

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, January 16, 2013

9:30am

In attendance:

Keith Burlingame

Michael Daley

Stanley Davies

Robert Zuba

Frank Benell, Jr. and William Lepore, Jr. were not in attendance.

Also in attendance were Glenn Dusablon, Chief Electrical Investigator; and Valentino Lombardi, Legal Counsel.

1.) Call to Order: Stanley Davies called the meeting to order at 9:39am.

2.) Approval of Minutes: Dispensing of the minutes was held until after the hearings. Michael Daley made a motion to approve the minutes of the meeting of October 17, 2012; seconded by Robert

Zuba and passed unanimously by the Board.

3.) Conflict of Interest – Passed

4.) Violation Appeal Hearings:

Chad Desrosiers (Viol 4440): Chad DeRosier, respondent; Josh Fitzgerald, Red Hawk Fire & Safety; Ernest Mellon, Red Hawk Fire & Safety; Joseph Cantone, Red Hawk Fire & Safety; Glenn Dusablon, Chief Electrical Investigator; and Robert Gaj, Chief Licensing Examiner are sworn in for testimony. Glenn Dusablon read the violation.

VIOLATION: 4440 – Chad Derosiers, 16 Tarklyn St, North Attleboro, MA 02760

LOCATION OF VIOLATION: Panera Bread RT 44, Smithfield, RI

VIOLATION: Rhode Island General Law 5-6-2 "Work for which license required" Mr. Chad Derosiers, an employee of Mr. Joseph Cantone DBA Red Hawk Fire Security, on 10-24-2012 at approximately 8:00am was testing a fire alarm system at the Panera Bread restaurant located on RT 44 in Smithfield, RI as witnessed by Chief Telecommunication Investigator, Bob Gaj.

There Board had no questions of Mr. Dusablon.

Robert Gaj provides testimony.

Chad Derosiers provides testimony. The Board questions Mr. Derosiers.

Glenn Dusablon addressed the Board.

The Board continues to question Mr. Derosiers.

Josh Fitzgerald, Service Manager for Red Hawk Fire & Security, addressed the Board. Ernest Mellon, of Red Hawk Fire & Security, addressed the Board and Mr. Dusablon. Joseph Cantone, of Red Hawk Fire & Security, addressed the Board. The Board questions Mr. Cantone. Ernest Mellon again addressed the Board. Glenn Dusablon addressed the Board regarding LLCs and corporation licenses.

Michael Daley made a motion that there is no violation on Violation 4440 not having found the individual actually physically doing any work; seconded by Robert Zuba and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

Vincent Nugent DBA Nugent Personnel LTD Inc (Viol 4461): Attorney Mark Nugent, represents Vincent Nugent DBA Nugent Personnel LTD Inc. Vincent Nugent, President of Nugent Personnel LTD Inc is sworn

in for testimony. Glenn Dusablon was previously sworn in. Glenn Dusablon reads the violation.

VIOLATION: 4461; Vincent Nugent DBA Nugent Personnel LTD, Inc.; 85 Cavalier Drive, East Greenwich, RI 02818

LOCATION OF VIOLATION: Teknor Apex 505 Central Ave. Pawtucket, RI

VIOLATION: Rhode Island General Law 5-6-2 "Work for which a license is required". Mr. Nugent, DBA Nugent Personnel LTD. Inc., did bid solicited or advertised to provide electricians to work at Teknor Apex in Pawtucket, RI. Mr. Nugent does not have an "A" or "AC" license to employ journeyman electricians. Mr. Nugent had 5 electricians on site repairing OSHA electrical violations and installing circuit markings on breakers, panels and electrical conductors as required by the National Electrical Code 2011 Articles 110.21 and 110.22. 1 Violation RIGL 5-6-2.

VIOLATION: RIGL 5-6-13 "journeyman restricted to work as employee of licensee". Mr. Nugent had 5 journeyman employees, Keith Napolitano, Joseph Polouski, Bobby Ayers, Andre J. Therien, and Timothy Colleran working for Nugent Personnel LTD. Inc. at Teknor Apex Pawtucket, RI. 1 Violation RIGL 5-6-13.

VIOLATION: RIGL 5-6-25 "Failure to comply with the rules and requirements of city town or state" Mr. Nugent failed to obtain an electrical permit from the City of Pawtucket, RI as required and

confirmed with City of Pawtucket Electrical Inspector, Jim Lewis, on 12-5-2012. 1 Violation of RIGL 5-6-25.

Mr. Glenn Dusablon, Chief Electrical Investigator, performed the investigation on Friday, 11-30-2012, based on a complaint received in the office.

Attorney Mark Nugent addressed the Board.

Vincent Nugent provides testimony. The Board questions Mr. Nugent.

Attorney Mark Nugent addressed the Board.

