

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, March 20, 2013

9:30am

In attendance:

Frank Benell, Jr.

Michael Daley

Stanley Davies

William Lepore, Jr., Chair

Robert Zuba

Keith Burlingame was not in attendance.

Also in attendance were Glenn Dusablon, Chief Electrical Investigator; Mary Ellen McQueeney-Lally, Legal Counsel; and Ron D'Ambruoso, Administrator.

1.) Call to Order: William Lepore called the meeting to order at 9:34am.

2.) Minutes of the February 20, 2013 Meeting: Stanley 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 – Mary Ellen McQueeney-Lally, Legal Counsel, addressed the board reminding them that they are subject to the RI Code of Ethics. If any member has a conflict they should recuse themselves.

4.) Violation Appeal Hearings:

Hearings were conducted out of order to allow time for respondent, Adam Perry, appear.

Vincent A. Palka, IV – Viol 4515: Vincent A. Palka, IV, respondent; Nick Ranone, Chief Mechanical Investigator; and Glenn Dusablon, Chief Electrical Investigator are sworn in for testimony. Glenn Dusablon reads the violation.

VIOLATION 4515, Vincent A. Palka, IV, 68 Falcon Ave, Warwick, RI 02888

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

VIOLATION: Rhode Island General Law 5-6-2 "Work for which license required" Mr. Vincent Palka, IV, an employee of Vincent Palka III, installed electrical apparatus in RI without a RI Journeyperson's "B" electrical license. This is 1 violation of RIGL 5-6-2.

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

Mr. Dusablon introduces a packet of 7 photographs taken by Nick Ranone, Investigator, as Exhibit 1.

Nick Ranone, Investigator, provides testimony regarding his investigation.

Vincent Palka, IV provides testimony and is questioned by the Board.

Glenn Dusablon addressed the Board. Nick Ranone addressed the Board regarding the refrigeration license and electrical work.

A copy of the Proposal as Exhibit 2.

The Board questions Mr. Palka.

At the request of the Board, Nick Ranone explains the photographs.

Glenn Dusablon again addressed the Board.

Michael Daley made a motion that Violation 4515 of RIGL 5-6-2 did occur; seconded by Stanley Davies and passed unanimously by the Board.

Michael Daley made a motion to uphold the fine of \$500.00; seconded by Robert Zuba and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

Adam Perry – Viol 4516: Adam Perry, Respondent, is not present. Glenn Dusablon, Chief Electrical Investigator, addressed the Board. The respondent was given time for Mr. Perry to appear for his hearing. Notice of today's hearing was sent to Adam Perry by both Regular Mail and Certified Mail. The Certified Mail was returned "Unclaimed". Mr. Dusablon states this has happened on two occasions. Mr. Dusablon asks the Board to go forward with the hearing having had no response from Mr. Perry and the Certified Mail being returned unclaimed. Mr. Lepore proceeds with the hearing. Glenn Dusablon reads the violation

VIOLATION 4516, Adam Perry

LOCATION OF VIOLATION: 190 Station Street, Coventry, RI

VIOLATION: Rhode Island General Law 5-6-2 "Work for which license required". Mr. Perry bid the installation of electrical apparatus, a 110v power source for power for furnace controls, without a RI Master Electrician's electrical "A" license. This is one violation of 5-6-2.

VIOLATION: RIGL 5-6-2 Mr. Perry installed electrical apparatus, being a 110v circuit, without a RI "B" journeyperson's electrical license in RI. This is an additional violation of RIGL 5-6-2.

VIOLATION: RIGL 5-6-25 "failure to comply with the rules and requirements of city town or state" Mr. Perry failed to obtain an electrical permit from the Town of Coventry 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.

Glenn Dusablon reads a notarized statement from the property owner, Jim Schiller, to the Board. The notarized statement from the property owner and two photographs are submitted as Exhibit 1.

Nick Ranone, Investigator, provides testimony to the Board. The Board questions Mr. Ranone.

Stanley Davies made a motion that Violation 4516 a violation did occur; two violations of RIGL 5-6-2 and one violation of RIGL 5-6-25 (three violations total); seconded by Michael Daley and passed unanimously by the Board.

Stanley Davies made a motion to uphold the fine of \$1,500.00;

seconded by Michael Daley and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

Stephens Marquis Contractors – Viol 4493: Dennis Stephens, Stephens Marquis Contractors and Robert Gaj, Chief Licensing Examiner are sworn in for testimony. Glenn Dusablon was previously sworn. Glenn Dusablon reads the Violation.

VIOLATION 4493, Stephens Marquis Contractors, William Marquis, owner and Dennis Stephens, owner, 717 Daniel Webster Highway, Merrimack, NH 03054

LOCATION OF VIOLATION: Alltown Mobil RT 2 Warwick, RI

VIOLATION: Rhode Island General Law 5-6-2 "Work for which license required". Mr. William Marquis and Mr. Dennis Stephens, owners of Stephens Marquis Contracting, violated RIGL 5-6-2 by bidding, soliciting or advertising electrical installations in RI at the Alltown Mobil Gas Station located on RT 2 in Warwick, RI without a RI electrical contractor's license. 1 violation of RIGL 5-6-2.

