

MINUTES

PLUMBING AND PIPING WORK EXAMINING BOARD

NOVEMBER 16, 2006

The meeting was called to order by Roger Stolting, Acting Chairperson, at 9:35 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106.

Members Present: Roger Stolting, Contractor, Acting Chairperson
James Piccoli, Contractor
George C. Sima, Well Drilling Contractor
John R. Damico, Journeyperson
John R. Sullivan, Public Member

Member Absent: Charles E. Appleby, Sr., Contractor
Joseph Carr, Journeyperson
Michael E. Cluney, Public Member

Board Vacancies: Two Journeypersons
Two Public Members

Board Counsel Present: None

DCP Staff Present: Nelson Leon, Board Secretary
Richard M. Hurlburt, Director
Anthony Santoro, Administrative Hearings Attorney
Elisa Nahas, Managing Hearings Attorney
Richard Maloney, Trade Enforcement Director
Robert Nakano, Special Investigator Supervisor
Helen Hillman, Consumer Information Representative

Public Present: William J. Forbes, Esquire Tom Welch Frank J. DaCato
Marc Defanzo Georgiano Lussier
Jerome Wisneski, Jr. Peter C. Remaly
Nicholas Nazzaro Brendan Rowley
Esteban Ortiz Marc Mitchell
Fred Brzoska Colin Stegman
Lori Forto Thomas Botts

Note: The administrative functions of this Board are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division.
For information contact Richard M. Hurlburt, Director at (860) 713-6135.

MINUTES OF PREVIOUS MEETINGS

The Board voted unanimously to approve minutes of the September 21, 2006 meeting and minutes of the July 20, 2006 meeting, with amendments to page-4 of the July 20, 2006 meeting minutes, to reflect the Board voting unanimously to impose Restitution in the amount of \$6,500.00 against Alan R. Cyr only concerning the Administrative Hearing in the Matter of James R. Lathrop, Docket No. 06-958 and Alan R. Cyr, Docket No. 06-959.

NEWLY APPOINTED BOARD MEMBERS

1. Appointment letter dated April 24, 2006 from the Honorable Governor M. Jodi Rell, concerning the appointment of Anthony Smeraglino as a Plumbing and Piping Work Examining Board member, as a Public Member, in succession to Brian T. Kronenberger. Anthony Smeraglino was not present at the May 18, 2006, July 20, 2006, and September 21, 2006 meeting.

Anthony Smeraglino was a no-show at today's meeting.

2. Appointment letter dated September 1, 2006 from the Honorable Governor M. Jodi Rell, concerning the appointment of Anthony Calandrino as a Plumbing and Piping Work Examining Board member, as a Journeyman, in succession to Gerald R. Fucci.

Anthony Calandrino was sworn-in by DCP Attorney Anthony Santoro.

APPLICATIONS

James J. Parkins, Derby, CT – (P-1) Unlimited Contractor Application – Denied

The Board voted unanimously to deny Mr. Parkins' application due to lack of a required (P-2) Unlimited Journeyman license for a minimum of two years.

APPLICANTS APPEARING BEFORE THE BOARD

Carl M. Alterio, Bridgeport, CT – (P-2) Unlimited Journeyman Application – No Action

Mr. Alterio was not present at today's meeting and no action was taken on his application.

Frederick Brzoska, Shelton, CT – (J-2) Limited Journeyman Application – Denied

The Board voted unanimously to deny Mr. Brzoska's application due to lack of a required "Apprenticeship Completion Certificate". The Board further voted unanimously to require Mr. Brzoska to be registered as an apprentice prior to returning to work with his current employer.

Lori Forto, Derby, CT – (J-2) Limited Journeyman Application.

The Board voted unanimously to approve Ms. Forto to sit for the equivalency examination, and if she passes the examination, she may then sit for the (J-2) Limited Journeyman examination.

Marc Mitchell, Derby, CT – (J-2) Limited Journeyman Application – Approved

The Board voted unanimously to approve Mr. Mitchell to sit for the equivalency examination, and if he passes the examination, he may then sit for the (J-2) Limited Journeyman examination.

Nicholas Nazzaro, Danbury CT – (P-2) Unlimited Journeyman Application – Approved

The Board voted unanimously to approve Mr. Nazzaro's application. The Board also suggested that Mr. Nazzaro's application be referred to DCP Trade Practice Division for enforcement concerning non-registered apprentices.

Peter C. Remaly, East Haven, CT – (J-2) Limited Journeyman Application.

The Board voted unanimously to approve Mr. Remaly to sit for the equivalency examination, and if he passes the examination, he may then sit for the (J-2) Limited Journeyman examination.

