

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 15, 2014

9:30am

In attendance:

William Lepore, Jr., Chair

Keith Burlingame

Michael Daley

Stanley Davies

Robert Zuba

Board Member Frank Benell Jr. was not in attendance.

Also in attendance were Robert Fratus, Electrical Investigator; John Shaw, Administrator; and Angelyne Cooper, DLT Legal Counsel.

1.) Call to Order: William Lepore, Jr, Chair, called the meeting to order at 9:35am.

2.) Minutes of the September 17, 2014 Meeting: Stan Davies made a motion to accept the minutes of September 17, 2014 meeting as written; seconded by Robert Zuba and passed unanimously by the Board.

3.) Conflict of Interest – Legal Counsel will address the Board concerning compliance with conflict of interest requirements: Angelyne Cooper, DLT Legal Counsel, reminds board members that they are subject to the RI conflict of interest laws and of their responsibility to disclose conflicts of interest, financial or otherwise, and should recuse from hearing and voting on the matter.

4.) Violation Appeal Hearings:

Salvatore D. Rossi – DBA New England Heating/Cooling Violation 4899: Rescheduled

Steven R. Rossi – Violation 4887 Rescheduled

Salvatore D. Rossi – DBA New England Heating/Cooling Violation 4900: Rescheduled

Steven Rossi – Violation 4898: Rescheduled

Thomas A. Murphy DBA T. Murphy Electric – Violation 4918

Robert Fratus was sworn in.

Thomas A. Murphy was sworn in.

Robert Fratus, Chief Electrical Investigator read the violation

LOCATION OF VIOLATION: Subway 345 Tollgate Road, Warwick, RI

VIOLATION: On 7-21-14, it was reported to Chief Electrical Investigator, Robert Fratus by Chief Plumbing Investigator E. Patrick Luther that he witnessed unlicensed employee, Michael Hinsepp, working on outdoor lighting at Subway 345 Tollgate Road, Warwick, RI for T. Murphy Electric.

This is one (1) violation of RIGL 5-6-2 Work for which license required.

Robert Fratus provided testimony and was questioned by the board.

Thomas A. Murphy provided testimony and was questioned by the board.

E. Patrick Luther (witness) was not present at the hearing.

Michael Daley made a motion that a violation did occur and seconded

by Robert Zuba. The motion passed 3 to 1 (Zuba, Davies, Daley) in favor with one dissenting vote Keith Burlingame.

Motion was made by Michael Daley and seconded by Stan Davies to hold the fine in abeyance for one (1) year provided there are no further violations. Motion passed 3 to 1 (Zuba, Daley, Davies) in favor with Keith Burlingame opposed. Motion passed

The recommendation will be forwarded to the Director's office.

O H Burg Corp. (AC004690) Violation 4930; Justin Talbot AC-License Robert Fratus, Chief Electrical Investigator read the violation.

LOCATION: 1195 Oaklawn Avenue, Cranston, RI CVS Pharmacy

VIOLATION: Rhode Island General Laws 5-6-2 "Work for which a license required". O H Burg Corp. and Mr. Justin Talbot (AC004690) had one unregistered employee, William Dempsey, performing the electrical work of replacing exterior fixtures at 1195 Oaklawn Ave. Cranston, CVS Pharmacy.

This is not the first violation for O H Burg Corp. so the fines are at \$950.00 per violation.

Barry Kesselman, President/owner of Oh H Burg Corp. (AC004690)

was sworn in.

Justin Talbot AC License holder was sworn in.

Mr. Fratus provided testimony and was questioned by the board.

Mr. Kesselman made a statement to the board.

Mr. Talbot provided testimony and was questioned by the board.

Michael Daley made a motion that a violation did occur and seconded by Stan Davies. The motion passed unanimously.

Motion was made by Michael Daley to uphold the fine of \$950.00, there was no second and the motion failed.

Motion was made by Keith Burlingame to uphold the fine of \$950.00 and suspend said fine for one (1) year provided there are no further violations, and was seconded by Stan Davies. The motion passed unanimously.

