Lavoie, doing business as Star Tech,**  
19 **80 Centre Street, East Providence, Rhode Island**  
20 **02916-3143, contracted and installed an**  
21 **electrical motor cord cap assembly to include an**  
22 **electric two-speed 140 volt motor and an electric**  
23 **heater element on a hot tub at the**  
24 **above-referenced address. This is two violations**  
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1 **of Rhode Island General Law 5-6-2, work for which**  
2 **a license is required.**

3 **Mr. Paul Lavoie, doing business as**  
4 **Star Tech, did not obtain an electrical permit**  
5 **with the Town of South Kingstown. This is one**  
6 **violation of 5-6-25, failure to comply with the**  
7 **rules and regulations of cities, towns, or state.**  
8 **The assessed fine is \$1,500.**

9 **Included in your packet is all the**  
10 **information I received from Mrs. Rowell; bills,**

11 cancelled checks.

12 I went out to the property, and I took  
13 photographs of the work that had been done.  
14 Apparently, Mr. Lavoie installed a motor,  
15 installed the wrong motor. Mrs. Rowell went to  
16 use the hot tub, she pushed the jets on, it  
17 sparked, and it blew the GFI two-pole breaker in  
18 the panel. The motor that was removed was a 2.5  
19 horse-power motor.

20 Mr. Lavoie installed a motor -- a smaller  
21 horse-power motor. He installed the cord cap.  
22 If you look at the pictures, the motor he did  
23 install, there were no motor mounts to secure the  
24 tub -- to secure the motor.

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1 I have photographs of the pump -- the motor  
2 he did remove. Mrs. Rowell had that motor looked  
3 at and her bill indicates that the motor that was  
4 removed was in operating condition.

5 I used a mirror to take a photograph of the  
6 motor under the hot tub. You can see it's a  
7 smaller motor than the one that was existing.  
8 That one was a two-and-a-half horse-power.

9 Here is the inside of the control cabinet.  
10 Also, one of the issues that I had a problem with  
11 was the bonding wire was removed and a smaller --

12 a smaller bonding wire was installed, which was a  
13 stranded wire. I don't know what the reasoning  
14 was for that. But these are the photographs of  
15 what was there when I went to the property. You  
16 have copies of the invoices and the bills from  
17 Mr. Lavoie to Mrs. Rowell.

18 Again, the violation is the contracted work  
19 without a license, the installed electrical  
20 apparatus without a license, and he failed to  
21 obtain a permit with the city of -- with the Town  
22 of South Kingstown.

23 I'd also like to mention to the board  
24 members that on your -- again, on your sheet of  
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1 information for today's meeting, the second two  
2 pages is procedure for hearing as adopted by the  
3 department and asked to be used by our Senior  
4 Legal Staff, Mrs. Lally.

5 THE CHAIRMAN: Board members,  
6 after you review the pictures, do you have any  
7 questions for Mr. Dusablon?

8 MR. DURAND: Yeah, I do. Who took  
9 the pictures?

10 MR. DUSABLON: I did.

11 MR. DURAND: Could you describe  
12 this picture here for me, please?

13           **MR. DUSABLON:** That's the inside  
14 of the control cabinet; it was burnt. I'd rather  
15 not speculate on what it looks like to me because  
16 I'm not sure. I didn't go there as a contractor.  
17 I only went there as an investigator to look at  
18 the damage that was done.

19       **Mrs. Rowell** informed me that when she put  
20 the jets on, there was a puff, and she smelt  
21 something burning. And at that time, her son  
22 went to the basement and told her that the  
23 two-poled GFI breaker had been tripped. I  
24 think of how much protection the GFI breaker  
0022

1 obviously protected, and it did what it was  
2 supposed to do, thank God.

3           **THE CHAIRMAN:** Any other board  
4 members have any questions of Mr. Dusablon?  
5 Mr. Lavoie, would you like to make a statement on  
6 these charges?

7           **MR. LAVOIE:** May I be allowed to  
8 see the photos?

9           **THE CHAIRMAN:** Yes.

10          **MR. LAVOIE:** I would like to ask  
11 the board and I hope and trust that I will be  
12 allowed to give a very brief introduction of  
13 myself, a proper introduction. Thank you. Okay.

14 I was born in Rhode Island. I'm a  
15 Rhode Island native son, born and raised in  
16 Woonsocket. I went through the Woonsocket school  
17 system through the 12th grade where I graduated.  
18 After high school -- that was 1969. I'm 57 years  
19 old. I enlisted in the military, and I went into  
20 the military service in the Vietnam War. I have  
21 brought copies of everything here if you want to  
22 see any of them. I'm trying to establish  
23 character and give some background.

24 My qualification scores for the military in  
0023

1 electrical and mechanical were the highest. I  
2 have an honorable discharge and a variable rating  
3 of one, which is the highest. I have a DD-214.  
4 This is a document the government issued for the  
5 military.

6 I went to the Community of College of  
7 Rhode Island and got an associate's degree, an  
8 electrical degree. I was voted into "Who's Who"  
9 for the college. I graduated in the top of my  
10 class with honors.

11 I brought in a copy of my resume which  
12 shows my work history. I worked as an  
13 electromechanical technician until I decided to  
14 go into self-employment 18 years ago. I decided

15 to go into self-employment in hot tubs. I found  
16 a niche.

