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1 STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF LABOR & TRAINING

2 DIVISION OF WORKFORCE REGULATION AND SAFETY

3

4 .....

PROCEEDINGS AT HEARING :

5 :

IN RE: :

6 :

BOARD OF EXAMINERS :

7 OF ELECTRICIANS :

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8 .....

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10

DATE: NOVEMBER 21, 2007

11 TIME: 9:30 A.M.

PLACE: DEPT. OF LABOR & TRAINING

12 1511 PONTIAC AVENUE

CRANSTON, RHODE ISLAND

13

14

15 PRESENT:

STANLEY DAVIES, ACTING CHAIRMAN

16 FRANK BENELL, JR.

**KEITH BURLINGAME**

**17 ALLEN DURAND**

**GLENN DUSABLON, INVESTIGATOR**

**18 VAL LOMBARDI, ESQUIRE**

**BEN COPPLE, ESQUIRE**

**19**

**20**

**21**

**22**

**23 RHODE ISLAND COURT REPORTING**

**747 NORTH MAIN STREET**

**24 PROVIDENCE, RI 02904**

**(401) 437-3366**

**0002**

**1 (COMMENCED AT 9:45 A.M.)**

**2 MR. DAVIES: Good morning. We're**

**3 going to call the Electrical Board to order at**

**4 9:45 a.m. We will dispense with the minutes and**

**5 go right into the hearings. Our first case is**

**6 Violation 3311, Joseph M. Trillo, Custom Systems,**

**7 AAA Alarms, AFC 0353. Those who are going to**

**8 testify, please stand.**

**9 NUNZIO VINCENT ALBERT RICCIO, JOSEPH M. TRILLO,**

**10 DAVID A. SAYLES, GLENN DUSABLON**

**11 (SWORN)**

**12 MR. DAVIES: Mr. Dusablون, would**

13 you go ahead and read the violation, please.

14           **MR. DUSABLON:** Violation 3311,  
15 Joseph M. Trillo, Custom Systems, AAA Alarms, AFC  
16 No. 0353. Location of violation is 105 White Rock  
17 Road, Westerly, Rhode Island. Violation of Rhode  
18 Island General Law 5-6-2, work for which a license  
19 is required.

20           On September 21, 2007, Westerly Fire  
21 Chief David Sayles filed a complaint with the  
22 Department of Labor & Training after witnessing an  
23 electrical fire alarm installation being installed  
24 by two unlicensed employees of Joseph M. Trillo,  
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1 Custom Alarms, AAA Alarms, 798 Providence Street,  
2 West Warwick, Rhode Island.

3           Fire Chief Sayles witnessed the  
4 unlicensed employees, Randy Parr, Apprentice No.  
5 9015 and Woody Pierre, Apprentice No. 9063,  
6 installing electrical fire alarm systems at 105  
7 White Rock Road in Westerly on two consecutive  
8 days; Thursday, September 20, 2007 and Friday  
9 September 21, 2007 without a Rhode Island Fire  
10 Alarm Installer's License.

11           **MR. DAVIES:** Board members have  
12 any questions of Mr. Dusablon's report?

13           **MR. BURLINGAME:** Mr. Chair, for

14 the record, I'm going to recuse myself on this  
15 matter as the White Rock Inn is a client of mine.

16 MR. DAVIES: Okay. We'll note  
17 that. Okay. Chief Sayles, you want to make your  
18 statement, please.

19 CHIEF SAYLES: Good morning,  
20 Mr. Chairman. On September 20th and as well as  
21 the 21st and the 25th, I was at the White Rock Inn  
22 at the request of my superintendent of alarms.

23 I checked the licenses of the men  
24 working there and one gentleman had an expired  
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1 apprentice license, the other gentleman had an  
2 apprentice license on the 20th.

3 Again, on the 21st, I visited the White  
4 Rock Inn in Westerly. Again, I had looked at  
5 their licenses. They both had licenses at that  
6 time. The one gentleman announced that he had  
7 delayed coming into work and got his license that  
8 day. Again, that was repeated again on the 25th.

9 MR. DAVIES: Board members have  
10 any questions of Chief Sayles?

11 MR. DURAND: I do.

12 MR. DAVIES: Go ahead.

13 MR. DURAND: Again, on the 20th,  
14 what did you find on September 20th?

15 CHIEF SAYLES: September 20th, I  
16 found one gentleman with a license, an apprentice  
17 license. As I said, on that same day, the other  
18 gentleman had an expired apprentice license.

