

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, September 16, 2015

9:30am

In attendance:

Keith Burlingame

Stanley Davies

William Lepore, Jr. Chair

Robert Zuba

Board members, Frank Benell, Jr and Michael Daley, were not in attendance.

Also in attendance were Glenn Dusablon, Chief Electrical Investigator; and Angelyne E. Cooper, DLT Legal Counsel.

1.) Call to Order: William Lepore, Jr, Chair, called the meeting to order at 9:32am.

2.) Minutes of the July 15, 2015 Meeting: The matter was addressed with Agenda Item #6 Trade Source. Chair Lepore does not think the minutes regarding Trade Source reflects the magnitude of the discussion and thinks it should be revised. Stanley Davies makes a motion that the minutes be revised; 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 E. 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 discussion and voting on the matter.

4.) Violation Appeal Hearings: The three violations (5179, 5180 and 5181) all refer to same project and testimony is heard collectively. Glenn Dusablon, Chief Electrical Investigator RIDLT and respondents, Christopher Holmes (inControl, Inc.), Steven Beveridge (inControl, Inc.), and Shaun Gauthier (inControl, Inc.) are sworn in for testimony. Glenn Dusablon reads Violation 5179, 5180 and 5181. Robert Fratus, the investigator that was on site who issued the violations, will be providing testimony via telephone. The hearings were suspended at approximately 9:40am until Mr. Fratus is available. The hearing resumes at approximately 10:05am.

Robert Fratus, former DLT Electrical Investigator, is in attendance via telephone and is sworn in for testimony.

Glenn Dusablon submits a packet of photographs taken by Robert Fratus (12 pages) into evidence for Violations 5179, 5180 and 5181 marked Exhibit A.

Robert Fratus provides testimony.

Steven Beveridge addressed the board with a prepared statement requesting the violations be dismissed. Testimony is also provided by Shaun Gauthier and Christopher Holmes. All parties were questioned.

inControl, Inc. – Violation 5179: Steven Beveridge, inControl, Inc., did admit to the violation of RIGL § 5-6-25 regarding the lack of a permit and paid the \$500.00 associated with that violation. This hearing is an appeal of the violations pertaining to RIGL § 5-6-2 for the unlicensed individuals and not holding an “A” electrical license.

LOCATION OF VIOLATION: University of Rhode Island, Multicultural Center, 74 Lower College Rd., Kingston, RI 02881

VIOLATION: RIGL 5-6-2 Work for which license required; RIGL 5-6-25 Compliance with rules and requirements of city or town.

On 6-4-2015, I, Chief Electrical Investigator Robert Fratus, made a site visit to University of Rhode Island, Multicultural Center, 74 Lower College Rd, Kingston, RI 02881, where I found unlicensed electrical workers for InControl, Inc., Christopher J. Holmes and Shaun R. Gauthier, performing the electrical work on the HVAC energy management system of installing e.m.t., disconnecting 120 volt pumps and 120 Volt control panel feeds etc. This was found out by there admittance and witnessing the jobs progress. Both workers for InControl, Inc., Christopher J. Holmes and Shaun R. Gauthier have a Data Telecommunication Systems Technician license only. InControl, Inc. does not hold an A-Electrical license needed for the electrical work mentioned above. This is two violations of RIGL 5-6-2 Work for which license required.

After checking with the electrical Inspector it was found that the(re) was no permit issued for this work. This is one violation of RIGL 5-6-25 Compliance with rules and requirements of city or town.

Regarding Violation 5179, Robert Zuba made a motion that the violation did occur of RIGL § 5-6-2 of the electrical wiring; seconded by Stanley Davies. In Favor 2: Davies, Zuba. Opposed 1: Burlingame. Motion passed.

Regarding the penalty for Violation 5179, Robert Zuba made a motion that the violation did occur and the penalty be \$1,000.00; seconded by

**Stanley Davies. In Favor 2: Davies, Zuba. Opposed 1: Burlingame.
Motion passed.**

Shaun R. Gauthier – Violation 5180:

LOCATION OF VIOLATION: University of Rhode Island, Multicultural Center, 74 Lower College Rd., Kingston, RI 02881

VIOLATION: RIGL 5-6-2 Work for which license required.

On 6-4-2015, I, Chief Electrical Investigator Robert Fratus, made a site visit to University of Rhode Island, Multicultural Center, 74 Lower College Rd., Kingston, RI 02881, where I found unlicensed electrical workers for InControl, Inc., Christopher J. Holmes and Shaun R. Gauthier, performing the electrical work on the HVAC energy management system of installing e.m.t., disconnecting 120 volt pumps and 120 Volt control panel feeds etc. This was found out by there admittance and witnessing the jobs progress. Both workers for InControl, Inc., Christopher J. Holmes and Shaun R. Gauthier, have a Data Telecommunication Systems Technician license only. This is one violations of RIGL 5-6-2 Work for which license required.