17 I'd just make a comment that one of my jobs  
18 was at Brown & Sharpe where I worked as an  
19 electrician, doing everything from installing  
20 outlets in the office to running 100 amp services  
21 for machines. I worked under the license of  
22 electrician inside the plant.

23 Also, when I became self-employed, I just  
24 want to let you know that I went to SCORE. I  
0024

1 don't know if you know what SCORE is, but it's a  
2 businessman's association that helps you to  
3 start-up. I got a huge packet of what to do and  
4 how to do it.

5 Eighteen years ago I went to the state to  
6 make sure that I was in compliance with all the  
7 rules and regulations at that time. I was very  
8 careful about it. Everything was word of mouth,  
9 over the phone. I didn't need a license to  
10 repair hot tubs. That's 18 years ago, and I've  
11 been doing it for 18 years.

12 Jacuzzi Whirlpool Bath is the largest  
13 manufacturer of hot tubs in the world. I've been  
14 trained by them, and I have a certificate of  
15 authorized repair service.

16 Now, it brings me up to the violation.

17 Okay. I'm looking at the violation. Mrs. Rowell  
18 is here as the customer for whom I did the work.  
19 I'm going to refrain from something -- anything  
20 about that. I came here to decide on whether I  
21 made a violation of any laws of Rhode Island.  
22 I'd like to address that first, if I may.

23 It says that I contracted and installed an  
24 electrical cord cap connector, motor and heater  
0025

1 element on a hot tub. And then it says the  
2 Rhode Island General Laws 5-6-2. I'm sure you're  
3 all familiar with those. I had to read it myself  
4 because I didn't know the law.

5 First of all, I would like to say that I --  
6 after the fact, I decided to start over as though  
7 I was a new person -- new worker that decided to  
8 be a hot tub repair guy, and I wanted to find out  
9 where I went wrong and what did I need. So I  
10 started calling the state offices. I called  
11 electricians. I called other hot tub repair  
12 people, appliance repair people, and everywhere I  
13 went, there's not an appliance repair person in  
14 the state that has a license to do repairs. I  
15 worked for all the dealers and all the  
16 salespeople for hot tubs.

17 I have a description from the code of what  
18 an appliance is, and I brought that with me. It  
19 appears to me that a hot tub is an appliance,  
20 that's what I see. I have a copy of the code  
21 description.

22 Again, I went to the state again and tried  
23 to find out what is a hot tub and what are the  
24 requirements. I could find no legislation for  
0026

1 hot tubs or appliances. And when I looked at the  
2 chapter 5-6-2, it says, "Business of installing  
3 wires, conduits, apparatus" -- and it goes onto  
4 specifics. I don't see how that really applies  
5 to me.

6 What I did was an ordinary repair on a hot  
7 tub, a product which was purchased from a  
8 retailer and delivered to the customer's home.  
9 It was installed by an electrician when it was  
10 hooked up.

11 All the repairs that -- I did work  
12 internally on the hot tub were actually installed  
13 parts that were installed at the factory. I did  
14 replacement and repair. I think there's a  
15 distinction between replacement and repair and  
16 also installation. I didn't do any installation.

17 This is the cord cap connector. I see

18 there's photographs of that also. If you can  
19 see -- if you want to pass it around, but it's  
20 very specific to the hot tub. This is not a  
21 common standard electrical -- this goes from the  
22 motor to a plug on the electrical box which is  
23 pictured here also, and it is to hold the circuit  
24 board.

0027

1 THE CHAIRMAN: Do you want these  
2 all entered as evidence?

3 MR. LAVOIE: Well, this cord is  
4 part of my stock. "Entered," does that mean that  
5 I have to leave the cord here?

6 THE CHAIRMAN: What would you like  
7 to be --

8 MR. LAVOIE: Well, just my  
9 statement for now.

10 THE CHAIRMAN: Okay. The cord  
11 cap, would you pass that around, please.

12 MR. LAVOIE: I believe that's what  
13 he was referring to as a cord cap. That attaches  
14 to the back of the motor. Again, I want to  
15 emphasize one more time that all of these parts  
16 are internal on the hot tub and were installed by  
17 the manufacturer and were parts on the hot tub.

18 Now, I'm not an electrician. I did work as

19 an electrician in my career when I worked at  
20 Brown & Sharpe. I'm not an electrician. I don't  
21 plan to be an electrician, and I don't plan to do  
22 any electrical work.

23 If this law, 5-6-2, can apply to a hot tub  
24 repair, I would like the board to state for me

0028

1 how it is different from repairing a dryer, which  
2 has a heater on it, an electrical dryer. I think  
3 this installation is for electrical workers who  
4 are doing electrical work in the property and who  
5 are putting in circuitry, not for a hot tub  
6 person. All right. Now --

7 MR. DUSABLON: Can I interrupt?

8 THE CHAIRMAN: Excuse me?

9 MR. DUSABLON: I'd just like to  
10 put into evidence that the gentleman has provided  
11 us with a 220 cord cap, no different than we'd  
12 find in the trade of electricians. When one has  
13 been connected, you have to install this onto the  
14 motor. You have to install this in the field.

15 MR. LAVOIE: I would like to say  
16 that word again. The word "install" here -- this  
17 is the cord that was on the old motor and was  
18 just taken off, and I replaced the same cord on  
19 the motor that was replaced. They were just

20 replacement -- ordinary repairs, replacement  
21 parts.

22 Now, let's see, I'd like to go next to the  
23 second part of the violation, which is failure to  
24 comply with the rules and regulations of the  
0029

1 towns, didn't get a permit.