19 MR. DURAND: Those are the only  
20 two people on the job?

21 CHIEF SAYLES: That's correct.

22 MR. DURAND: Two apprentices?

23 CHIEF SAYLES: That's correct.

24 MR. DURAND: No journey person?

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1 CHIEF SAYLES: That's correct.

2 MR. DURAND: That's all I have  
3 right now.

4 MR. DAVIES: Any other questions  
5 by board members? Mr. Trillo, would you like to  
6 address the board?

7 MR. TRILLO: Yes. Good morning.  
8 There's two issues that we wanted to be heard upon  
9 actually. The first is the substantive issue that  
10 goes to this direct personal supervision of an  
11 apprentice.

12 But before I talk about that, we had  
13 requested of this department to send us the rules  
14 and regs., and I never got a call back so that's  
15 why we're here today, we probably could have

16 avoided this hearing.

17           The second issue is I'd just like to  
18 clarify some background regarding the White Rock  
19 Inn because I think it goes to some other issues.  
20 In order to do that, I need to ask the chief some  
21 questions.

22           The first thing -- the other thing I'd  
23 like to say is I am not the state representative,  
24 but Chief, isn't it true that you appeared or the

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1 White Rock was in front of the Fire Safety  
2 Oversight Commission; is that a true statement?

3           CHIEF SAYLES: Yes.

4           MR. TRILLO: Did you testify at  
5 that meeting?

6           CHIEF SAYLES: No.

7           MR. TRILLO: Who from the Westerly  
8 Department did?

9           CHIEF SAYLES: John Macky,  
10 Superintendent of Alarms. May I just -- I'm not  
11 too sure what's going on; is that germane to this?

12           MR. TRILLO: Yes, it is, in terms  
13 of -- I'll get to why it's germane, but basically  
14 it relates to what we feel is due process and  
15 equal protection violations that's potentially  
16 going on. That's why I'd like to lay a little

17 background on this. It's important.

18 CHIEF SAYLES: I see.

19 MR. TRILLO: Do you know what was  
20 discussed at that hearing or what the outcome was?

21 CHIEF SAYLES: I did know there  
22 was an extension given on time. I can't recall  
23 specifically. I believe it could be in the  
24 neighbor of a 120-day extension.

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1 MR. TRILLO: What type of  
2 violations was the White Rock cited for as far as  
3 your department goes? What were they told they  
4 had to do?

5 CHIEF SAYLES: I do have a report  
6 of the violations if you would like a copy of the  
7 report.

8 MR. TRILLO: Were they shut down,  
9 did they lose their liquor license?

10 CHIEF SAYLES: No, sir. They  
11 voluntarily shut down to comply with the Rhode  
12 Island State Fire Code.

13 MR. TRILLO: Is it a true  
14 statement to say that they appeared in front of  
15 the Fire Safety Commission which is chaired by my  
16 father because of the fact that they were getting  
17 what they felt was difficulty in trying to

18 understand their way through the fire code?

19 CHIEF SAYLES: My apologies to  
20 you, sir. No one -- I answered the question  
21 incorrectly. No one was before any other board  
22 except the board of appeal and review. That's the  
23 board I thought you meant.

24 Any subsequent boards, I don't really

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1 don't know much about on the political area. So I  
2 guess I really don't know too much about that. I  
3 know there has been things in the newspaper, but I  
4 really haven't paid attention to it.

5 MR. TRILLO: Are you on any  
6 committees regarding the fire code changes that  
7 have transpired?

8 MR. DAVIES: I think we're getting  
9 off-track of what we're here for.

10 MR. TRILLO: Well, back to the  
11 substantive issue of direct personal supervision  
12 of an apprentice. It's our position that our  
13 apprentices at all times were under the direct  
14 personal supervision of a journeyman alarm  
15 electrician, even if their physical presence on  
16 the site wasn't continuous.

17 All of my guys are working with low  
18 voltage. They all have cell phones with picture

19 phones. I'm not familiar with anything other than  
20 the General Laws related to apprentice and over --  
21 which refers to the direct personal supervision.

22 If there are any rules that explain that  
23 to us, like I said, I have requested them. I got  
24 no return phone call from the department. I'm not  
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1 familiar with any rules, but it's our position and  
2 Nunzio -- we're operating on a three-to-two ratio.

3 We have three journeymen to two  
4 apprentices, myself being one of the journeyman,  
5 Nunzio being one of the journeyman, and another  
6 gentleman, David Silva, being one of the  
7 journeyman. We all have unlimited communication  
8 via cell phone.