Colin R. Stegman, East Haven, CT – (J-2) Limited Journeyman Application – Approved

The Board voted unanimously to approve Mr. Stegman's application.

Jerome L. Wisneski, Jr., North Haven, CT – (J-2) Limited Journeyman Application.

The Board voted unanimously to approve Mr. Wisneski to sit for the equivalency examination, and if he passes the examination, he may then sit for the (J-2) Limited Journeyman examination.

LATE ARRIVING APPLICATIONS

(The Board voted unanimously to review the following late arriving applications)

Marc P. Defonzo, Milford, CT – (P-2) Unlimited Journeyperson application – Approved

The Board voted unanimously to approve Mr. Defonzo's application. The Board also suggested that Mr. Defonzo's application be referred to DCP Trade Practice Division for enforcement concerning non-registered apprentices.

Esteban Ortiz, New Haven, CT – (P-2) Unlimited Journeyperson Application.

The Board voted unanimously to approve Mr. Ortiz to sit for the equivalency examination, and if he passes the examination, he may then sit for the (P-2) Unlimited Journeyperson examination.

Thomas Butts, Old Sybrook, CT – (P-7) Limited Contractor.

The Board voted to approve Mr. Butts to sit for the equivalency examination, and if he passes the examination, he may then sit for the (P-7) Limited Contractor examination.

REQUEST FOR CONTINUING EDUCATION WAIVER

Lars Otto, Danbury, CT – (P-1) Unlimited Contractor – Denied

Requesting waiver of continuing education or home study program due to illness.

The Board voted unanimously to deny Mr. Otto's request for waiver of continuing education, and suggested that a letter be mailed to Mr. Otto, referring him to education facilitators for accommodations due to his current illness.

Wayne R. Richmond, Jr., Canterbury, CT – (P-2) Unlimited Journeyperson – Approved

Requesting to be exempt from taking the continuing education class for 2005-2006.

The Board voted unanimously to approve Mr. Richmond's request for 2005-2006 continuing education waiver based on his 1,220 hours of occupational related instructional experience.

Stanley E. Styran, Broad Brook, CT – (P-2) Unlimited Journeyperson – Approved

Requesting to be exempt from taking the continuing education class for 2005-2006.

The Board voted unanimously to approve Mr. Styran's request for 2005-2006 continuing education waiver based on his 1,220 hours of occupational related instructional experience.

CORRESPONDENCE

1. “Well Driller Helper Supervision Requirements” definitions as set for the in Chapter 482 of the Connecticut General Statutes effective November 6, 2002.
2. Correspondence from Albert Rizzo, President Connecticut Spa & Pool Association, requesting a position on the Plumbing and Piping Work Examining Board.
3. Mechanical Contractor Registration List.
4. November 8, 2005 opinion of the CT Attorney General, Richard Blumenthal, concerning issuance of apprenticeship registrations.
5. September 22, 2006 opinion of the CT Attorney General, Richard Blumenthal, concerning DCP’s authority over apprentices.

WELL ABANDONMENT REQUEST

Letter dated 9/15/06 from Megan A. Hatt who resides at 119 Grassy Hill Road, East Lyme, CT, concerning abandonment of well at her residence.

The Board unanimously concluded that a Connecticut (W-1) Limited Well Water-Supply Drilling Contractor license holder will be required to perform the well abandonment.

DCP TRADE ENFORCEMENT DIVISION REPORT

DCP Trade Enforcement Director Richard Maloney reported on a newly hired occupational trade inspector (Ray Fuoco), who has been administratively trained and is ready to go out into the field, meeting with the Connecticut Building Officials Association, working with them closely enforcement wise, with an emphasis on reviewing building permits and performing sting operations, providing inspectors with on-going investigatory training on narrative report writing and evidence collection techniques. Mr. Maloney also reported that complaints are being investigated within thirty days of receipt and responses provided to respondents and consumers, and that thirty thousand dollars has been collected in civil penalties via the Assurance of Voluntary Compliance program.

The Board voted unanimously to require DCP Trade Enforcement Division Director Richard Maloney to provide the Board with a monthly complaint report concerning stipulation offerings.

DCP CONTINUING EDUCATION REPORT

DCP Attorney Elisa Nahas reports that plumbing continuing education audit letters for plumbers have gone out and second waive of letters will also be going out to plumbers concerning non-compliance of continuing education requirements.