2 Well, after the fact again, I was trying to  
3 find out about getting a permit. This job took  
4 place in South Kingstown, and I have a list  
5 here -- I made up a list. I started to call --  
6 one of the first things I did was I started to  
7 call the towns.

8 Now, my repair service is statewide, so  
9 my interest would be town by town. So I  
10 first called South Kingstown. I spoke to  
11 Mr. Jeff O'Hara; I have the phone number here.  
12 I called North Kingstown, Gary Tedeschi, and I  
13 have a phone number. I called Charlestown,  
14 Westerly, Jamestown, Cranston, Barrington,  
15 Bristol, East Providence. I called all of these  
16 places, all of these towns to inquire for a  
17 permit for repairing a hot tub. Now, I've got --  
18 I have every single one of these people -- I  
19 stopped calling. There's 37, 38 towns in the  
20 state, and I stopped because it was unanimous

21 with these towns that not a single permit had  
22 been issued. Some people said that for seven  
23 years an inspector has never issued a permit for  
24 a hot tub; two-and-a-half years of her

0030

1 employment, never issued an permit for a hot tub;  
2 fourteen years, never issued a permit for a hot  
3 tub. I could find no town where the permit --  
4 they didn't understand what it was that was  
5 required. Most of them said I didn't need a  
6 license, and most of them said that I didn't need  
7 a permit to repair a hot tub.

8 Let's see what else now. I did so many  
9 calls, calling electricians, calling the dealers  
10 to find out where -- who had a license. There  
11 isn't a dealer in the state -- now, I could have  
12 brought the yellow pages in and showed you all  
13 the dealers; every dealer in this state knows who  
14 I am. One time or another, I did work for them.

15 Every single dealer in the state all turned  
16 around and got their own dealers, none of them  
17 have a license.

18 I went to the legal department and tried to  
19 find legislation or anything for hot tubs or  
20 appliances. It's impossible to find something  
21 that's not in existence when you're looking for a

22 law on a hot tub. I would ask the board to  
23 clarify this and show me.

24 I went to the State of Massachusetts to find  
0031

1 out what regulation -- I called the departments  
2 in Rhode Island. I have them listed to find out  
3 regulation on this issue. I was told there is no  
4 regulation on repairing hot tubs. I called  
5 Massachusetts, there is no regulation on fixing  
6 hot tubs.

7 THE CHAIRMAN: We're going beyond.

8 MR. LAVOIE: Okay. I have just  
9 one more thing I want to say. I went to  
10 Connecticut, and there they have what they call a  
11 "limited license" for fixing hot tubs. They have  
12 a limited license.

13 My last thing I would like to say is, if I'm  
14 in violation of a repair of a hot tub, an  
15 ordinary repair, I think the law needs to be  
16 written more clearly. I think that Rhode Island  
17 needs to form legislation for a limited license  
18 for repairing hot tubs. As of now, there is no  
19 regulation for the repair of hot tubs.

20 I'll stop now because I'm looking, first of  
21 all, at just these two issues; the law, and how  
22 it applies to this job. And then of course the

23 permit which is --

24 THE CHAIRMAN: Okay. Gentlemen of  
0032

1 the board, do you have any questions?

2 MR. DURAND: I do. Mr. Lavoie --

3 MR. LAVOIE: Lavoie.

4 MR. DURAND: -- you've read the  
5 chapter 5-6 attached to work for which a license  
6 is required? Do you have that in front of you?

7 MR. LAVOIE: Yes.

8 MR. DURAND: Did you read the part  
9 where it says, "No person, firm, or corporation  
10 shall enter into, engage in, solicit, advertise,  
11 bid for or work for the business of installing  
12 wires, conduits, apparatus, fixtures, electrical  
13 signs, and other appliances or carrying or using  
14 electricity for light, heat, fire alarms, as  
15 defined in chapter 28.25"?

16 Now, with that being said, under the  
17 definition of a journeyman or electrician, as  
18 used in this chapter, means a person doing any  
19 work of installing wires, conduits, apparatus,  
20 fixtures, and other appliances. What you were  
21 working on was a piece of apparatus.

22 MR. LAVOIE: But I wasn't  
23 installing it. I didn't install that. That

24 apparatus had been installed in the past, and I

0033

1 had not disconnected it or reconnected it or  
2 installed it.

3 MR. DURAND: Did you or did you  
4 not remove the motor?

5 MR. LAVOIE: I did remove the  
6 motor because it was part of the hot tub.

7 MR. DURAND: So you disconnected  
8 the existing motor and took it away?

9 MR. LAVOIE: By unplugging it.

10 MR. DURAND: Removing the motor  
11 from the cabinet?

12 MR. LAVOIE: Correct.

13 MR. DURAND: And you made a  
14 connect?

15 MR. LAVOIE: Correct. I reused  
16 the old cord cap. They don't sell the motors  
17 with the cord caps on them.

18 MR. DURAND: But the law is clear  
19 on that because of the word "apparatus" in 5-6-2.  
20 And the law is clear on a journeyman,  
21 electrician as far as their duties when they work  
22 on projects like that.

23 MR. LAVOIE: I beg to differ with  
24 the clarity of the law because -- first of all,

0034

1 when I started looking at this law and read this  
2 about installing wires, there is no definition  
3 for the word "install." And I think install -- I  
4 think we have to look at install. I'm calling on  
5 the board to look at this carefully. An install  
6 is putting in for the first time.