VIOLATION: RIGL 5-6-2 "Work for which license required". Mr. Marquis and Mr. Stephens had two unlicensed employees, Tyler Bobek and Robert Yianakopolos, installing electrical apparatus, being

electrical lighting ballasts, without Rhode Island electrical licenses. 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. Marquis and Mr. Stephens failed to obtain an electrical permit with the City of Warwick. 1 violation of 5-6-25.

On 1-08-2013 at 9:37am Mr. Robert Gaj, Chief Licensing Investigator (corrected title), witnessed the 2 employees installing electrical ballasts at said location. Mr. Marquis and Mr. Stephens violated RIGL 5-6-2 and 5-6-25 as well as jeopardizing the safety of the public by having unlicensed employees installing electrical apparatus in RI.

Mr. Dusablon submits 8 photographs, taken by Robert Gaj, as Exhibit 1.

Robert Gaj, Chief Licensing Investigator, provides testimony.

Dennis Stephens, owner of Stephens Marquis Contractors, provides testimony to the Board.

Glenn Dusablon explains the violation.

Regarding Violation 4493, Michael Daley made a motion that four violations did occur; three violations of RIGL 5-6-2 and one violation

of RIGL 5-6-25; seconded by Robert Zuba. There is a discussion. The motion passed unanimously by the Board.

Michael Daley made a motion to assess the fine of \$2,000.00 per RIGL 5-6-32 for four violations; seconded by Robert Zuba and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

End of hearings.

5.) Discussion of “C” Certificate with DOA, representative from Facilities Management and Joseph Degnan, Assistant Director RIDLT Workforce Regulation and Safety:

Joseph Degnan, Assistant Director, addressed the Board and presents to the Board, for informational purposes, that the Director of the Department of Labor and Training is going to promulgate an amendment to the Rules and Regulations related to RIGL 5-6. This amendment will allow the issuance of a Certificate C limited license to the RI Department of Administration, Division of Facilities Management. The legal authority for this action lies within the Director’s statutory power to create regulations that interpret and are consistent with the law. This regulation does both in that it treats the Division of Facilities Management similar to comparable state agencies identified in the Certificate C law, which are the Department of Transportation and the Rhode Island Airport Corporation. This

amendment will have the effect of allowing the Division of Facilities Management to provide efficient, effective and consistent delivery of facility management services.

Mr. Degnan introduces Marco Schiappa, Associate Director of Facilities Management. Mr. Schiappa addressed the Board and provided some information concerning the Electricians employed by the Division of Facilities Management. Mr. Schiappa gives an overview of Facilities Management. Governor's Executive Order 04-04 centralized Facilities Management through the agencies in 2004, giving the responsibility for care, maintenance, operation and repairs to State facilities that fall under the Department of Administrations control, not all statewide facilities. Those facilities are generally thos facilities included on this campus (at DLT), the Zambarano campus, Ladd Center, the Stedman Government Center in Wakefield and the Veteran's Home in Bristol, as well as some arbitrary buildings such as the Cranston Street Armory, the Board of Elections, the Old State House and Old Colony House in Newport. This does not include Corrections, Judiciary or the Colleges. Facilities Management currently has five electricians. The type of tasks they are looking to perform are small, quick response tasks, mostly due to staff in buildings being moved around such as rearranging cubicles, new wiring when electronic equipment is brought in etc.; not to build buildings. Mr. Schiappa gives examples. Facilities Management is seeking approval to do this type of work for quick response.

The Board inquires as to the type of work currently being performed by their electrical employees. Carmen Boscia, Deputy of Facilities Management, addressed the Board describing some of the daily activities such as ballasts, changing light fixtures, fire alarm testing, and changing equipment. Mr. Boscia gives examples of type of work being asked of them.

There is discussion.

Michael Mitchell, Esq., DOA Legal Counsel, addressed the Board that the representatives are here to introduce Division of Facilities Management, explain what their function is and what their needs are so the Board better understands what the purpose of the regulation is. The Board presents questions.

Joe Degnan addressed the Board. This matter is on the agenda to provide information to the Board. The appropriate forum for comments would be at the public hearing once the Rules and Regulations have been promulgated. The discussion today is for informational purposes to provide the Board of the intention is of the Director. Mr. Schiappa is here to explain what they do. There is discussion.

Glenn Dusablon addressed the Board regarding “C” and “D” licenses. Discussion continues.

Joe Degnan addressed the Board that he believes the amendment is specific to Facilities Management. Discussion continues.

Representatives from DOA leave the meeting at approximately 10:42am.

A public hearing will be the next step in the matter. Discussion continues.

William Lepore submits two letters addressed to Mr. Lepore, from Joe Walsh Membership Development and Joseph Walsh, to Glenn Dusablon for the record.

Joe Walsh, IBEW Local 99; Thomas Chabot, National Electrical Contractors Association (NECA); and Lou Patrucci each address the board in opposition to Facilities Management receiving a “C” Certificate.

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

7.) 15 Hour Continuing Education: Passed

8.) Adjournment: A motion to adjourn was made by Stanley Davies and seconded by Michael Daley and passed unanimously by the

Board. The meeting adjourned at 10:54am.