9 Nunzio is the operations manager. He  
10 appears at the job sites in the morning. He sets  
11 these guys up. He checks on them. Yes, I'm not  
12 arguing that he wasn't there. I'm not disagreeing  
13 with the chief's assessment.

14 I'm just trying to understand to what  
15 degree of supervision is required by the  
16 department. The general law refers to something  
17 very vague, and in my opinion, they were directly  
18 supervised.

19 MR. DAVIES: They were not on the

20 site; do I understand that correctly?

21 MR. TRILLO: Not continuously,  
22 that's correct.

23 MR. DAVIES: And you are aware  
24 that they have to be present at all times?

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1 MR. TRILLO: I'm not. Like I  
2 said, I asked this department to furnish me with  
3 something that would show that and I never got it.  
4 I never got the answer.

5 MR. DAVIES: When you got a  
6 license, you didn't get a form telling you how our  
7 system works?

8 MR. TRILLO: Not to the degree  
9 that would answer this question. I refer to the  
10 general statute and the general statute only  
11 refers to direct personal supervision. And in my  
12 opinion, this is fire alarm, this isn't high  
13 voltage electrical.

14 MR. DUSABLON: Mr. Chairman.

15 MR. DAVIES: Okay. Hold on.  
16 Title V; are you familiar with this at all?

17 MR. TRILLO: What is the chapter  
18 number?

19 MR. DUSABLON: 5-6. Each of the  
20 board members have it in their book.

21 MR. DAVIES: 5-6-24.

22 MR. TRILLO: Right. This is the  
23 section that refers to direct personal  
24 supervision. No where in the statute does it say  
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1 the gentleman has to be on-site.

2 MR. DUSABLON: The word "with" and  
3 "directly under." It says the word "with" and  
4 "under direct," I would say with him.

5 MR. TRILLO: I've read the statute  
6 and that's the premise of why I'm here today, to  
7 challenge the fact that technology is at a  
8 different place.

9 These gentleman have cell phones,  
10 picture phones. They're in constant communication  
11 with each other. They are being directly  
12 personally supervised.

13 If you're referring to them having to be  
14 on-site, let's take it to the next degree, a three  
15 story building. He's in the basement, the  
16 apprentice is on the third floor; is that direct  
17 personal supervision? Is there a rule or reg.  
18 that speaks to that? Why is that any more or less  
19 dangerous than if he's buying coffee or picking up  
20 pipe to drop off to the guys?

21 MR. DAVIES: It's been a practice

22 of this board, sir, that the apprentice should not  
23 be left alone and that has been a practice of this  
24 board since I've been here.

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1 MR. TRILLO: I agree totally. I  
2 agree totally the apprentice should never be left  
3 alone. I'm arguing that he's in constant  
4 communication.

5 MR. DAVIES: Believe me, if he got  
6 hurt on the job, which has nothing to do with this  
7 case, but if he did, I'm sure OSHA would come down  
8 on you a lot harder than we are.

9 MR. TRILLO: That's another issue  
10 that we're not here. The second reason that we're  
11 here is we received \$2,000 in fines for this. The  
12 complaint is talking about unlicensed installers.

13 These guys both had their apprentice  
14 licenses. As far as the expired apprentice  
15 license, I never heard of such a thing. I don't  
16 know how an apprentice license expires. I think  
17 that was a clerical thing that happened.

18 Because Randy's only been with us, it  
19 hasn't even been two years and he got his  
20 apprentice license, so how it expired, I can't  
21 answer, maybe somebody in the department can, but  
22 I would argue that's a clerical administrative

23 thing to correct.

24 So to say that they're unlicensed, they

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1 were both validly licensed by this department,  
2 maybe one of them didn't have a card on them that  
3 day and that may be a violation, but they were  
4 both apprentice card carrying people. So we  
5 received \$2,000 in fines.

6 And I guess what galls me more than  
7 anything is we received a \$1,000 fine, okay. And  
8 then I requested of this department to explain why  
9 we got the fine, okay, after the first \$1,000  
10 fine. I then received a phone call that says,  
11 "Oh, they're glad to have nailed Joe Trillo  
12 breaking the law," an inside phone call, not that  
13 that's important, but it just kind of made me pay  
14 attention to what's going on here.