Regarding Violation 5180, Stanley Davies made a motion that the violation did not occur; seconded by Robert Zuba and passed unanimously by the Board. As there was no violation, no fine was recommended.

Christopher J. Holmes – Violation 5181:

LOCATION OF VIOLATION: University of Rhode Island, Multicultural Center, 74 Lower College Rd., Kingston, RI 02881

VIOLATION: RIGL 5-6-2 Work for which license required.

On 6-4-2015, I, Chief Electrical Investigator Robert Fratus, made a site visit to University of Rhode Island, Multicultural Center, 74 Lower College Rd., Kingston, RI 02881, where I found unlicensed electrical workers for InControl, Inc., Christopher J. Holmes and Shaun R. Gauthier, performing the electrical work on the HVAC energy management system of installing e.m.t., disconnecting 120 volt pumps and 120 Volt control panel feeds etc. This was found out by there admittance and witnessing the jobs progress. Both workers for InControl, Inc., Christopher J. Holmes and Shaun R. Gauthier, have a Data Telecommunication Systems Technician license only. This is one violations of RIGL 5-6-2 Work for which license required.

Regarding Violation 5181, Christopher Holmes, Stanley Davies made a motion that the violation did not occur; seconded by Robert Zuba and passed unanimously by the Board. As there was no violation, no fine was recommended.

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

End of hearings.

5.) Equality in apprenticeship education requirements by RI and other states prior to testing for journeyman license: Glenn Dusablon, DLT Chief Electrical Investigator, addressed the Board. Mr. Dusablon states that under the law a journeyman with a license issued by another state is eligible to take the journeyman's exam in Rhode Island. However, some states do not have apprenticeship programs like Rhode Island does. They are not of equal status, they do not have required education or comparable training. Mr. Dusablon gave an example of a person coming from Nevada, who never served an apprenticeship of any kind, but has a license issued from the state of Nevada, and under the law we are required to allow them to test. Mr. Dusablon sees this becoming an issue. Mr. Dusablon thinks there is a need for some equality in the language to have at least 576 hours of education and 8000 hours of work experience as required by RI apprentices prior to taking the test.

Mr. Dusablon states there should be comparable requirements that individuals meet the minimum requirements of what a Rhode Island apprentice would have to meet in order to test.

There is question if a change would need to be made legislatively or

through rules and regulations. If this cannot be accomplished through a change in rules and regulations it would have to be done legislatively.

Mr. Dusablon refers to the Certificate C license given to Facilities Management done under the previous Director.

Legal Counsel Angelyne E. Cooper addressed the Board. Counsel Cooper has not looked at the statute or the regulations regarding the matter, and explains that the rules and regulations cannot exceed what is in the law.

Mr. Dusablon asks that whether through legislation or rules and regulations there be made an equality for the apprentice education prior to taking an exam. It is noted that it would be faster through rules and regulations.

Mr. Dusablon is advised to send the matter to his administrator to be sent to legal and that will start the process.

Robert Zuba states the education should be included on the application so there would be an indication if the individual has served an apprenticeship or gone to a trade school when the application comes in. There is discussion of the information requested on the applications. Mr. Dusablon explains the application process. Mr. Dusablon also explains that RI apprentices applications

are reviewed by the apprentice council first to ensure qualifications have been met prior to approving the application.

6.) Trade Source - Discussion: Glenn Dusablon informs the Board that there is currently an investigation going on that my answer some of the questions they have.

Chair Lepore reiterates that he feels the minutes to the previous meeting should reflect more accurately what went on at the previous meeting concerning the company. A motion is made by Stanley Davies to revise the minutes; seconded by Robert Zuba and passed unanimously by the Board.

Chair Lepore asks Board Member Zuba, as an inspector, if he's required to see to it that people have permits and what is done if they do not have a permit. Mr. Zuba states the people are stopped and a fine is issued. Chair Lepore questions why this would be different. Mr. Zuba states it is not.

It is Chair Lepore's understanding that Trade Source are not going to take out permits. It is confirmed that Trade Source stated they are not taking out the permit because they are not on site supervising the employees so the company that is on the job site is the company that is pulling the permit.

Chair Lepore inquires that if they are not complying with the rules and regulations is there any reason why they cannot be given a citation to have a hearing to revoke the license. There is a violation currently pending that may resolve some issues either through the appeal process or payment of the fine.

7.) Adjournment: A motion to adjourn was made by Robert Zuba; seconded by Stanley Davies. All were in favor. The meeting adjourned at 10:28am.