Robert Zuba made a motion regarding Violation 4461 that, by Mr. Nugent's own testimony, he indicated he does not hold an electrical contractors license, and made a motion to uphold the order. The motion was seconded by Michael Daley and passed unanimously by the Board.

Michael Daley, on Violation 4461, made a motion to uphold the fine of \$1,500.00 per RIGL 5-6-32; seconded by Robert Zuba and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

Peter J. Kennedy (Viol 4481): Glenn Dusablon was previously sworn in. Peter J. Kennedy is sworn in for testimony. Glenn Dusablon reads the violation.

VIOLATION 4481: Peter J. Kennedy, B-011650 & A-003976, 134 Dewey Avenue, East Providence, RI 02914

LOCATION OF VIOLATION: Sam's Club 25 Pace Blvd Warwick, RI
VIOLATION: Rhode Island General Law 5-6-13 "Journey person restricted to work as employee of licensee" Mr. Kennedy, an employee of Mr. Andy Hancock, DBA Weston Technologies Inc., installed electrical apparatus at Sam's Club store located at 25 Pace Blvd Warwick, RI, not employed by an "A" or "AC" license holder. Mr. Hancock, DBA Weston Technologies Inc., does not have a RI electrical contractor's "A" or "AC" license issued by the State of RI to employ Mr. Kennedy. 1 Violation of RIGL 5-6-13.

VIOLATION: RIGL 5-6-23 "certificates not transferable." Mr. Kennedy, A-003976, obtained an electrical permit from the City of Warwick for his employer, Mr. Andy Hancock DBA Weston Technologies Inc., of Holderness, NH to install electrical apparatus at Sam's Club 25 Pace Blvd in Warwick, RI for installation cost of \$48,600.00. 1 violation of RIGL 5-6-23.

Glenn Dusablon, Chief Electrical Investigator, issued the violation based on documents obtained from the City of Warwick Electrical Inspector, Bob Zuba and conversation with Mr. Hancock of Weston

Technologies, Inc.

Robert Zuba addressed the Board.

The Board questions Mr. Dusablon.

Robert Zuba recused himself.

Peter Kennedy provides testimony. The Board questions Mr. Kennedy.

Michael Daley made a motion there is a violation of RIGL 5-6 in Violation 4481. The motion is seconded by Keith Burlingame. There is a discussion. Glenn Dusablon addressed the Board. As Robert Zuba recused; motion carries.

Michael Daley made a motion to uphold the fine of \$1,000.00 in Violation 4481 per RIGL 5-6-32. Keith Burlingame seconded the motion despite the fact the Mr. Hancock was not present to personally testify; finding Mr. Kennedy's testimony confusing and the whole situation very confusing but potentially dangerous; and given the fact that Mr. Kennedy does hold an "A" license he should be aware of what the rules and regulations are. Keith Burlingame concurs on upholding the fine.

Glenn Dusablon reads a letter sent to Mr. Kennedy regarding a

revocation hearing of Mr. Kennedy's electrical license.

Robert Zuba recused himself.

Mr. Kennedy addressed the Board. Glenn Dusablon addressed the Board. The Board addressed Mr. Kennedy.

Based upon Mr. Kennedy's testimony and testimony previously heard and based upon Mr. Kennedy's own admission that he is an "A" license holder; that he pulled a permit for Mr. Hancock; and knew that Mr. Hancock did not have electrical licenses; Keith Burlingame made a motion to recommend to the Director for a three (3) month suspension of license A-003976 but to allow B-11650 to remain active.

The motion was seconded by Michael Daley. As Mr. Zuba has recused, motion carries. There is a discussion.

The recommendation will be forwarded to the Director.

End of hearings.

5.) Review of RIGL 5-6 for consideration of legislative changes: Board members were given a copy of Bill that was heard the previous evening to add the word "maintenance" to the RIGL 5-6-1 definition and several other articles. It was tabled for further review.

6.) 15 Hour Continuing Education: Passed.

7.) Ron D'Ambruoso / Nassir Sultan to address the Board on apparent false 15 Hour documents: Ron D'Ambruoso was not present. Nassir Sultan, Implementation Aide for DLT Professional Regulation, addressed the Board and presented documents on behalf of Administrator, Ron D'Ambruoso, for the Board to review regarding 15 Hour Continuing Education documents submitted by Peter DelSignore for three (3) individuals listed on the sign in sheet of 8/29/12 (Venditulli, Longo, Joslin). Signatures are in question. The Department recently received a new certificate for Mr. Joslin from Mr. Zuba from December 8th.

Michael Daley made a motion to table the matter to allow Glenn Dusablon, Chief Electrical Investigator, to further investigate the matter and notify Mr. DelSignore to appear before the Board and answer the allegations. The motion was seconded by Keith Burlingame and passed unanimously by the Board.

8.) Adjournment: A motion to adjourn was made by Keith Burlingame and seconded by Michael Daley and passed unanimously by the Board. The meeting adjourned at 10:37am.