15 I filed -- I called the department to  
16 find out what we did wrong, got no response, got  
17 no reply, and then I requested the hearing. All I  
18 did was fill in the form and request this hearing.  
19 I then get another \$1,000 fine two weeks after I  
20 requested this hearing. Can you please explain  
21 that to me?

22 MR. DAVIES: Well, I only see one.

23 MR. DUSABLON: I can explain that

24 to you. On the issuing of the fine, the first

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1 fine was drafted immediately within a time frame  
2 available for me to draft the violation. The  
3 violation then has to be done by the secretary,  
4 then it has to be approved by the assistant  
5 director, then it goes to the director's office  
6 for approval, then the process starts.

7 I went on vacation. I was gone, I  
8 believe, on a Friday; that was done on a Friday.  
9 When I came back, my secretary was on vacation, so  
10 I had nobody to do the violations. Yours was not  
11 the only one that didn't go out -- well, they go  
12 out in a timely fashion if the staff is available  
13 to process it.

14 MR. TRILLO: It all happened at  
15 the same time. It was all the same date. It's  
16 all the same parties that were involved.

17 MR. DUSABLON: I would like to  
18 change that. I went on September 26th after  
19 receiving the complaint from the chief and when I  
20 went there on September 26th, Mr. Parr was still  
21 there working alone on that day.

22 I didn't do an additional violation for  
23 that. I sent the one violation dated for the two  
24 complaints by the chief. I have not done a

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1 second, a third or violation, which under the law  
2 could have been processed, but I figured we'd  
3 address it in one issue.

4 You technically should have had a fine  
5 for the 20th, you should have had a fine for the  
6 21st, you should have had a fine for the 25th and  
7 for the 26th because they were consecutive days.  
8 I issued one fine to the company and one fine for  
9 each individual. There should have been four to  
10 each with the amount subscribing from \$500 to \$950  
11 for the second round of offenses.

12 I gave you the opportunity to respond  
13 and appeal the fine without issuing the other  
14 fines because what happens is they all stack up on  
15 the table here and I thought we'd address it in  
16 one issue and resolve the problem at once.

17 MR. TRILLO: Well, the appearance  
18 was we received a \$1,000 fine and then after I  
19 requested this hearing, two weeks after we  
20 requested the hearing, these two gentlemen  
21 personally get fined at their house. It's kind of  
22 an eye raiser.

23 And I would like to know what percent of  
24 the time on a first offense does the company get

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1 the fine, which I don't know, 5-70-22 refers to a  
2 \$500 first offense fine and how we get to it  
3 \$1,000 when the calls for \$500. And I'm just  
4 curious, what percent of the time are the  
5 individuals brought in, innocent victims, innocent  
6 parties?

7 MR. DUSABLON: Every time.

8 MR. TRILLO: They get fined as  
9 well?

10 MR. DUSABLON: We fine everybody  
11 and everyone has the right to appeal. The fines  
12 are based on offenses. You had two unlicensed  
13 people on the job site, so it's \$500 per  
14 violation. You have two violations. The  
15 individuals were cited only one time, so they each  
16 received a \$500 fine, which is the normal process  
17 here in this office, every contractor.

18 MR. TRILLO: Just to close out my  
19 comments, we really requested of this department  
20 to explain to us direct personal supervision. We  
21 wanted to be heard regarding the cell phone issues  
22 we feel strongly.

23 He's the boss. He feels strongly the  
24 gentlemen were constantly under constant

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1 supervision, although we admit they were not -- he

2 was not physically present on the site at every  
3 single minute. Was there any danger created?  
4 Perhaps the chief, if he felt there was a  
5 dangerous issue or is this purely a semantical  
6 licensing issue?

7 We're just asking the department train  
8 us, explain to us what we did wrong. This is our  
9 first offense and we think \$2,000 in fines is not  
10 reasonable given the fact that we requested  
11 training and were denied.

12 MR. DUSABLON: It's \$1,000.

13 MR. DAVIES: I don't know where  
14 you're coming up with \$2,000.

15 MR. TRILLO: These gentleman, we  
16 have appeals in, I sent appeals in on behalf of  
17 these two gentleman as well. They have personally  
18 received \$500 fines in the mail. I mean, we can't  
19 treat this as one hearing? We have to come back  
20 and appeal theirs separately? I would request  
21 that we hear this all together. It's all one  
22 incident.

23 MR. DAVIES: We can't do that.

24 MR. DUSABLON: I'm not prepared

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1 for a second.

2 MR. TRILLO: Gentlemen want to

3 hear this again?