OLD BUSINESS

In the Matter of Thomas J. Charles

Docket No. 06-31

A Formal Administrative Hearing was held on 3/16/06 and the hearing was concluded. The Board voted at their 3/16/06 meeting to a Civil Penalty in the amount of \$11,500.00, Restitution in the amount of \$6,500.00, and to suspend Mr. Charles' (P-1) Unlimited Contractor license until Mr. Charles has paid the Civil Penalty and Restitution concerning this matter.

Mr. Charles made a request for reconsideration of the Board's 3/16/06 decision, which was to be considered at their 9/16/06 meeting. Mr. Charles requested a continuation concerning his reconsideration request due to a death in the family and the Board granted Mr. Charles a continuation at their 9/16/06 meeting. The Board granted Mr. Charles a continuation to their next meeting scheduled for Thursday, November 16, 2006.

The Board voted unanimously to deny Mr. Charles' request for a continuance concerning this matter.

In the Matter of James R. Lathrop

Docket No. 06-958

In the Matter of Alan R. Cyr

Docket No. 06-959

A Formal Administrative Hearing was held on 7/20/06 and the hearing was concluded. The Board voted unanimously to consider investigating the whereabouts of Mr. Lathrop of unknown whereabouts, to be criminally requested by local authorities having jurisdiction to bring Mr. Lathrop to the Board. On behalf of Mr. Lathrop, the Board voted unanimously to a Civil Penalty in the amount of \$17,500.00 and Restitution in the amount of \$6,500.00. On behalf of Mr. Cyr, the Board voted unanimously to issue an Immediate Order of Discontinuance, Civil Penalty in the amount of \$17,500.00, Restitution in the amount of \$6,500.00, and suspend his (P-1 202824) Unlimited Contractor license for a period of (90) ninety days.

The Plumbing Board requested at their 9/21/06 meeting, to have to have their legal counsel (Raul Rodriguez, AAG) present at their next meeting scheduled for Thursday, November 16, 2006, in order to provide the Board his advise concerning their 7/20/06 meeting decision regarding this matter.

Assistant Attorney General Raul Rodriguez did not attend today's meeting. After further discussion concerning this matter at today's meeting, the Board voted unanimously to amend their 7/20/06 decision to reflect a Civil Penalty in the amount of \$17,500.00 against Mr. Lathrop. On behalf of Mr. Cyr, the Board voted unanimously to issue an Immediate Order of Discontinuance, Civil Penalty in the amount of \$17,500.00 and Restitution in the amount of \$6,500.00, and suspend his (P-1 202824) Unlimited Contractor license for a period of (90) ninety days, due to the fact that Mr. Cyr is the holder of the plumbing license and the actual contractor of record, as well as the individual who obtained the permit for the plumbing work performed concerning this matter. The Board further voted unanimously to deny any future continuances concerning this matter.

In the Matter of William Aiudi

Docket No. 06-2037

A Formal Administrative Hearing was held on 9/21/06 concerning this matter. The Board voted unanimously to continue this matter to their next meeting scheduled for Thursday, November 16, 2006, in order to have their legal counsel (Raul Rodriguez, AAG) present for his advice on this matter, in addition to having a representative from PSI present to testify as well.

Mr. Aiudi’s attorney provided a written response to the Board concerning this matter in which Mr. Aiudi and his attorney did not appear at today’s meeting. The Board voted unanimously to continue the hearing on this matter today. DCP Attorney Anthony Santoro provided state exhibit No. 5, which is a letter addressed to the Board from PSI Testing Services concerning this matter, state exhibit No. 6, which is a continuance letter addressed to Mr. Aiudi, and respondent exhibit No. 1, which is a letter addressed to the Board from Mr. Aiudi’s attorney, explaining Mr. Aiudi’s inability to attend today’s meeting.

After the conclusion of the hearing and further discussion concerning this matter at today’s meeting, the Board voted unanimously to issue a Final Decision and Order consisting of a Civil Penalty in the amount of \$1,000.00, and that the matter be referred to the CT Chief States Attorneys office for criminal fraud.

FORMAL ADMINISTRATIVE HEARING

**In the Matter of Christian M. Scinto
William Baszo
Michael Smeraglino**

**Docket No. 06-2121
Docket No. 06-2122
Docket No. 06-2123**

The Board voted unanimously to grant a continuance concerning this matter.

CONTINUING EDUCATION SPECIAL MEETING

The Board voted unanimously to schedule a “Special Meeting” to discuss continuing education on Thursday, December 21, 2006 at 9:30 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, CT.

There being no further business, the meeting adjourned at 12:15 P.M.

Respectfully submitted,

Nelson Leon
Board Secretary

The next regular meeting is scheduled for Thursday, February 15, 2007, at 9:30 A.M. in Room 117.