

**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, February 20, 2013**

**9:30am**

**In attendance:**

**Frank Benell, Jr.**

**Michael Daley**

**Stanley Davies**

**William Lepore, Jr., Chair**

**Keith Burlingame and Robert Zuba were not in attendance.**

**Also in attendance were Glenn Dusablon, Chief Electrical Investigator; and Bernard Healy, Legal Counsel.**

**1.) Call to Order: William Lepore called the meeting to order at 9:31am.**

**2.) Minutes of the January 16, 2013 Meeting: Stanly Davies made a motion to accept the minutes as written; seconded by Frank Benell, Jr. and passed unanimously by the Board.**

### **3.) Conflict of Interest – Passed**

#### **4.) Violation Appeal Hearings:**

**Vincent A. Palka, III – Viol 4514: Glenn Dusablon, Chief Electrical Investigator; Nick Ranone, Chief Mechanical Investigator; and Vincent A. Palka, III, respondent, are sworn in for testimony. Glenn Dusablon reads the violation.**

**VIOLATION 4514, Vincent A. Palka, III, 4 Grand View Ave, Johnston, RI 02919**

**LOCATION OF VIOLATION: 70 Treasure Rd., Narragansett, RI**

**VIOLATION: Rhode Island General Law 5-6-2 "Work for which license required" Mr. Vincent Palka, III bid the installation of electrical apparatus, being electrical power for a complete HVAC system, without a RI Master Electrician's electrical "A" license. This is one violation of RIGL 5-6-2.**

**VIOLATION: RIGL 5-6-2 Mr. Vincent Palka, III installed electrical apparatus in RI without a RI "B" journeyman's electrical license. Mr. Vincent Palka III also had an unlicensed employee, Vincent Palka IV, installing electrical apparatus without a RI journeyman's "B" electrical license. This is 2 violations of RIGL 5-6-2.**

**VIOLATION: RIGL 5-6-25 "failure to comply with the rules and**

requirements of city town or state" Mr. Vincent Palka, III failed to obtain an electrical permit from the Town of Narragansett to install electrical apparatus. This is 1 Violation of 5-6-25.

Glenn Dusablon, Chief Electrical Investigator, issued the violation based on documents submitted by RIDLT Chief Mechanical Investigator, Nick Ranone.

Mr. Dusablon enters exhibits into evidence – Exhibit 1: Proposal from Mr. Palka to perform the work including the electrical apparatus; Exhibit 2: Packet of 6 photographs of the electrical apparatus on site taken by Nick Ranone during the investigation with the property owner.

Nick Ranone provides testimony. Mr. Ranone's testimony was interrupted as Stan Davies exited the room. Mr. Davies returned and Mr. Ranone's testimony resumed. Mr. Ranone explains the packet of photographs and answers questions.

Glenn Dusablon provides testimony.

Vincent Palka, III provides testimony and answers questions.

Michael Daley made a motion that a violation did occur on Violation 4514; seconded by Stanley Davies and passed unanimously by the Board.

**Michael Daley made a motion that there were 3 violations of RIGL 5-6 and to uphold the fine of \$2,000.00. The motion was amended noting that there were 4 violations of RIGL 5-6. Frank Benell, Jr. seconded the motion. The motion passed unanimously by the Board.**

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

**End of hearings.**

**5.) Review of RIGL 5-6 for consideration of legislative changes:**

**I. William Lappore informed the Board that there is a bill in the legislature to repair language in the statute. It is hoped the bill will go through.**

**II. Regarding the electrical “C” license, Mr. Lepore informed the Board of the State’s request to consider granting a “C” license to the State Department of Facilities Maintenance so they can use their electricians for whatever work they have. Stan Davies inquired if this was just for maintenance.**