7 The electrician put the wires -- the box in  
8 from the house, the wires to an outside  
9 disconnect and the outside disconnect up to a hot  
10 tub, and that's what the electrician installed.  
11 Now, what I did was just a simple repair.

12 And if this law applies to a hot tub, which  
13 I am calling an appliance, then how does it not  
14 apply to an electrical dryer where every single  
15 day there's hundreds of appliance repair people  
16 that go in and replace cord caps on the dryer  
17 equipment. I don't understand the difference  
18 where this law doesn't apply there, but applies  
19 here.

20 MR. DURAND: First of all, what  
21 you have there are wires. Even though they're  
22 encompassed into one jacket, they are still  
23 wires. Those types of connections on those wires  
24 are not something that you buy in an appliance

0035

1 store. Those are specific to the industry,

2 number one.

3 The second part of that is the fact that

4 there is a definition for installation. And I

5 think that you're missing the point of what you

6 did there, aside from the fact that there was a

7 short circuit of some sort because one of the

8 pictures shows me from my years and experience

9 that there was almost a fire, a safety hazard

10 involving one of those compartments, and it shows

11 the breaker being tripped. There was a serious

12 safety violation here. You're dealing with a

13 piece of equipment that has water and

14 electricity. From the pictures here, also it

15 wasn't bonded properly either, was it?

16 MR. DUSABLON: No.

17 MR. DURAND: There were a few

18 things involved here that needs a licensed

19 electrician or work for which a license is

20 required to view this and look at it and make a

21 determination with their expertise, their

22 training, their schooling that they knew that

23 there was a serious problem with this piece of

24 equipment, not someone who is not licensed.

0036

1 MR. LAVOIE: I'm an expert

2 electromechanical technician.

3 MR. DURAND: But you're not  
4 licensed.

5 MR. LAVOIE: I'm not an  
6 electrician. I'm not an electrician.

7 Now, part of -- what I did after I was  
8 cited -- part of the work was I started  
9 contacting electricians. In fact, Mr. Dusablon  
10 said I should call and have a licensed  
11 electrician go down there.

12 I started contacting licensed electricians.  
13 I had -- I did keep documentation of this. I  
14 didn't bring it to you here today, but I do have  
15 documentation of that. The electricians don't  
16 fix hot tubs. There isn't a -- I couldn't find  
17 an electrician that would go in and repair a hot  
18 tub.

19 So to say that when we fix a hot tub -- like  
20 a dryer for instance, which has the same  
21 equipment, same apparatus, same type of  
22 appliance, and when we fix them, you have to be  
23 an electrician? We have to charge them for two,  
24 you know, trades? I don't think that's correct.

0037

1 I think that the law applies here to, you  
2 know, installing electrical wires, not repairing.

3 Again, I'm emphasizing that this was a simple  
4 repair, a replacement of a part that existed on a  
5 hot tub, just like a vacuum, just like a dryer,  
6 or just like a washing machine, and it wasn't  
7 installed, it was repaired.

8 MR. DURAND: It wasn't a simple  
9 repair because somebody's life could have been on  
10 the line here, so that's not simple, as far as  
11 I'm concerned. You had serious evidence stating  
12 a severe problem with what went on in that  
13 control cabinet.

14 MR. LAVOIE: This is very  
15 circumstantial. If we're going to go to this  
16 evidence, then I have other things I would like  
17 to say about that.

18 First of all, let's talk about the repair of  
19 it. I arrived --

20 THE CHAIRMAN: We understand that  
21 part of it. Go ahead. Do you have any more  
22 questions?

23 MR. JOSLIN: Yes. When you -- you  
24 mentioned dryers and appliances like that that

0038

1 comes with a cord cap that plugs in into the main  
2 power supply. That's something totally  
3 different. Now, how come when this is part of

4 the hot tub that wasn't plugged into the main  
5 power supply? The main power supply was already  
6 there. You were involved in the inner workings  
7 of the hot tub itself, which was not part of the  
8 original install.

9 MR. LAVOIE: That's correct.

10 MR. JOSLIN: So, therefore,  
11 whatever you were doing inside that cabinet would  
12 require a licensed electrician because of the  
13 danger involved because of a safety issue where  
14 you're fooling around with water and a heater.

15 MR. LAVOIE: So you're saying that  
16 an electrical dryer --

17 MR. JOSLIN: Electrical dryer,  
18 that's allowed because it has a cord cap on it.  
19 This hot tub is already prewired, hard-wired into  
20 the system, which had a power supply feeding it.  
21 You were inside the cabinet, which was already  
22 hot, and you were in there playing around in  
23 there without a license.

24 MR. LAVOIE: That's not completely

0039

1 correct. That's not completely correct. You  
2 said -- you used the words, "It was already hot."  
3 Well, on the electrical dryer, to the best of my  
4 knowledge, you can unplug it. However, there is

5 a way to disconnect the power. In fact, there's  
6 two means. From inside in the house, there's a  
7 breaker switch, a GFCI breaker, and outside  
8 there's a pull disconnect.

9 MR. JOSLIN: That's not the same  
10 as the dryer.

11 MR. LAVOIE: Well, the questions  
12 that you're bringing up now I think -- what I'm  
13 talking about is what's unclear about the law.  
14 In other words, when we look at this law, how  
15 does this apply? Can you show me in the law  
16 where this applies to a hot tub, as you're  
17 saying, but not to a dryer?

