

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 21, 2015

9:30am

In attendance:

Keith Burlingame

Stanley Davies

Michael Daley

William Lepore, Jr. Chair

Robert Zuba

Board members, Frank Benell, Jr was 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 9:31am.

2.) Revised minutes of the July 21, 2015 Meeting: Stanley Davies made a motion to accept the revised minutes of July 21, 2015; seconded by Michael Daley and passed unanimously by the Board.

3.) Minutes of the September 16, 2015 meeting: Stanley Davies made a motion to accept the minutes of September 16, 2015; seconded by Michael Daley and passed unanimously by the Board.

4.) 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.

5.) Violation Appeal Hearings:

Tony Freitas DBA JKL Engineering Co., Inc. – Violation 5322: Nicholas Ranone, RIDLT Chief Mechanical Investigator, Glenn Dusablon, Chief Electrical Investigator; and Anthony Freitas, Respondent, are sworn in for testimony. Glenn Dusablon reads the violation into the record.

VIOLATION 5322: Tony Freitas DBA JKL Engineering Co., Inc.

LOCATION OF VIOLATION: 725 Reservoir Ave. Cranston, RI

VIOLATION: RIGL 5-6-2 "Work for which a license required" - Mr. Freitas bid, solicited, and or contracted the installation of electrical apparatus; that being the installation of 4 electrical disconnects and wiring for 4 replacement air conditioning roof top units at said location.

RIGL 5-6-2 "Work for which a license is required" - Mr. Freitas had an employee, Craig Wnuk, a licensed plumber, MP 003464, installing said electrical apparatus without a RI electrical license.

RIGL 5-6-25 "Failure to comply with the rules and requirements of city town or state" - Mr. Freitas failed to obtain an electrical permit for the installation of electrical apparatus with the City of Cranston.

On September 9th 2015 at 11:07 am, Mr. Nicholas Ranone, Chief Mechanical Investigator for the RI Department of Labor and Training, witnessed Mr. Wnuk, the employee of Mr. Freitas, installing the electrical apparatus at said location and verified an electrical permit application had not been filed with the City of Cranston.

Mr. Freitas has 3 violations of RIGL 5-6 at \$500.00 each for fines totaling the amount \$1,500.00.

Glenn Dusablon enters six (6) photographs of employees performing the work taken by Nicholas Ranone as Exhibit A. Mr. Dusablon provides testimony. Nicholas Ranone also provides testimony. Both are questioned by the Board.

Anthony Freitas provides testimony and is questioned by the Board.

Regarding Violation 5322, Keith Burlingame made a motion based upon the evidence presented and testimony, to uphold the violation; that a violation of RIGL § 5-6-2 for not having a contracting license, a violation of RIGL § 5-6-2 for no journeyman license and a violation of RIGL § 5-6-25 for failure to comply with the rules of city or town. The motion was second by Michael Daley. There is discussion and the Board questions Mr. Freitas. After discussion a vote was taken and the motion passed unanimously by the Board.

Regarding the penalty for Violation 5322, Michael Daley made a motion that the fine of \$1,500.00 be imposed; seconded by Robert Zuba and passed unanimously by the Board.

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

Guy Clermont DBA Guy Clermont Plumbing & Heating – Violation 5326: Guy Clermont Jr. is sworn in for testimony. Nicholas Ranone and Glenn Dusablon were previously sworn. Glenn Dusablon reads the violation.

VIOLATION 5326: Guy Clermont DBA Guy Clermont Plumbing & Heating

LOCATION OF VIOLATION: 16 Fairbanks Ave. East Providence, RI

VIOLATION: Rhode Island General Law 5-6-2 "Work for which license

required" - Mr. Guy Clermont DBA Guy Clermont Plumbing and Heating did bid, solicited or advertised the installation of electrical apparatus at the home of Leonard Linhares / Nancy Harris at 16 Fairbanks Ave. in East Providence RI. Mr. Clermont does not hold a Rhode Island electrical contractor's license and cannot bid or solicit the installation of electrical apparatus in RI. 1 Violation.

Rhode Island General Law 5-6-2 "Work for which a license is required" - Mr. Clermont installed the electrical apparatus at the said location without a RI Journeyman electrical license which is needed to install said apparatus. 1 Violation.

Rhode Island General Law 5-6-25 "Failure to comply with the rules requirements of city town or state" - Mr. Clermont did not obtain an electrical permit with the City of East Providence for the installation of electrical apparatus at said location.