4 MR. DURAND: Mr. Chairman, point  
5 of order, we're here under Violation 3311 and only  
6 3311.

7 MR. DAVIES: At this time.

8 MR. TRILLO: We're just asking the  
9 department to explain what we did wrong, how we  
10 broke any law, and then ask the director to waive  
11 the imposition of any fines and instead provide  
12 this as a training exercise, assist us in being a  
13 viable employer in the state of Rhode Island and  
14 implement the new state fire code.

15 MR. DAVIES: This hearing is  
16 conducted for this and this board is an advisory  
17 board to the director and the director can listen  
18 to our results and decide from there. As far as  
19 the apprentices, they cannot be heard on this  
20 today because this is a case that's all set up.

21 Now, I had one question myself. If they  
22 were caught or apprentices alone on one day, why  
23 would they continue to stay there?

24 MR. TRILLO: We didn't know we

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1 were doing anything wrong and they weren't alone.  
2 In our opinion, they weren't alone. They're never  
3 alone. They have their cell phones on belt clips.

4 MR. DAVIES: Let's skip the cell  
5 phones, it's not direct supervision as far as I'm  
6 concerned. Now, did the chief say that you had  
7 apprentices on the job?

8 MR. TRILLO: The chief called  
9 Nunzio.

10 MR. RICCIO: Yes.

11 MR. DAVIES: Why wouldn't you, at  
12 that point, stop?

13 MR. RICCIO: I did. I said, "I'm  
14 going to pull them off the job. I'm actually down  
15 the road." I was in Coventry when I spoke to --  
16 he called me, my guys called me and told me Chief  
17 Sayles was there. I said, "Did you want me to  
18 come up there now?"

19 And you said you weren't going to hang  
20 around waiting for me, so I came up anyway, but I  
21 didn't go at that second because I was in  
22 Coventry.

23 MR. DAVIES: I understand this was  
24 a couple of days, but on the 26th, why --

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1 MR. RICCIO: Consider it bad luck.

2 MR. TRILLO: I mean, we're a new  
3 company. We've never been in front of the board  
4 before. The statute, although you feel like you

5 know the statute inside out, our interpretation  
6 and strict reading, we met it. We're here because  
7 we just don't --

8 MR. RICCIO: On those jobs, it's  
9 not that I wasn't there at all. I was there, I  
10 just wasn't there the whole time.

11 I had to get parts. I did a couple of  
12 service calls, but again, either it was on  
13 occasion I get there in the morning with them and  
14 I'd walk through the job, what they have to do,  
15 they get the check list.

16 I'm either there working with them or if  
17 I get a call or something, I'll take off and do  
18 it. I mean, it doesn't happen often. It just so  
19 happens that job was in Westerly and Coventry's  
20 only a stone's throw away from it, so I figured I  
21 could do it there. I don't do it on any other  
22 jobs. It's lucky -- bad luck that I got caught.

23 MR. TRILLO: Distance was a  
24 factor. There's no question about it. It was

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1 Westerly. Distance was a factor.

2 MR. RICCIO: But to say I wasn't  
3 there at all was not true, I was there.

4 MR. DAVIES: To leave apprentices  
5 on the job, in this business, I've been in this

6 business since, I hate to say, 1955.

7 MR. RICCIO: There was --

8 MR. TRILLO: If you could just  
9 clarify for us, he's in the basement, he's on the  
10 third floor --

11 MR. DAVIES: He's on the premises.

12 MR. TRILLO: So the rule is on the  
13 premises, why doesn't it say that in the statute?

14 MR. DAVIES: I think we're bending  
15 the statute a little bit. Like I say, we've had  
16 this happen constantly and again, if someone got  
17 hurt, who's going to be responsible? That's the  
18 answer.

19 Or if they drilled into a -- and this  
20 happens numerous times -- they drill into a wire  
21 or something in the wall and you start a fire,  
22 there's all kind of things that apprentices should  
23 not be left alone. This is our attorney.

24 MR. LOMBARDI: Mr. Chairman,

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1 Mr. Trillo, with regard to the two citations, one  
2 against the company and then one against each of  
3 the individuals. You came here prepared to  
4 represent everyone; is that correct?

5 MR. TRILLO: Correct.

6 MR. LOMBARDI: The reason why they

7 weren't scheduled for today for the two  
8 individuals is because of the time frame. There  
9 is a 15-day period and they didn't want to violate  
10 that time frame.