18 Now, the electrical clothes dryers can be  
19 hard-wired to 220 and any appliance can be  
20 hard-wired. In fact, appliances are so --

21 MR. JOSLIN: That's not the same  
22 thing.

23 MR. DURAND: It can't be  
24 hard-wired. There has to be a disconnecting

0040

1 means.

2 MR. JOSLIN: Exactly.

3 MR. LAVOIE: Well, there is a  
4 disconnecting means. We're talking about dryers.

5 THE CHAIRMAN: We're getting off

6 the subject on that. I'd like Mrs. Rowell -- do  
7 any of the board members have any more questions?

8 MR. JOSLIN: No.

9 MR. DURAND: No.

10 THE CHAIRMAN: Would you like to  
11 address the board?

12 MR. LAVOIE: Excuse me. Should  
13 Mrs. Rowell be sworn in?

14 THE CHAIRMAN: She was.

15 MS. ROWELL: She swore me in. My  
16 name is Janet Rowell. I'm not going to go into a  
17 lot of bologna.

18 I'm 73 years old, and I have a hot tub. I  
19 was in the hot tub with my daughter first and the  
20 heater went off. That's when I called Mr. Lavoie.  
21 He was in the book. I have a card from him. It  
22 says, "I.S.C.E.T." I have no idea what that  
23 means. That's his card, and it says he's  
24 insured, okay? So I did hire him by that to

0041

1 check it.

2 He said that it was not the heater, it was  
3 the motor. He removed the motor, went off, came  
4 back, I don't know, I can't tell you day-by-day,  
5 with another motor. He put another motor in,  
6 that went off. He ended up putting two motors

7 in. The motors were smaller, I believe. I'm not  
8 an electrician.

9 I had the hot tub installed, and the  
10 building inspector who is in charge down there,  
11 his name is Beau Brown, he told me I had to get a  
12 registered electrician, which I did, Lennahan  
13 Electric. He installed the hot tub. That --  
14 whatever you call it. You know that thing --

15 MR. DUSABLON: The disconnect.

16 MS. ROWELL: -- the disconnect.

17 He did all of that, okay? The building inspector  
18 came out, inspected everything, and everything  
19 was okay. I've had the hot tub for a  
20 year-and-a-half, two years.

21 However, he put two motors in. I got in the  
22 hot tub the third or the fourth time, who knows,  
23 and when I got in with my granddaughter, the  
24 minute I hit the jets, "shuuu," you know,

0042

1 everything went on fire, whatever. I could have  
2 been electrocuted I think. Maybe I'm wrong; you  
3 know what I mean? I panicked. I was upset, and  
4 that's when I called the AG's office who referred  
5 me to you people because they no longer do  
6 consumer complaints, okay? That's why I filed a  
7 complaint.

8 Now, in the meantime, I told him that I  
9 wanted the original motor left because my  
10 electrician who installed it told me to get the  
11 original motor.

12 I got the original motor back from him, and  
13 I took it up to a motor repair place. The man  
14 inspected the motor, and he said that there was  
15 nothing wrong with the original motor and  
16 somebody had "tinkered with it," was the terms he  
17 used, okay?

18 I gave him -- I paid him. I had to pay him  
19 for this, gave me back the motor, original motor.  
20 So evidently -- I'm not an electrician, I don't  
21 know anything. I'm trying not to talk too much.  
22 But evidently, it was the heater. I don't know.

23 THE CHAIRMAN: May I ask you a  
24 question?

0043

1 MS. ROWELL: Yes.

2 THE CHAIRMAN: Has it been fixed?

3 MS. ROWELL: No. I can't afford  
4 it, I'm sorry. I've already paid him over \$800.  
5 I paid him \$636, and I paid him another \$105. I  
6 can't afford it. I'm retired, you know what I  
7 mean, and it's going to cost me possibly now --  
8 what do you call that, sir, that's all burnt?

9 MR. DUSABLON: The control

10 cabinet.

11 MS. ROWELL: The control cabinet

12 is all burnt. So now -- and when we looked up

13 what the control panel is going to cost me, they

14 call it a spa pack, that's another \$900. Do you

15 know what I mean? So I don't know. To me, it

16 looks like I'm going to have to spend over

17 \$2,500, and I got -- this is the original hot

18 tub. Not that this makes any difference to you,

19 but it cost me over \$4,000 for the tub.

20 THE CHAIRMAN: This is outside

21 your home, correct?

22 MS. ROWELL: Yes. It's on my

23 porch. I'm sorry. I'm trying not to over talk.

24 THE CHAIRMAN: It's just for the

0044

1 record.

2 MS. ROWELL: Does anybody have any

3 questions of me?

4 THE CHAIRMAN: Does anybody have

5 any questions of Mrs. Rowell?

6 MR. DURAND: When you talked to

7 Mr. Brown about -- you said you had to hire an

8 electrician. When was that?

9 MS. ROWELL: When I originally put

10 the hot tub in.

11 MR. DURAND: And you had a  
12 licensed electrician?

13 MS. ROWELL: Yes. His name is  
14 George Lennahan. I don't know what the name of  
15 the company is, but he put it in, and he had to  
16 put all kinds of -- a special thing on my panel,  
17 and he had to put a thing outside that you pull  
18 out. A breaker, was that what it was?