**Glenn Dusablon addressed the Board. Under the “C” license under RIGL 5-6-14 states “install and maintain”. Under a C Certificate, which is allowed for manufacturing plants, they are allowed to do installations provided they get a permit and it is inspected by an inspector. A D Certificate is for non-manufacturing (state properties,**

hospitals, colleges etc.) and strictly for maintenance no new installations. Mr. Dusablon explains that, 2-3 years ago, the airport, under an exception of the law, was given a C Certificate instead of a D Certificate through the legislative process. At that time an amendment was made and now DOT has C Certificates, which includes the word "install" under 5-6-14. Mr. Dusablon expressed concern. This would open the door for a C license holder to become a contractor. To allow Facilities Maintenance to change from a D Certificate to a C Certificate would now allow them to do installations, which would be new work. This could be an issue with regards to prevailing wages, MPA's, permits and who the responsible party is. Under the D Certificate they are allowed to do maintenance on something that has already been properly installed. To open up the C Certificate to non manufacturing would be a serious concern. Mr. Dusablon cautions the Board on changing D Certificates to C Certificates for any state facility.

There is a discussion.

Michael Daley made a motion that a meeting be set up with all parties involved; seconded by Frank Benell, Jr and Stan Davies and passed unanimously by the board.

Glenn Dusablon with bring the request to Joe Degnan, Assistant Director, to establish a date and time for a meeting with all the appropriate parties to review the change in the rules and regulations.

**III. Mr. Lepore inquired about the word “maintenance” in the law and the value of getting a legal definition of the term. Glenn Dusablon addressed the Board that the word “maintenance” does not appear in the law only installation of electrical apparatus, that maintenance is implied but not defined. Mr. Dusablon states it limits his ability to enforce the law. Mr. Dusablon feels it would preserve the integrity of the law and provide additional safety. Including “maintenance” in the law under a house keeping motion before House Labor would be they way to go.**

**IV. Qualifications of Testing – Mr. Dusablon addressed the Board. An individual living in RI must go to 8000 hours of on the job training and 576 hours of schooling before a RI resident is able to test. Mr. Dusablon gives the example that a person can go to California with a letter stating they are an electrician and walk out with a license. Under the law if a person holds a license issued by another state they are eligible to test, thus circumventing apprenticeship. Including language for out of state applicants that they must have a minimum of 8000 hours on the job training and 576 hours of schooling would be beneficial to RI contractors and RI electricians. Mr. Dusablon states the need to clean up the language. Mr. Dusablon expressed safety concerns.**

**Mr. Lepore inquires how to go about addressing the matters. The Department is limited as to the amount of legislation that it can**

introduce but an outside entity can introduce. Mr. Dusablon recommends this be discussed with his supervisor, Ron D'Ambruoso.

6.) 15 Hour Continuing Education: Glenn Dusablon addressed the board regarding some problems. According to the law 15 Hour Continuing Education belongs to the Building Commissioners Office not DLT. The Building Commissioners Office introduced the language that was put in the law. There is an agreement with Massachusetts that they will accept a certificate from a RI provider with the agreement that we accept a certificate from a Massachusetts provider. Renewals are coming in with Massachusetts certificates without sign in sheets for proof of attendance as RI providers do. Mr. Dusablon will discuss the matter with Ron D'Ambruoso, Administrator; and Joe Degnan, Assistant Director. Mr. Dusablon has asked them to review the matter and provide a recommendation.

There is discussion of control of 15 Hour Continuing Education. Mr. Dusablon addressed the board that he has requested a change numerous times but language currently states the Building Commissioners office will issue certificates to providers, approve providers and information will be submitted to them. Stan Davies recommends a meeting with Jack Leyden of the Building Commissioners Office. Glenn Dusablon recommends putting on next months agenda for Discussion of Ownership of the 15 Hour Mandatory Continuing Education. Mr. Dusablon will contact Joe

**Degnan to contact Building Commissioners office and the Departments Legislative person.**

**7.) Adjournment: A motion to adjourn was made by Stanley Davies and seconded by Frank Benell, Jr. and passed unanimously by the Board. The meeting adjourned at 10:22am.**