On November 20th 2014 at 11:27 am, Nicholas Ranone, Chief Mechanical Investigator for the RI Department of Labor and Training, took photographs of the electrical installations and a witness statement from the property owners, Leonard Linhares and Nancy Harris. I did speak with Mr. Linhares and Guy Clermont to confirm that the violations did occur and after speaking with the City of Cranston electrical inspector, Peter Delsignori, it appears Mr. Clermont also endangered the property owners with faulty wiring.

Mr. Clermont has 3 violations of RIGL 5-6 that being 2 separate violations of RIGL 5-6-2 1 violation for bidding or soliciting the electrical installation without an electrical contractor's license and 1 violation for installing electrical apparatus without a journeyman's

license both under 5-6-2. Mr. Clermont also failed to obtain an electrical permit which is 1 violation of 5-6-25. Mr. Clermont has a total of 3 violations at \$500.00 each for a total of \$1,500.00 in fines.

Glenn Dusablon enters exhibits into evidence: Exhibit A – the witness statement from the property owners; Exhibit B – 5 photographs of the installation.

Nick Ranone provides testimony and is questioned by the Board.

Keith Burlingame questions how Inspector DelSignori of Cranston is involved in an East Providence project. Glenn Dusablon clarifies that it is an error in typing the violation and should have indicated the East Providence inspector. Mr. Dusablon confirmed that he did confirm there was no permit and there was faulty wiring.

Guy Clermont provides testimony and is questioned by the Board.

Regarding violation 5326, Michael Daley made a motion that there were three (3) violations; two (2) of RIGL § 5-6-2 and a violation of RIGL § 5-6-2, that the violations did occur. The motion is seconded by Robert Zuba and passed unanimously by the Board.

Regarding the penalty for Violation 5326, Michael Daley, made a motion per RIGL § 5-6-32 that the fine of \$1,500.00 be imposed; seconded by Robert Zuba and passed unanimously by the Board.

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

End of hearings.

6.) Review / Approval of recommended changes to Rules and Regulations 7(a) and 7(b): Glenn Dusablon addressed the Board that intent of the change is to add language that out of state applicants for testing for the journeyman license complete an apprenticeship program equal to that of Rhode Island before testing. Mr. Dusablon states the issue is that individuals can come to Rhode Island with a journeyman license from another state and take the test with no apprenticeship training at all.

Mr. Dusablon requests to add language equal to what RI apprentices need prior to testing. Mr. Dusablon provides current language.

Legal Counsel informs the Board any change to the regulation would go through legal first to review the statute and regulation and the suggested change to the language.

The current regulation for out of states applicants indicates 8,000 hours of experience does not indicate an education requirement. RI apprentices have a mandatory 576 hours of schooling. Mr. Dusablon provides recommended language adding 576 hours of electrical

education equal to that required by the RI Apprenticeship Council to make the requirement equal to what RI applicants need. Mr. Dusablon provides an example of a RI Master Electrician who received his license prior to 1999 aren't allowed to take a journeyman exam in Massachusetts because they do not have schooling.

Stanley Davies made a motion to submit the amendments to regulation 7A; seconded by Michael Daley and passed unanimously by the Board.

Stanley Davies made a motion to submit 7B recommendation to the Director for his approval, seconded by Michael Daley. There is discussion of RI resident that obtains a journeyman license prior to 1999, when there was no education requirement, and then moves out of state and applies for the Master license. What happens with the education requirement? The proposed recommendation indicates an education requirement for out of state applicants. There is discussion. After discussion a vote was taken: In Favor: Daley, Davies, Zuba; Opposed: Burlingame.

7.) Trade Source - Discussion: Glenn Dusablon addressed the Board that the violation is pending signature. Mr. Dusablon is waiting for documentation that the city does require a permit.

John Shaw, Administrator, recommends board members give their

opinion on the matter. Chair Lepore thinks the Board has been consistent on the matter. Michael Daley is in agreement; if claiming they are an electrical contractor, they need to have a permit to do the work. Robert Zuba thinks when letter is drafted, because the regulation comes from the building commission, and once the board members read the letter, if they want to sign on to it, that would be proof they are all in agreement. Keith Burlingame and Stanley Davies did not comment.

Glenn Dusablon addressed the Board regarding the contractor that does have the permit and if they should be sited.

Chair Lepore request the matter be continued on the agenda.

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