19 MR. DUSABLON: Disconnect.

20 MS. ROWELL: A disconnect. He had  
21 to put all of that in.

22 MR. DURAND: That was all  
23 inspected?

24 MS. ROWELL: And then Beau Brown  
0045

1 came and inspected it before I could use it,  
2 okay? And it was fine. Everything has been fine  
3 until this happened when there was no heat, and  
4 then it's been a complete disaster since. Sorry.

5 And I need it for my health. I have a bad  
6 back, but that's not your problem. Sorry. Any  
7 other questions? And I can't afford to fix it  
8 now. It's going to cost me over \$2,000, plus  
9 what I paid him.

10 MR. JOSLIN: Did you speak to him

11 about what it said on his card?

12 MS. ROWELL: Yeah. Where did that  
13 card go? I gave it back to you. He said he  
14 was -- he said he was insured.

15 MR. JOSLIN: Does it say so on the  
16 card?

17 MS. ROWELL: It says so on the  
18 card. And whatever that means in the corner. I  
19 thought that meant that he was an electrician,  
20 whatever those initials are. What does that  
21 mean? Does anybody know or do you care to ask  
22 him what that means? I mean, I thought that that  
23 meant that he was a licensed electrician. See  
24 that? I have no -- you know what I'm mean? I'm  
0046

1 just looking at it. "As a member of" -- whatever  
2 that is. I assumed that meant electrician.

3 MR. DUSABLON: For the record,  
4 Mrs. Rowell is pointing to an initial that says,  
5 "Member I.S.C.E.T." That's what Mrs. Rowell is  
6 pointing out.

7 MS. ROWELL: I assumed that was an  
8 electrical -- I assumed wrong.

9 MR. JOSLIN: What kind of  
10 electrician is he?

11 MS. ROWELL: I don't know.

12 MS. LALLY: I'd like to make a  
13 copy of it.

14 THE CHAIRMAN: Gentlemen, any  
15 questions of Mrs. Rowell or Mr. Lavoie?

16 MR. JOSLIN: What kind of  
17 insurance do you have?

18 MR. LAVOIE: My insurer is  
19 Peerless Insurance through Bishop Agency out of  
20 Providence, and I have a million dollars in  
21 liability.

22 I called my insurer after this happened to  
23 inquire about licensing. When I did, all of  
24 these things -- to start-up as a business, I

0047

1 wanted to make sure I was properly insured for  
2 what I was doing.

3 I called them back and said that I was told  
4 by the state that I have to have a license. I  
5 said, "Can you help me in any way?" I called  
6 everywhere, and they didn't see where I needed a  
7 license or anything special other than -- my  
8 insurance was fine.

9 THE CHAIRMAN: Have you talked  
10 about doing something about this situation?

11 MR. LAVOIE: Yes. I got a call  
12 from Mr. Dusablon, it was kind of confusing. I

13 didn't know if I should go or not. I actually  
14 brought a copy with me. I wrote a letter to  
15 Mr. Dusablon indicating my confusion and the  
16 issues.

17 THE CHAIRMAN: Do we have a copy?

18 MR. DUSABLON: There is a copy in  
19 your packet.

20 MR. LAVOIE: I mean, I asked for  
21 clarification and what I got for an answer was  
22 the cease and desist order. I still don't know  
23 what I can do or what I can't do. The questions  
24 on this letter have never been clarified to me.

0048

1 And then I contacted Mrs. Rowell and told  
2 her that I had a cease and desist order and that  
3 I would have to wait until this is resolved.

4 MR. JOSLIN: What did your  
5 insurance company say? Did they tell you that  
6 they would cover the problem?

7 MR. LAVOIE: Well, you know, I  
8 didn't get that far. First of all, you know, I  
9 would like to talk a little about what  
10 Mrs. Rowell said about the repair. It's very  
11 important to this. This is -- if what she says  
12 is going to be considered, there's very important  
13 things to say about that. May I continue?

14 THE CHAIRMAN: Well --

15 MS. LALLY: Yeah, he's going to

16 have to.

17 MR. LAVOIE: I was called to her

18 premises to repair the hot tub. She told me I

19 was the best. I was recommended by her daughter

20 who said that I did a real good job and she was

21 very happy and I only charged her what was needed

22 on the repair and that Mrs. Rowell wanted me to

23 keep the cost minimized. I did.

24 When I arrived on the premise, her son was

0049

1 there at the hot tub. The hot tub was opened and

2 the equipment was opened, including the enclosure

3 for the circuit board. And she told me that in

4 his attempt to repair the hot tub, he had damaged

5 the heater.

6 Now, the heater -- I don't know if there's a

7 picture here. In fact, there is not a picture.

8 If you take this picture here and you look in the

9 center bottom of the picture, you will see two

10 nuts tied to the heating element. Now, these

11 nuts are tied to little studs, and people attempt

12 to take them off and break the studs. He had

13 broken the heater while trying to determine what

14 was causing the breaker to trip.

15 MS. ROWELL: May I speak?

16 MS. LALLY: Hold on. He's got to  
17 finish. Please just keep going specifically on  
18 the repair, Mr. Lavoie.

19 MR. LAVOIE: I had spoken --

20 MS. LALLY: Go ahead.

21 MR. LAVOIE: Mrs. Rowell was  
22 present at the time and her son was there, and  
23 she understood that he caused the damage to the  
24 heater. And I said that it was not the heater,

0050

1 and I had already said that, not until he broke  
2 the stud off. The heater needed to be replaced  
3 because her son broke the stud off the heater.  
4 Otherwise, that was not a problem.

