

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, September 19, 2012

9:30am

In attendance:

Frank Benell, Jr.

Keith Burlingame

Stanley Davies

William Lepore, Jr., Chair

Robert Zuba

Also in attendance were Glenn Dusablon, Chief Electrical Investigator; and Benjamin Copple, Legal Counsel.

1.) Call to Order: William Lepore, Jr, Chairperson, called the meeting to order at 9:30am.

2.) Approval of Minutes: Stanley Davies made a motion to accept the minutes of the previous meeting of August 15, 2012, as written; seconded by Frank Benell, Jr. and passed unanimously by the Board.

3.) Conflict of Interest – Benjamin Cople addressed the board informing them of the board training presented by the Division of Workforce Regulation and Safety and the Legal Department scheduled for Monday, September 24, 2012 from 8:30am – 12:00pm. Mr. Cople reminded the Board that they are subject to the Ethics Commissions rules. Topics of the training will include Ethics, Open Meetings law, Robert’s Rules of Order and Administrative Law. All Board members are encouraged to attend.

4.) Violation Appeal Hearings:

MGA Employee Services, Marc A. Wichansky, President (Violation 4276): Glenn Dusablon informed the Board that Quinlan Law Firm has requested a postponement to the October meeting. Stanley Davies made a motion to table the hearing; seconded by Frank Benell, Jr. and passed unanimously by the Board. The hearing is postponed to October.

Peter Mancelli DBA PME Inc. (Viol 4301): Peter Mancelli and Glenn Dusablon are sworn in for testimony. Glenn Dusablon reads the violation.

Violation #4301, Peter Mancelli, DBA PME Inc, 21 Summit Ave, Chelmsford, MA 01824

Location of Violation: Wal-Mart Store, 840 Post Rd, Warwick, RI

Violation: RIGL 5-6-2 "Work for which license required". Mr. Mancelli bid and or solicited the installation of electrical apparatus in RI without a RI electrical contractor's license. 1 Violation.

Violation: RIGL 5-6-2 "Work for which license required". Mr. Mancelli installed electrical apparatus in RI at 840 Post Rd in Warwick without a RI electrical journeyman's license. 1 Violation.

Violation: RIGL 5-6-25 "Failure to comply with the rules and requirements of city town or state" Mr. Mancelli failed to obtain a proper electrical permit from the City of Warwick and had an employee Daniel Daneault apply for the electrical permit in violation of RIGL 5-6-23. 1 Violation.

Mr. Mancelli has 3 violations of RIGL 5-6.

Investigation by Glenn Dusablon, Chief Electrical Investigator, from permit application obtained from the City of Warwick electrical inspector, conversation with Mr. Mancelli and Wal-Mart representative, Anna Hopkins.

The Board questions Mr. Dusablon.

Robert Zuba recused himself from the hearing. Robert Zuba, Warwick Electrical Inspector, is sworn in for testimony. The Board questions Mr. Zuba regarding the permit.

Peter Mancelli waives counsel and provides testimony. The Board questions Mr. Mancelli.

Stanley Davies recused himself.

Keith Burlingame made a motion based on the evidence presented and testimony heard that from the work done on Post Road in Warwick, there is a violation of RIGL 5-6-2 “Work for which license required” regarding bidding without a contractors license; a violation of RIGL 5-6-2 “Work for which license required” for installing electrical equipment without a journeyman’s license; and a violation of RIGL 5-6-25 for failure to comply with rules and requirements for not obtaining a compliant electrical permit and all three violations be sustained; seconded by Frank Benell, Jr. The vote was as follows: Keith Burlingame and Frank Benell, Jr. were in favor; Robert Zuba and Stanley Davies previously recused themselves. The motion carries.

Relative to the fine, Keith Burlingame made a motion that the violation as stated be upheld; seconded by Frank Benell, Jr. The vote was as follows: Keith Burlingame and Frank Benell, Jr. were in favor; Robert Zuba and Stanley Davies previously recused themselves. The motion carries. Fine upheld.

The recommendation will be forwarded to the Director.