11           However, if your clients would waive  
12 that time frame, they would be able to hear  
13 everything today and you can argue your case for  
14 both your company and for the individuals.

15           MR. TRILLO: We'd be willing to  
16 waive that.

17           MR. LOMBARDI: Do you have the  
18 number of that case?

19           MR. DUSABLON: No, I'll have to go  
20 get them. Do you need me to finish this one?

21           MR. LOMBARDI: No. Let's take a  
22 short break and get that so we can straighten this  
23 out. I want to get everything on the record  
24 properly.

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1           (OFF THE RECORD)

2           MR. DAVIES: We're going to  
3 continue on with the hearing. What we're going to  
4 do is consolidate them, so we'll go into the  
5 apprentice hearings together and vote on them  
6 separately. Do the apprentices want to stand and  
7 be sworn in, please.

8                   **RANDY PARR, WOOD PIERRE**

9                   **(SWORN)**

10                  **MR. DURAND: Mr. Chair, are we**  
11 **done with this case, 3311?**

12                  **MR. DAVIES: We're done with it,**  
13 **but not for the voting, sir.**

14                  **MR. DURAND: I understand that,**  
15 **but the board didn't have a chance to ask**  
16 **questions of Mr. Trillo.**

17                  **MR. DAVIES: Well, that's what I**  
18 **asked before.**

19                  **MR. DURAND: I didn't hear you say**  
20 **that. Mr. Trillo, the name of your company is**  
21 **Custom Systems, AAA Alarms; is that one word?**

22                  **MR. TRILLO: No. The corporate**  
23 **name is Custom Systems, LLC. The trade name, the**  
24 **doing business as name, there's two of them**

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1 **registered; AAA Alarms and Fire Protection, and**  
2 **AAA Custom Alarms. They're just fictitious**  
3 **business names with the Secretary of State. The**  
4 **corporate entity is Custom Systems, LLC.**

5                  **MR. DURAND: I notice they both**  
6 **have the same certificate number; can you explain**  
7 **why that is?**

8                  **MR. TRILLO: It's the same**

9 company. It's only one company. The rest are  
10 just names. It's only one company.

11 MR. DURAND: Well, I don't have  
12 the Secretary of State's definition of your  
13 company name, all I have is a printout of two  
14 names. I have AAA Custom Alarm System and the  
15 certificate number is the same as the Custom  
16 Systems, LLC, so you have two different names with  
17 the same license number.

18 MR. TRILLO: And my explanation is  
19 one is the actual entity which is Custom Systems,  
20 LLC, which is the corporate body, the other two  
21 names are registered with the Secretary of State  
22 as business names, doing business as names.

23 MR. DURAND: I don't think you can  
24 have that situation.

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1 MR. LOMBARDI: Yes, you can.

2 MR. DURAND: You can?

3 MR. LOMBARDI: Yes.

4 MR. DURAND: Do you sign contracts  
5 when you do projects?

6 MR. TRILLO: Yes, every time.

7 MR. DURAND: Do you review the  
8 contracts yourself or do you have an attorney?

9 MR. TRILLO: I am an attorney and

10 I do review them.

11 MR. DURAND: When you signed on as  
12 a fire alarm contractor, did you review all the  
13 rules and regs. of the state of Rhode Island?

14 MR. TRILLO: Yes, I did.

15 MR. DURAND: Do you understand all  
16 the rules and regs. of the state of Rhode Island?

17 MR. TRILLO: I thought I did.

18 MR. DURAND: Of doing business as  
19 a contractor. Okay. That's all I have to say.

20 MR. DAVIES: Any other board  
21 members have any questions of Mr. Trillo? Okay,  
22 Glenn, would you read the violations on the other  
23 two gentlemen.

24 MR. DUSABLON: Violation 3321,

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1 name of violator: Woody Pierre; address, 97  
2 Warren Avenue, Cranston, Rhode Island. Location  
3 of violation is 105 White Rock Road, Westerly,  
4 Rhode Island. Violation, Rhode Island General Law  
5 5-6-2, work for which license is required.

6 On September 21, 2007, Westerly Fire  
7 Chief David Sayles filed a complaint with the  
8 Department of Labor & Training after witnessing an  
9 electrical fire alarm installation being installed  
10 by Woody Pierre, an employee of Joseph M. Trillo,

11 Custom Systems, AAA Alarms, 798 Providence Street,  
12 West Warwick, Rhode Island.

13 Mr. Pierre performed this work on two  
14 consecutive days; Thursday, September 20, 2007 and  
15 Friday, September 21, 2007 at 105 White Rock Road  
16 in Westerly without a Rhode Island Fire Alarm  
17 Installer's License.