5 I had determined what was tripping the  
6 ground-fault breaker. In that determination, I  
7 found a ground fault on the motor itself. I  
8 could see there was a resistance reading. I'm  
9 going -- I know you gentlemen have technical  
10 experience.

11 For the record, I used an ohmmeter, digital  
12 ohmmeter, and checked the resistance from the  
13 motor. I disconnected the cord cap and went  
14 right to the motor and found that the red and the  
15 black connectors to the ground there was a

16 resistance reading, enough to cause the ground  
17 fault to trip.

18 Ground fault breakers, I guess, trips  
19 between 4 and 6 milliamps. There was plenty of  
20 current through the motor to trip the ground  
21 fault breaker. I had replaced -- now,  
22 Mrs. Rowell wanted to have an inexpensive repair.  
23 I told her that I could put in a smaller pump,  
24 and she wouldn't notice any difference in the

0051

1 operation of the water pumping power difference  
2 at all, that I could put in a fractionally  
3 smaller horse-power pump and that I could do it  
4 for a lot less money. She accepted that.

5 And then I -- I put the pump in, but I made  
6 a fundamental error. I've been doing hot tubs  
7 for 18 years. I don't think there's anyone who  
8 could find what my error was. I'm going to tell  
9 you what it was. This is the second time in 18  
10 years that it happened to me.

11 When I replaced the fractional motor -- the  
12 fractional horse-powerless motor, I made the  
13 mistake of using a single propeller. I should  
14 have reduced the propeller of the motor to comply  
15 with the horse-power of the motor.

16 So when the motor started -- I tested the

17 motor while I was there, it worked fine, and I  
18 left. But when she put the motor on and it was  
19 on for a while because the propeller was too  
20 large for that horse-power, the internal motor  
21 tripped and shut the motor off. That was the  
22 problem with the first motor. I made that  
23 mistake.

24 Then I came back and replaced the motor with  
0052

1 the equivalent motor. Again, I tested it. I put  
2 in a more expensive motor, which was substantial  
3 and then I put the motor in and I tested it while  
4 I was there and it worked fine.

5 Now, I highly object to this whole -- not  
6 the procedure, I'm not sure how to say this, the  
7 fact that, you know, I'm going back that her son  
8 did work on the tub. And I have no idea what he  
9 may or may not have touched inside. But when you  
10 go inside -- not only that --

11 MS. LALLY: Mr. Lavoie, if you  
12 could wrap it up. We're not here on the quality  
13 of the work.

14 MR. LAVOIE: Well, that was  
15 brought up in other testimony.

16 MS. LALLY: And that's why I let  
17 you go on. If you could wrap it up, please.

18           **MR. LAVOIE:** When it comes to the  
19 quality of the work, I was not allowed to go  
20 there. All I could see are those photos, so I  
21 have no idea what caused them to burn. It could  
22 have been a loose connection, a hot connection; I  
23 have no idea what caused that.

24           **MS. LALLY:** Thank you.

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1           **MS. ROWELL:** May I speak? Sorry,  
2 I didn't mean to -- my son opened up the hot tub  
3 for him. He did not touch it. My son did not  
4 connect the motor to the heater or whatever he  
5 said, number one. My son unscrewed -- what do  
6 you call it?

7           **MR. DUSABLON:** The cover.

8           **MS. ROWELL:** So that when he came,  
9 he could see what happened. My son did not touch  
10 the motor.

11       He admitted he put the wrong motor in. Now,  
12 he just admitted it again, I believe, that he put  
13 the wrong -- made a slight mistake that he hadn't  
14 made before. And after he did that, sir -- it  
15 had nothing do with my son touching it or  
16 anything else. After he put that first motor in,  
17 it went downhill. Excuse me. Okay, I just want  
18 to clarify that, and you -- I don't mean to be --

19 MS. LALLY: Thank you. That's  
20 fine.

21 MR. LAVOIE: I would like to  
22 answer that, just one more time.

23 MS. LALLY: As I said, we're not  
24 here on this. We can go back and forth all day,  
0054

1 and we're not here to do that. Do any of the  
2 board members have questions relating to --

3 MR. DURAND: I have a question.  
4 What does I.S.C.E.T. mean?

5 MR. LAVOIE: International Society  
6 For Certified Electrical Technicians.

7 MR. DURAND: And you claim to be  
8 an electromechanical technician? Give me your  
9 definition of an "electromechanical technician."

10 MR. LAVOIE: A person who repairs  
11 electromechanical equipment. A motor is an  
12 example of that; it rotates, it runs on  
13 electricity.

14 MR. DURAND: You have been doing  
15 this for 18 years?

16 MR. LAVOIE: On hot tubs alone.  
17 Previous to that, I was in the military.

18 MR. DURAND: I remember your  
19 testimony on that. I understand all that,

20 Mr. Lavoie. That's fine. Your resume was  
21 outstanding, there's no question about that. But  
22 the point of the matter is you violated a state  
23 law.

24 And just one thing I'd like to say and maybe  
0055

1 you could put an end to this whole matter is if  
2 maybe if you try to find it -- get your insurance  
3 company to file a claim to get her repairs taken  
4 care of under your insurance carrier and maybe  
5 you would have a better relationship with the  
6 customer in that respect. But we're not here to  
7 do that. We're here to judge whether or not you  
8 violated a state law. I'm just trying to find a  
9 remedy for the customer myself, too, that would  
10 be nice.

