

RHODE ISLAND DEPARTMENT OF LABOR & TRAINING

DIVISION OF PROFESSIONAL REGULATION

BOARD OF EXAMINERS OF ELECTRICIANS

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

WEDNESDAY, October 19, 2011

9:30am

In attendance: Frank Benell, Jr.

Keith Burlingame

Michael Daley

Stanley Davies

William Lepore, Jr, Chairman

Robert Zuba

Glenn Dusablon, Chief Electrical Investigator

Benjamin Copple, Legal Counsel

Also in attendance: David Francis, Acting Administrator

1.) CALL TO ORDER: William Lepore called the meeting to order at 9:32am.

2.) APPROVAL OF MINUTES: A motion was made by Frank Benell, Jr. to accept the minutes of the July 20, 2011 meeting as submitted;

seconded by Stanley Davies and passed unanimously by the Board.

3.) HEARINGS:

Mark Cohen / Paul Cohen DBA Arnco Sign Co (Violation # 3978): Respondent was not present. Benjamin Copple, Legal Counsel, addressed the Board. Due to an error on the notice Mr. Copple recommends to the Board that the matter be renoticed so there is a clean record with a clean notice and move the matter to next month. Frank Benell, Jr. made a motion to that affect; seconded by Keith Burlingame and passed unanimously by the Board.

Kevin Cabral (Violation # 3988): Kevin Cabral, Thomas Breckel, Vice President of East Side Enterprises, LLC, and Glenn Dusablon are sworn in for testimony. Glen Dusablon read the violation: Location of Violation: Shell Gas Station, 450 Social Street, Woonsocket, RI. Violation: Rhode Island General Law 5-6-2 "WORK FOR WHICH A LICENSE IS REQUIRED" Mr. Kevin Cabral, of 38 Tilbury Drive, Bristol R.I. 02809, an employee of, East Side Enterprises LLC, located at 2050 Plainfield Pike Cranston, R.I. 02921 installed electrical apparatus without a R.I. electrical license at 450 Social Street, Woonsocket, R.I. This is one violation of RIGL 5-6 at \$500.00. Mr. Glenn Dusablon, Chief Electrical Investigator for the R.I. Department of Labor and Training performed the investigation on 8-6-2010. Glenn Dusablon provides testimony. Five (5) photographs are submitted as evidence and marked Petitioners Exhibit A. The Board questions Mr. Dusablon. Kevin Cabral did not testify. Thomas Breckel provides

testimony. The Board questions Mr. Breckel. The Board again questions Mr. Dusablon.

Keith Burlingame made a motion that based upon testimony and photographic evidence presented, the piece of equipment in question is in fact an electrical apparatus; and the employee in question, Kevin Cabral, was performing electrical work and does not have an electrician's license and that the violation be upheld; seconded by Stanley Davies and passed unanimously by the Board. Stanley Davies made a motion that the fine of \$500.00 be suspended for one (1) year pending no further violations; seconded by Frank Benell, Jr. and passed unanimously by the Board.

Mario Coletta, Mgr / East Side Enterprises, LLC (Violation # 3989): Thomas Breckel, Vice President of East Side Enterprises, LLC, and Glenn Dusablon, having been previously sworn in, are still under oath. Glenn Dusablon read the violation: Violation 3989. Location of Violation: Shell Gas Station, 450 Social Street, Woonsocket, RI. Violator: Mario Coletta, Manager of East Side Enterprises LLC, 2050 Plainfield Pike, Cranston, RI. VIOLATION: Rhode Island General Law 5-6-2 "WORK FOR WHICH A LICENSE IS REQUIRED". East Side Enterprises LLC, located at 2050 Plainfield Pike Cranston, R.I. 02921, contracted the installation of electrical apparatus without a R.I. electrical contractor's license. This is one violation of RIGL 5-6 at 500.00. VIOLATION: Rhode Island General Law 5-6-2 "WORK FOR WHICH A LICENSE IS REQUIRED" East Side Enterprises LLC had an