Daniel Daneault (Viol 4299): Daniel Daneault and Glenn Dusablon are sworn in for testimony. Robert Zuba and Stanley Davies recuse themselves from the hearing. Glenn Dusablon reads the violation.

Violation 4299, Daniel Daneault, 16 Oakridge Drive, West Warwick, RI 02893

Location of Violation: Wal-Mart Store, 840 Post Rd., Warwick, RI.

Violation RIGL 5-6-23 "Certificates not transferable" Mr. Daniel Daneault, License # A-004715 and B-013594, of 16 Oakridge Drive West Warwick RI, violated RIGL 5-6-23 when he transferred his A-004715 electrical contracting license to obtain an electrical permit for his employer Peter Mancelli, of PME Inc., 21 Summit Ave Chelmsford, MA 01824, with the City of Warwick for an electrical installation at the Wal-Mart Store located at 840 Post Road in Warwick, RI. The electrical permit was obtain with an estimated cost of installation of \$64,000.00.

Violation 5-6-2 "Work for which license required" Mr. Daneault (according to my conversation with Mr. Mancelli) also used his employer, Peter Mancelli, of PME Inc., as an installer of electrical apparatus without a RI journeymen's license in direct violation of RIGL 5-6-2.

Violation 5-6-13 "Journey person and burner person restricted to work

as employee of licensee" Since Mr. Daneault is an employee of Peter Mancelli, DBA PME Inc., and performing the work of installing electrical apparatus in RI and not employed by a licensee he is also in violation of RIGL 5-6-13.

Violation to be heard by the Board of Examiners of Electricians on September 19, 2012.

Investigation by Glenn Dusablon, Chief Electrical Investigator, from permit application obtained from the City of Warwick electrical inspector, conversation with Mr. Mancelli and Wal-Mart representative, Anna Hopkins.

Glenn Dusablon provides testimony. The Board questions Mr. Dusablon.

Daniel Daneault waives counsel and provides testimony. The Board questions Mr. Daneault.

Regarding Violation 4299 involving work on Post Rd, Warwick on or about 7/12/2012 based upon evidence presented and testimony heard Keith Burlingame made a motion that Violation #1 "Certificates not transferrable" RIGL 5-6-23 is a clear violation; Violation #2 it is a violation for the permit holder to have a non licensed individual on the job (RIGL 5-6-2) and Violation #3, RIGL 5-6-13, working as a journeyman and not employed by a master electrician that all three

violations be upheld; seconded by Frank Benell, Jr. The vote was as follows: Keith Burlingame and Frank Benell, Jr. were in favor; Robert Zuba and Stanley Davies previously recused themselves. The motion carries.

There is a discussion regarding the suspension and which license is up for suspension. Mr. Dusablon noted that a three (3) month suspension is before the board.

Regarding the fine, Keith Burlingame made a motion that the fine be upheld; seconded by Frank Benell, Jr. The vote was as follows: Keith Burlingame and Frank Benell, Jr. were in favor; Robert Zuba and Stanley Davies previously recused themselves.

Regarding the suspension, Keith Burlingame made a motion based upon testimony heard that license A-004715, Daniel Daneault, be suspended for the stated period and license B-013594 remain active. The motion was seconded by Frank Benell, Jr. The vote was as follows: Keith Burlingame and Frank Benell, Jr. were in favor; Robert Zuba and Stanley Davies previously recused themselves.

The recommendation will be forwarded to the Director.

Christopher Salzer (Viol 4330): Glenn Dusablon informs the board that Parnagian & Marinelli, law firm representing the respondent, has

requested a postponement. Frank Benell, Jr. made a motion to table the hearing; seconded by Keith Burlingame and passed unanimously by the Board. The hearing is postponed to October.

Timmy Septelka (Viol 4363): Glenn Dusablon informs the board that Mr. Septelka has requested a postponement to October due to a court appearance. Frank Benell, Jr. made a motion to table the hearing; seconded by Robert Zuba and passed unanimously by the Board. The hearing is postponed to October.