11 MR. LAVOIE: If I hadn't gotten  
12 the cease and desist order, I could have  
13 finished. In 18 years, there isn't a job out  
14 there that the customer wasn't satisfied by my  
15 work.

16 I've always -- everybody makes mistakes.  
17 Again, my mistake was the size of the propeller,  
18 not the motor. The motor was not a mistake. I  
19 just want to add to that mistake part. I went  
20 back to the industry to query the industry about

21 what I had done. Everybody that I spoke to said  
22 that I did nothing wrong, as far as the motor.

23 THE CHAIRMAN: You have been in  
24 touch with your insurance company; is that  
0056

1 correct?

2 MR. LAVOIE: That's correct. Yes,  
3 I have.

4 THE CHAIRMAN: And did they  
5 attempt to do something about this?

6 MR. LAVOIE: I haven't gone down  
7 there yet. I think that should be addressed -- I  
8 think we're here to address the law, and I think  
9 that we want to -- that's a consideration for a  
10 later date.

11 THE CHAIRMAN: Okay.

12 MR. DURAND: I move that we go  
13 into executive session.

14 MR. JOSLIN: I second that.

15 MS. ROWELL: May I make one  
16 statement? I would like to --

17 MS. LALLY: First, could we finish  
18 the vote on that?

19 THE CHAIRMAN: All those in favor,  
20 aye? Opposed?

21 MS. ROWELL: I would take -- like

22 to answer that question. I would like the hot  
23 tub fixed, but I have to be honest, I don't want  
24 him touching it. I have to say it, you know what  
0057

1 I mean? I'm sorry.

2 MS. LALLY: That's okay. We'll be  
3 in executive session.

4 MR. LAVOIE: I would like to just  
5 say one thing also in closing.

6 THE CHAIRMAN: We've voted.

7 MR. LAVOIE: It's very, very  
8 brief.

9 THE CHAIRMAN: See what our  
10 attorney says.

11 MS. LALLY: We're not finished.  
12 We will call you back in, Mr. Lavoie, if you want  
13 to say something at that point in time.

14 (REPORTER INSTRUCTED BY LEGAL COUNSEL NOT TO  
15 WRITE EXECUTIVE SESSION)

16 THE CHAIRMAN: We'll go back on to  
17 see if there's a violation on Case No. 3199. Do  
18 we have a violation?

19 MR. DURAND: Mr. Chairman, I make  
20 a motion based upon the finding that a violation  
21 occurred. I move to uphold the issued fine in  
22 the amount of \$1,500.

23 MR. JOSLIN: I'll second the  
24 motion.

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1 THE CHAIRMAN: All those in favor,  
2 aye? Any opposed?

3 MR. BURLINGAME: I'll oppose.

4 THE CHAIRMAN: Sir, this will go  
5 to the Director of Labor, and she will make the  
6 determination on this, and you will be hearing  
7 directly from her.

8 MR. LAVOIE: How much time should  
9 I have to wait for that?

10 MS. LALLY: Two to three weeks.

11 MR. LAVOIE: Two to three weeks.

12 MS. LALLY: It will probably be  
13 before that, but on the outside --

14 THE CHAIRMAN: Do you want the  
15 pages -- we're going to keep the pictures for  
16 evidence, sir.

17 MR. DUSABLON: That is fine.

18 THE COURT REPORTER: Hold on. Am  
19 I marking the pictures or not?

20 THE CHAIRMAN: Yes.

21 MS. LALLY: And this should be in  
22 evidence, too. This is a copy of Mr. Lavoie's  
23 card.

24 (EXHIBIT NO. 1 MARKED)

0059

1 (EXHIBIT NO. 2 MARKED)

2 MR. JOSLIN: Can I speak?

3 THE CHAIRMAN: Gentlemen, if you  
4 have -- has everybody had the opportunity to read  
5 the minutes?

6 THE COURT REPORTER: I'm sorry.  
7 Am I writing the minutes or not?

8 MR. DUSABLON: Yes. Because,  
9 unfortunately, we don't have a secretary for our  
10 minutes, so yes, you are.

11 MR. JOSLIN: I make a motion to  
12 accept the minutes.

13 THE CHAIRMAN: Do I have a second  
14 on that?

15 MR. BENELL: Second.

16 THE CHAIRMAN: All those in favor,  
17 aye? Opposed? We do have some reviews.

18 MR. DUSABLON: Motion to adjourn.

19 MR. BURLINGAME: Second.

20 THE CHAIRMAN: All those in favor,  
21 aye? Opposed?

22 (HEARING CLOSED AT 11:05 A.M.)

23 \* \* \* \* \*

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0060

1           **C E R T I F I C A T E**

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5       **I, Alesha M. Cerrito, Notary Public, do**  
6 **hereby certify that I reported in shorthand the**  
7 **foregoing proceedings, and that the foregoing**  
8 **transcript contains a true, accurate, and**  
9 **complete record of the proceedings at the**  
10 **above-entitled hearing.**

11

12       **IN WITNESS WHEREOF, I have hereunto set my**  
13 **hand this 23rd day of August, 2007.**

14

15

16

17

18 **ALESHA M. CERRITO, NOTARY PUBLIC/CSR**  
19 **MY COMMISSION EXPIRES SEPTEMBER 27, 2008.**

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