The recommendation will be forwarded to the Director's office.

William Dempsey – Violation 4931:

Robert Fratus, Chief Electrical Investigator read the violation.

LOCATION OF VIOLATION: 1195 Oaklawn Avenue Cranston, RI, CVS Pharmacy

VIOLATION: On 7-29-14, O H Burg Corp. and Mr. Justin Talbot (AC004690) had one unregistered apprentice employee, William Dempsey, performing the electrical work replacing exterior fixtures at 1195 Oaklawn Avenue, Cranston, RI, CVS Pharmacy.

This is one (1) violation of RIGL 5-6-2 Work for which a license required

Mr. Talbot, Mr. Kesselman, and Robert Fratus were previously sworn in.

William Dempsey was sworn in and provided testimony and was questioned by the board.

Mr. Dempsey was not aware that his apprentice card had expired.

Stan Davies made a motion that a violation did occur and was seconded by Michael Daley. The vote was three (3) to one (1) in favor (Daley, Zuba, Davies) in favor and Keith Burlingame opposed. Motion Passed

Motion was made by Michael Daley to uphold the fine of \$500.00 and

suspend said fine for one (1) year provided there are no further violations, and was seconded by Stan Davies The vote was three (3) to one (1) in favor (Daley, Davis Zuba) in favor and Keith Burlingame opposed. Motion Passed

The recommendation will be forwarded to the Director's office.

Ramon Sosa DBA Sosa & Son HVAC- Violation 4932:

Ramon Sosa was sworn in.

Mabel Martinez was sworn in as a Spanish Interpreter for Mr. Sosa.

Robert Fratus, Chief Electrical Investigator read the violation.

LOCATION: Papa John's 379 Smithfield Avenue, Pawtucket, RI 02862

VIOLATION: On 8/15/2014, Chief Electrical Investigator, Robert Fratus and Chief Mechanical Investigator Nicholas Ranone made a site visit to Papa John's 379 Smithfield Avenue, Pawtucket, RI 02862 where we found two unlicensed workers performing electrical work on a roof top packaged HVAC unit.

This is one (1) violation of RIGL 5-6-2 Work for which a license required.

Robert Fratus, Chief Electrical Investigator read the violation.

Mr. Fratus provide testimony and was questioned by the board.

Nicholas Ranone, Chief Mechanical Investigator provided testimony and was questioned by the board.

A packet of photos were entered by Robert Fratus and was marked as Exhibit A.

Ramon Sosa provided testimony, through an interpreter and was questioned by the board.

Ramon Sosa entered two (2) documents that were marked Exhibit A and B for the respondent.

Motion was made by Michael Daley that a violation did not occur and seconded by Keith Burlingame. The motion passed unanimously, and violation was dismissed.

The recommendation will be forwarded to the Director's office.

End of hearings.

5) Trade Source, Inc.:

Robert Fratus submitted a packet, and a letter that stated Trade Source would not be at today's hearing of the Electricians Board.

Robert Fratus submitted a packet of documents from Trade Source, Inc. and a letter stating they would not be attending the meeting today.

A motion was made by Stan Davies and seconded by Michael Daley, for Robert Fratus, Chief Electrical Investigator to do further research and bring it to the board, at November's hearings.

6) 15 Hour Continuing Education Plan of Action:

Robert Fratus, Chief Electrical Investigator is waiting for the approval from Jack Leyden, Building Commissioner's Office.

**7) Discussion on requirements for Master Oil Burner Electrician:
Discussion**

8) Old Business: Status of recommended legislative changes:

Michael Daley, will get copies of proposed changes to the board.

9) Old Business: Discussion of Rules & Regulations:

A proposed change to Rules & Regulations was submitted to the board by John Shaw, Administrator.

The proposed change was discussed.

Motion was made by Michael Daley and seconded by Keith Burlingame to accept the change and proceed with the process of making said changes. Motion passed unanimously.

10) Adjournment: Motion to adjourn made by: Michael Daley

Seconded: Stan Davies

Vote: Unanimous

The meeting adjourned at 11:05.