18 MR. DAVIES: Violation.

19 MR. DUSABLON: The above-cited  
20 violator is hereby ordered to immediately cease  
21 and desist from performing the work described  
22 above until all licenses and/or permits are  
23 properly obtained. It is further requested that  
24 the following penalties be imposed on the

0027

1 above-violator: \$500 under Rhode Island General  
2 Laws 5-70-6 (b), 5-70-22.

3 MR. DAVIES: Board members have  
4 any questions of Mr. Dusablon's statements? Chief  
5 Sayles, do you agree with this reading of this?

6 CHIEF SAYLES: Yes.

7 MR. DAVIES: Mr. Pierre, would you  
8 like to make any statement?

9 MR. TRILLO: You don't have to.  
10 We're just going to restate.

11 MR. PIERRE: One thing I want to

12 say, I always in contact with my boss because you  
13 know as an apprentice I need him to, you know, to  
14 guide me.

15 MR. TRILLO: Ask him what you just  
16 said to me regarding a live electrical wire if  
17 he's on-site in the basement and you're on the  
18 third floor; does that make a difference? He's  
19 still going to have a problem.

20 MR. PIERRE: I ask a question  
21 about that.

22 MR. TRILLO: We want to know the  
23 answer.

24 MR. PIERRE: Because I still, you

0028

1 know, with him, on the phone. And also that, I  
2 mean, with us and like you said, if like he's in  
3 the basement and I'm on the third floor, and there  
4 is fire, so what is going to do?

5 MR. DAVIES: Well, if he was a  
6 journeyman electrician or somebody on-site, I  
7 don't know what his license capacity is.

8 MR. TRILLO: Journeyman.

9 MR. DAVIES: I don't know that.

10 MR. TRILLO: Journeyman.

11 MR. DAVIES: Electrician

12 journeyman?

13 MR. TRILLO: AFPT.

14 MR. DAVIES: Board members have  
15 any questions of Mr. Pierre? Okay, sir. We'll  
16 discuss this, we're going to have the voting  
17 after, so we'll go right into the second case on  
18 3322. Glenn, you want to read it?

19 MR. DUSABLON: 3322; Randy Parr,  
20 815 Sandy Lane, apartment 62, Warwick, Rhode  
21 Island. Location of violation: 105 White Rock  
22 Road, Westerly, Rhode Island. Violation: Rhode  
23 Island General Law 5-6-2, work for which a license  
24 is required.

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1 September 21, 2007, Westerly Fire Chief  
2 David Sayles filed a complaint with the Department  
3 of Labor & Training after witnessing an electrical  
4 fire alarm installation being installed by Randy  
5 Parr, an employee of Joseph M. Trillo, Custom  
6 Systems and AAA Alarms, 798 Providence Street,  
7 West Warwick, Rhode Island.

8 Fire Chief Sayles witnessed the  
9 unlicensed employee, Randy Parr, Apprentice No. 9015  
10 installing an electrical fire alarm system at 105  
11 White Rock Road in Westerly on two consecutive  
12 days; Thursday, September 20, 2007 and Friday,  
13 September 21, 2007 without a Rhode Island Fire

14 Alarm Installer's License.

15 The above-cited violator is hereby  
16 ordered to immediately cease and desist from  
17 performing the work described above until licenses  
18 and/or permits are properly obtained. It is  
19 further requested that the following penalties be  
20 imposed on the above violator: \$500 fine per  
21 Rhode Island General Law 5-70-6 (b) and 5-70-22.

22 MR. DAVIES: Board members have  
23 any questions of Mr. Dusablon? Chief Sayles, you  
24 agree with this reading?

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1 CHIEF SAYLES: I agree.

2 MR. DAVIES: Sir, would you like  
3 to address the board?

4 MR. PARR: Not at all.

5 MR. DAVIES: Gentlemen, you've  
6 heard the cases and had the hearings, any  
7 questions of either of the two apprentices, board  
8 members? Mr. Trillo?

9 MR. TRILLO: I would like to add  
10 something on their behalf regarding the  
11 violations. If you notice, members of the board,  
12 both violations of the company, Woody's and  
13 Randy's are exact duplicates of each other.  
14 Mr. Dusablon testified that they were done at

15 different times and different dates. They're  
16 exactly the same. And I would like to again  
17 reiterate 5-70-22, the authority of the director  
18 to assess a penalty out of one violation for a  
19 first offense was \$500; why do we have \$2,000 in  
20 fines?

