

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, April 15, 2015

9:30am

In attendance: Keith Burlingame

Michael Daley

Stanley Davies

William Lepore, Jr. Chair

Robert Zuba

Frank Benell, Jr. was not in attendance. Also in attendance were Robert Fratus, Electrical Investigator; and Angelyne Cooper, DLT Legal Counsel.

1.) Call to Order: William Lepore, Jr, Chair, called the meeting to order at 9:29am.

2.) Minutes of the March 18, 2015 Meeting: Stanley Davies made a motion to accept the minutes of March 18, 2015 meeting as written;

seconded by Michael Daley 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.) Revocation Hearings:

David Jackson DBA Anchor Sign (SCF-7089) – Violation 5076: David Jackson (Anchor Sign), respondent; Robert Gaj, DLT; and Robert Fratus, DLT, are sworn in for testimony. Robert Fratus reads the cover letter and violation. The violation is as follows:

Location of Violation: Sleepy's, 23A Dowling Village Blvd., North Smithfield, Rhode Island

Violation: RIGL 5-6-23 Certificates not transferable-Suspension or revocation of certificates-Subpoena of evidence.

This violation stems from a complaint made by Chief Licensing Examiner, Robert J. Gaj, to Chief Electrical Investigator, Robert Fratus. Mr. Gaj witnessed unlicensed employees of Pro Sign Service

installing a sign at Sleepy's, 23A Dowling Village Blvd., North Smithfield, Rhode Island. This work was subcontracted to Pro Sign Service from Anchor Sign using Anchor Sign's town issued electrical permit.

This is grounds for revocation of Electrical Sign Contractor license number SCF-7089 because Anchor Sign used their SCF -7089 Certificate to have a permit issued for Sleepy's, 23A Dowling Village Blvd., North Smithfield, Rhode Island then sub-contracted the job to unlicensed Pro Sign Service to perform the work and have the job inspected using Anchor Sign's town issued electrical permit.

A revocation of license hearing will be held Wednesday, April 15, 2015 at 9:30 am at the Rhode Island Department of Labor and Training, 1511 Pontiac Ave. Cranston RI, Building 70 Second Floor Conference Room. In addition, the above cited violation is subject to a \$500.00 fine. Your attendance is required. If you fail to appear, the hearing will continue as scheduled and be held in your absence.

Robert Fratus enters the photographs of the work performed and copy of the contract from Anchor Sign to Pro Sign as evidence: 1 photograph marked State Exhibit A and a packet of 11 documents marked State Exhibit B. Documents are reviewed.

**Robert Gaj provides testimony and is questioned by the Board.
Robert Fratus provides testimony and is questioned by the Board.**

David Jackson provides testimony and is questioned by the Board. Mr. Jackson submits a packet of 7 documents marked Respondent Exhibit A.

Stanley Davies made a motion that Violation 5076, David Jackson DBA Anchor Sign (SCF-7089) did occur; seconded by Michael Daley and passed unanimously.

Regarding the penalty for Violation 5076, Michael Daley made a motion to suspend license SCF-7089 for period of one (1) year and to impose the \$500.00 fine. The motion was seconded by Keith Burlingame. In favor were Keith Burlingame, Michael Daley and Stanley Davies. Robert Zuba was opposed. By a vote of 3 to 1 motion carries.

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

5.) Boysie Fortez request to test for the Oil Burner Contractor electrical license: Robert Fratus addressed the Board and reads a letter from Boysie Fortez requesting to sit for exam for the Oil Burner Contractor "E" license.

Mr. Fortez holds a Master Plumber and Pipefitter Master 2.

Boysie Fortez and Robert Fratus are questioned by the Board. Mr. Fortez has not submitted an application for testing for the Oil Burner Contractor "E" License.

Michael Daley made a motion that Mr. Fortez acquire the application and follow the normal procedure to take the test that is required to do the work he wants to do. The motion is seconded by Stanley Davies. The motion passed unanimously.

6.) 15 Hour Continuing Education: Robert Zuba addressed the board stating that providers from other states that are not RI providers have been asked by someone within this department to use the RI certificate which is for RI providers. There is discussion. The Massachusetts and RI agreement is noted.

Michael Pillarella addressed the board.

Legal will review the agreement and will contact Joseph Degnan, Assistant Director of Workforce Regulation and Safety to clarify the matter and report back to the Board.

7.) Old Business: Status of recommended legislative changes: Michael Daley addressed the Board regarding H5709 and S602. The

bill was heard by Senate Labor and held for further study. The bill was heard in House Corporations and again the opposition is looking for additional changes. Mr. Daley provided a draft of the changes. Mr. Daley met the two parties regarding the proposed changes. Mike Januario, representing Oil Heat Institute and Bob Johnson, of Atlantic Solutions LTD, are present to explain why they are requesting the changes to the proposed legislation. Mr. Januario addressed the board regarding cleaning up language and answer questions from the board. Mr. Johnson addressed the board regarding waste water treatment and answered questions from the board.

Stanley Davies made a motion to approve the suggested changes and that the Board submit a letter in support of the amended legislation. The motion was seconded by Michael Daley. In favor were Michael Daley, Stanley Davies and Robert Zuba. Keith Burlingame opposed. Motion carries.

8.) Old Business: Discussion of Rules and Regulations: No information.

5.) Trade Source - Discussion: John Shaw, Administrator of Workforce Regulation and Safety, was not present to address the Board. Robert Fratus reads a statement on behalf of Mr. Shaw regarding Trade Source. The Department finds that Trade Source has

not violated the state electrical law focusing on RIGL 5-6-8 Contractor's certificates/licenses (no mention of supervision) and RIGL 5-6-28 Penalties for unlicensed work. Trade Source has the required license.

The board has discussion.

Legal Counsel suggests to board members to forward specific points they would like addressed to John Shaw and Joseph Degnan as well as there interpretation that could be addressed at the next meeting.

Chairman Lepore would like Mr. Shaw to meet with the board at the next meeting. The item will remain on the agenda for the next meeting.

10.) Adjournment: A motion to adjourn was made by Michael Daley. There being no opposition, the meeting adjourned at 11:11am.