unlicensed employee, Kevin Cabral, of 38 Tilbury Drive Bristol, R.I. 02809 installing an electric motor on a permanent vacuum cleaning station located at the Shell Gas Station 450 Social Street, Woonsocket, R.I. without a Rhode Island electrical license. This is a consecutive violation of RIGL 5-6 at 950.00. VIOLATION: Rhode Island General Law 5-6-25 "FAILURE TO COMPLY WITH THE RULES AND REQUIREMENTS OF CITY, TOWN, OR STATE." East Side Enterprises LLC did not obtain an electrical permit or electrical inspection from the City of Woonsocket for installing electrical apparatus at 450 Social Street in Woonsocket, R.I. This is a consecutive violation of RIGL 5-6 at 950.00. Total of \$2,400.00 in fines. Five (5) photographs are entered as Petitioners Exhibit A. The Board had no questions for Mr. Dusablon. Thomas Breckel, Vice President of East Side Enterprises LLC, presents testimony. The Board questions Mr. Breckel.

Keith Burlingame made a motion that violation #1 that there was no holder of a contractors electrical license and electrical work was done on the previously identified electrical apparatus; on violation #2 the petitioner did employ Kevin Cabral to do electrical work on electrical work and he did not hold any valid electricians license and on violation #3 the entity did not apply for or obtain an electrical permit and ensuing inspection from the City of Woonsocket. The motion was seconded by Stanley Davies and passed unanimously by the Board. Keith Burlingame made a motion to uphold the original penalty of \$2,400.00; seconded by Michael Daley and passed unanimously by

the Board. The recommendation will be forwarded to the Director.

Mario Celani DBA MC Electric, Co (Violation # 4063): Mario Celani and Glenn Dusablon are sworn in for testimony. Glenn Dusablon read the violation: Violation 4063 Mario Celani DBA MC Electric, 44 Maple Ave, Johnston, RI. Location of Violation: 1277 Hartford Ave, Johnston, RI. Violation: Rhode Island General Law 5-6-2 “work for which a license is required”. Mr. Mario Celani, A-002130, had two unlicensed employees, Christopher Celani, B-12700 (expired license) and an employee who identified himself as Michael Smith, installing fire alarm conductors in ceiling boxes. Mr. Smith said he needed to get his license in his vehicle, when asked who employed him he said no one he was helping Mario. Mr. Smith then ran down to the basement and apparently left the building. Both individuals were installing electrical apparatus without Rhode Island electrical licenses. This constitutes two violations of RIGL 5-6-2 one violation at \$500.00, the second consecutive violation at \$950.00. Three (3) photographs are entered as Petitioners Exhibit A. The Board questions Mr. Dusablon. Mario Celani addressed the Board. The Board questions Mr. Celani. Testimony and questioning of Mr. Celani and Mr. Dusablon continues.

Keith Burlingame made a motion that, based on testimony and evidence presented, Mr. Dusablon did find the two employees doing electrical work and one employee had an expired license and the other employee, or alleged employee, failed to produce

documentation to that affect and based on that the violation did occur. The motion was seconded by Stanley Davies and passed unanimously by the Board. Regarding the penalty, Keith Burlingame made a motion that the fine as it relates to Christopher Celani be suspended for one year pending no further violations and the fine as it relates to Mr. Smith in the amount of \$500.00 be upheld. The motion was seconded by Frank Benell, Jr. There is a discussion. Keith Burlingame made a motion to withdraw the original first two previous motions; seconded by Frank Benell, Jr. and passed unanimously by the Board. Keith Burlingame made a motion as to Violation # 4063 that based on testimony presented by the petitioner and Mr. Dusablon moves that the Board finds Mr. Dusablon more credible; that the electrical work being performed, that being the fire alarm, was being performed at 1277 Hartford Avenue on the date in question; that the company, MC Electric, had two unlicensed employees working at the time; and move that the violation be upheld. Seconded by Stanley Davies and passed unanimously by the Board. Regarding the penalty, Keith Burlingame made a motion that the penalty be upheld as presented; seconded by Stanley Davies and passed unanimously by the Board. The recommendation will be forwarded to the Director.