21 MR. DAVIES: Sir, we're going to  
22 vote on it individually at this time and then a  
23 decision by the board members. And again, it's  
24 strictly a recommendation to the Director of Labor

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1 and she will make the final determination whether  
2 she upholds the fines. Okay. Gentlemen, if  
3 there's no further questions, we will go for the  
4 first violation, which is 3311; do I have a vote?

5 MR. DURAND: I move we go into  
6 executive session.

7 MR. BENELL: I'll second it.

8 MR. DAVIES: All those in favor?  
9 Opposed? It is accepted that we go into executive  
10 session.

11 MR. TRILLO: Do we get a written  
12 decision?

13 MR. LOMBARDI: Let me put on the  
14 record that since it involves the establishment of  
15 penalty, they're going into executive session to

16 discuss penalty. That's the only purpose of  
17 executive session.

18 (EXECUTIVE SESSION, PAGE 32 THROUGH AND INCLUDING  
19 PAGE 36, PRODUCED UNDER SEPARATE COVER)

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0037

1 (REGULAR HEARING SESSION RECONVENES)

2 MR. DAVIES: Okay. Now we need to  
3 vote on the violation on 3311; is someone going to  
4 make a motion on that?

5 MR. DURAND: Mr. Chairman, after  
6 review of Violation No. 3311, I move that the  
7 violation occurred and recommend to the director  
8 that the fine be imposed --

9 MR. DAVIES: No. Just the  
10 violation occurred.

11 MR. DURAND: The violation  
12 occurred. And then I recommend to the director --

13 MR. DAVIES: No, that's another --

14 MR. COPPLE: That's two votes.

15 MR. DURAND: I make a motion that  
16 the violations did occur.

17 MR. DAVIES: Do I have a second?

18 MR. BENELL: I'll second it.

19 MR. DAVIES: All those in favor?

20 Opposed? The ayes have it. Continue on if you  
21 want to make --

22 MR. DURAND: And then I make a  
23 motion to recommend to the Director of the  
24 Department of Labor & Training that the fine be  
0038

1 imposed as written in the violation.

2 MR. DAVIES: 5-70.

3 MR. DURAND: Violation No. 3311.

4 MR. DAVIES: On General Law?

5 MR. DURAND: 5-6-2.

6 MR. DAVIES: Do I have a second on  
7 that?

8 MR. BENELL: Second.

9 MR. DAVIES: All those in favor?

10 Opposed? The ayes have it. Sir, on this  
11 particular case, this will be a recommendation to  
12 the Director of Labor and she'll make the final  
13 determination to uphold the fine. All right, on  
14 3321?

15 MR. DURAND: I make a motion,  
16 Mr. Chairman, that the violation did occur.

17 MR. BENELL: I'll second that

18 motion.

19 MR. DAVIES: All those in favor?

20 Opposed. The ayes have it. And on the fine?

21 MR. DURAND: I also make a motion

22 to recommend to the Director of the Department of

23 Labor & Training that the fine be imposed as

24 written for violation of 5-6-2, Violation No. 3321,

0039

1 \$500.

2 MR. DAVIES: Do I have a second?

3 MR. BENELL: Second.

4 MR. DAVIES: All those in favor?

5 Opposed? The ayes have it. The next case will

6 be?

7 MR. DURAND: 3322. Mr. Chairman,

8 I move that the violation did occur.

9 MR. DAVIES: Do I have a second?

10 MR. BENELL: I'll second it, yes.

11 MR. DAVIES: All those in favor?

12 Opposed? The ayes have it.

13 MR. DURAND: I also, Mr. Chairman,

14 recommend to the Director of the Department of

15 Labor & Training that the \$500 fine be imposed as

16 written in violation of 5-6-2 and Violation No. 3322.

17 MR. DAVIES: Now, do I have a

18 second?

19 MR. BENELL: Second.

20 MR. DAVIES: All those in favor?

21 Opposed? The ayes have it.

22 Gentlemen, that's the procedure. That  
23 again will be recommended to the Director of  
24 Labor. She can change it or uphold our findings.

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1 Thank you.

2 MR. TRILLO: Thank you.

3 (CLOSED AT 10:35 A.M.)

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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 25th day of November, 2007.**

13

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

18 **MY COMMISSION EXPIRES NOVEMBER 2, 2008.**

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