Michael Peluso (Viol 4364): Michael Peluso and Glenn Dusablon are sworn in for testimony. Glenn Dusablon reads the violation/

Violation 4364: Michael Peluso, license # A-003991 & B-011740, 9 Cranberry Road, North Providence, RI 02911

Location of Violation: 719 Bald Hill Rd., Warwick, RI

Violation: Rhode Island General Law 5-6-23 "Certificates not transferable" Mr. Michael Peluso, License # A-003991 and B-011740, violated RIGL §5-6-23 by using his electrical contracting license to obtain a electrical fire alarm permit from the City of Warwick, Rhode Island for work at 719 Bald Hill Rd Warwick, RI and then transferring that permit to Timmy Septelka, DBA A&K Safety, to perform an electrical fire alarm installation at said location.

Violation to be heard by the Board of Examiners of Electricians on September 19, 2012 at 9:30am at the Rhode Island Department of Labor & Training, Division of Professional Regulations, 1511 Pontiac Avenue, Cranston, RI, 02920 - Bldg 70, 2nd Floor Conference Room.

On 8-27-2012, Chief Electrical Investigator, Glenn Dusablon, conducted the investigation.

Glenn Dusablon informs the Board that Timmy Septelka's license is invalid and he has other violations with the department.

Mr. Dusablon enters a package of 6 documents (License, permits) as Exhibit A. The package is reviewed by the Board.

Robert Zuba recused himself from the hearing and is sworn in for testimony.

The Board questions Mr. Dusablon. The board also questions Robert Zuba.

Michael Peluso waives counsel and provides testimony. Mr. Peluso admits guilt, is willing to pay the fine and accepts the 90 day suspension of his master license.

Based on the testimony presented Keith Burlingame made a motion

that the violation did in fact occur; seconded by Stanley Davies. Frank Benell, Jr., Keith Burlingame and Stanley Davies were in favor. Robert Zuba recused.

Regarding the fine, Keith Burlingame made a motion that the \$500.00 fine be upheld and seconded by Frank Benell, Jr. Frank Benell, Jr., Keith Burlingame and Stanley Davies were in favor. Robert Zuba recused.

In the matter of the license suspension, based on the testimony and evidence presented Keith Burlingame made a motion that Mr. Michael Peluso's license, A-003991 be suspended for 90 days, however, license B-011740 remain active. The motion was seconded by Frank Benell, Jr. Frank Benell, Jr., Keith Burlingame and Stanley Davies were in favor. Robert Zuba recused.

The recommendation will be forwarded to the Director.

End of hearings.

5.) Review of RIGL 5-6 for consideration of legislative changes: None

6.) 15 Hour Continuing Education: Glenn Dusablon distributes a copy Memorandum of Understanding between the Massachusetts Board of State Examiners of Electricians and the Rhode Island Board of Examiners for Electricians regarding acceptance of Continuing

Education between Rhode Island and Massachusetts. Glenn Dusablon informed the board that Massachusetts will now accept the paper documents from 15 hour providers doing programs in RI. Our law reads that we will accept the provider's documents from a state that accept ours. Nothing needs to be done by the board as it is already in the law that we will accept another state's certificate if they accept ours. Benjamin Copple notes that the memo is written as a MOU on letterhead of Massachusetts and there is no signature line for RI. Robert Zuba and Glenn Dusablon states that RI doesn't have to sign as it is already in the law. The document from Donald Jansen is to show what Massachusetts has agreed to. Mr. Copple inquired if Massachusetts signed the memo. Mr. Dusablon stated they did. The paper document process has not been tested as yet.

Regarding other issues with Massachusetts, Glenn Dusablon addressed the board regarding Massachusetts' violators that do not pay fines and working with Massachusetts regarding the violations.

7.) Department Board Trainings – Legal will address the Board concerning the upcoming board training on September 24, 2012 from 8:30 to 12:00. Addressed by Benjamin Copple with Agenda Item #3.

8.) Adjournment: A motion to adjourn was made by Keith Burlingame and seconded by Frank Benell, Jr. and passed unanimously by the Board. The meeting adjourned at 10:30am.

The next meeting is scheduled for Wednesday, October 17, 2012 at 9:30am.