Metro Sign & Awning (Violation # 4106): Brian Chipman, Glenn Dusablon and Robert Gaj are sworn in for testimony. Glenn Dusablon read the violation: Violation # 4106, Metro Sign & Awning. Location of Violation: Lazy Boy, Rt. 2, Warwick, Rhode Island. Violation: On

June 6, 2011, DLT Investigator, Robert Gaj, witnessed John Repucci and Richard Mercik, employees of Metro Sign & Awning, installing electrically illuminated signs at the Lazy Boy store. Both employees were performing this work without possession of Rhode Island sign installers license as required in Rhode Island General Law Title 5-Chapter 6. This is two violations of Rhode Island General Law 5-6-2, "Work for which license required." - unlicensed sign installers. Metro Sign & Awning contracted for and engaged in work without possessing a Rhode Island sign contractor license as required in Rhode Island General Law 5-6-2. This is two violations of Rhode Island General Law 5-6-2, "Work for which license required." - unlicensed sign contractor. Metro Sign & Awning also failed to apply for a permit with the City of Warwick for the installation of electrical signs. This is a violation of Rhode Island General Law 5-6-25, "Compliance with rules and requirements of city or town." A packet of eight (8) photographs are marked Petitioners Exhibit A. Photographs are shown to the respondent. Robert Gaj, Investigator, provides testimony. Brian Chipman, Metro Sign & Awning, gives testimony. Glenn Dusablon provides clarifies of the law. Mr. Dusablon also clarifies the fines on the violation. The fines on the violation sent out was \$2,500.00 at \$500.00 per violation for a total of four (4) but should be \$500.00 for the first violation and \$950.00 for each consecutive violation for a total of \$3,350.00. Brian Chipman recognized that the amount of the violation is actually \$3,350.00 and not \$2,500.00. Mr. Chipman recognizes that the department has amended the original notice; that he has a right to a good notice and

to come back on another day but has decided to waive that right and to continue today. Mr. Chipman submits the following into evidence: a Building Permit Packet marked with a red "A" as Respondent's Exhibit 1; an Email correspondence dated 6/3/11 marked with a red "C" as Respondent's Exhibit 2; an Email correspondence dated 9/2/11 marked with a red "D" as Respondent's Exhibit 3 and a copy of the Contractor's Registration Board card as Respondent's Exhibit 4. The Board reviews the exhibits.

Robert Zuba made a motion on June 6, 2011, Metro Sign & Awning did install an illuminated sign; that there were a total of four (4) violations and that those violations did occur. The motion was seconded by Stanley Davies and passed unanimously by the Board. Robert Zuba made a motion that the total fine be reduced to \$1,900.00 from \$3,350.00 pending Richard Mercik and John Repucci have no further violations in the state for one year; seconded by Frank Benell, Jr. and passed unanimously by the Board. The recommendation will be forwarded to the Director.

End of hearings.

4.) REVIEW OF RIGL 5-6 FOR CONSIDERATION OF LEGISLATIVE CHANGES: David Francis, Acting Administrator, presented the Board with two (2) recommendations: 1.) Eliminating language in RIGL 5-6 regarding continuing mandatory education which directs individuals to the Board of the Building Commission instead of the Department of

Labor and Training. This language is properly noted in the Rules and Regulations. 2.) Glenn Dusablon's recommendation to eliminate the language relating to the BOCA requirement. The Board then had a discussion of other topics, including: licenses for solar panels, small free standing systems, license exemption for the "generation of power", discrepancy between single family exempt and two-family exempt, cord and plug connected appliances and is an apprenticeship required for fire department fire alarm superintendents to take a journeyman's test. William Lepore requested that this item remain on the agenda for further discussion.

5.) ADJOURNMENT: A motion to adjourn was made by Stanley Davies and seconded by Frank Benell, Jr. There was no opposition.

The next meeting is scheduled for Wednesday, November 16, 2011 at 9:30am.