

MINUTES

HEATING, PIPING, COOLING AND SHEET METAL WORK EXAMINING BOARD

MARCH 27, 2008

The meeting was called to order by Robert H. Barrieau, Acting Chairperson at 9:42 a.m. in Room 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Members Present: Robert H. Barrieau, Unlimited Contractor, Acting Chairperson
David G. Foster, Unlimited Contractor / General Contractor
Thomas F. Casey, Jr., Unlimited Contractor
Cameron G. Champlin, Jr., Unlimited Journeyman
Michael Rosario, Unlimited Journeyman
Philip H. Benoit, Limited Sheet Metal Journeyman
Joseph Leggo, Public Member
Joseph Minoski, Public Member

Members Absent: Patrick Duane, Limited Sheet Metal Contractor
Ronald J. Crabb, Unlimited Journeyman
Tommasi Fusciello, Public Member
Paula M. Welch, Public Member

Board Vacancies: One Public Member, appointed by the Governor

Board Counsel Present: None

DCP Staff Present: Nelson Leon, Board Secretary

Public Present:

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| Brian Harnish | Ed Trotta | Jack Guerrera |
| Les Duncklee | Byron Ervin | Daniel Jopson |
| Jim Brissette | Andrew Powell | Clifford Narcise |
| Joseph Mobilio | Andy Testa | Jason Moran |
| Robert H. Bidwell | Norman Gagnon | |
| Marc Koret | John Reardon | |
| Kevin St.Pierre | Dean Russo | |
| Joseph Gradia | Jonathan Ruel | |
| Steve Carpenter | Ted Dombrowski | |
| Desmond Billups | Joseph Cormier | |
| John Virgalla | Bob Albini | |

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

Agency Web site: www.ct.gov/dcp

MINUTES OF PREVIOUS MEETINGS

The Board voted unanimously to approve minutes of the January 10, 2008 & January 24, 2008 Heating, Piping, Cooling and Sheet Metal Work Examining Board meeting.

BOARD MEMBER APPOINTMENT

Appointment letter dated February 1, 2008 from the Honorable Governor M. Jodi Rell, concerning the appointment of Paula M. Welch as a Public Member to the Heating, Piping, Cooling and Sheet Metal Work Examining Board.

Paula M. Welch was not present at today's meeting.

APPLICATIONS

Mark W. Aldrich, Granby, CT – (D-1) Limited Contractor – Denied

The Board voted unanimously to deny Mr. Aldrich's application due to lack of a required "Letter of Apprenticeship Completion" certificate, school related instructional experience and of CFC certification.

Brian J. Alessi, New Windsor, NY – (S-2) Unlimited Journeyperson – Denied

The Board voted unanimously to deny Mr. Alessi's application due to submittal of an incomplete application, lack of required occupational and school related instructional experience.

William P. Allard, Jr., Griswold, CT – (S-1) Unlimited Contractor – Denied

The Board voted unanimously to deny Mr. Allard's application due to lack of required occupational and school related instructional experience.

Gregg E. Aubin, No. Grosvenordale, CT – (S-7) Limited Contractor – Denied

The Board voted unanimously to deny Mr. Aubin's application due to lack of a required "Letter of Apprenticeship Completion" certificate, occupational and school related instructional experience.

Bret A. Bashant, Poughkeepsie, NY – (S-2) Unlimited Journeyperson – Denied

The Board voted unanimously to deny Mr. Bashant's application due to lack of required documentation regarding occupational and school related instructional experience.

Robert H. Bidwell, Coventry, CT – (B-2) Limited Journeyman – Denied

The Board voted unanimously to deny Mr. Bidwell's application due to lack of a required "Letter of Apprenticeship Completion" certificate.

Joseph G. Campbell, Moosup, CT – (S-1) Unlimited Contractor – Denied

The Board voted unanimously to deny Mr. Campbell's application due to lack of a required "Letter of Apprenticeship Completion" certificate.

Joseph R. Cormier, West Suffield, CT – (D-2) Limited Journeyman – Denied

The Board voted to deny Mr. Cormier's application due to lack of a required "Letter of Apprenticeship Completion" certificate. Board member Thomas F. Casey, Jr. and Robert H. Barrieau were opposed.

James T. DeFonce, III, Mohegan Lake, NY – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. DeFonce's application due to lack of required documentation regarding occupational and school related instructional experience.

Craig M. Gander, Wappingers Falls, NY – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Gander's application due to lack of required documentation regarding occupational and school related instructional experience.

Wayne T. Garrison, West Haven, CT – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Garrison's application due to lack of a required "Letter of Apprenticeship Completion" certificate.

Mark E. Hanby, Cortlandt Manor, NY – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Hanby's application due to lack of required documentation regarding occupational and school related instructional experience.

James H. Jamgochian, Tariffville, CT – (D-2) Limited Journeyman – Approved

The Board voted to approve Mr. Jamgochian's application. Board member Michael Rosario and Cameron G. Champlin, Jr. were opposed.

Daniel B. Jopson, Mystic, CT – (S-2) Unlimited Journeyman – Approved

The Board voted to approve Mr. Jopson's application. Board member Michael Rosario and Cameron G. Champlin, Jr. were opposed.

James D. Kane, Hopewell Jct., NY – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Kane's application due to lack of required documentation regarding occupational and school related instructional experience.

Tomas J. Laferriere, Oakville, CT – (D-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Laferriere's application due to lack of a required "Letter of Apprenticeship Completion" certificate, and are requiring Mr. Laferriere to appear before the Board for reconsideration of his application.

Lahbib Lamkhanter, West Haven, CT – (S-2) Unlimited Journeyman – Denied (D-2)

Mr. Lamkhanter changed his license category from (S-2) to (D-2) Limited Journeyman. The Board voted unanimously to deny Mr. Lamkhanter's (D-2) Limited Journeyman application due to lack of a required "Letter of Apprenticeship Completion" certificate.

Kenneth M. McMahon, Mahopac, NY – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. McMahon's application due to lack of required documentation regarding occupational and school related instructional experience.

Norbert Mercado, Meriden, CT – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Mercado's application due to lack of a required "Letter of Apprenticeship Completion" certificate.

David N. Mikienis, Cheshire, CT – (SM-2) Unlimited Sheet Metal Journeyman – Denied

The Board voted unanimously to deny Mr. Mikienis' application due to lack of a required "Letter of Apprenticeship Completion" certificate and lack of required occupational and school related instructional experience.

Eric A. Milliner, Spring Valley, NY – (S-2) Unlimited Journeyman Application – Denied

The Board voted unanimously to deny Mr. Milliner's application due to lack of required documentation regarding occupational and school related instructional experience.

William Niebling, Glendale, NY – (D-1) Limited Contractor – Denied

The Board voted unanimously to deny Mr. Niebling's application due to lack of a required (D-2) Limited Journeyman license for a minimum of two years.

Jon J. Passera, Westbrook, CT – (B-1) Limited Contractor – Denied

The Board voted unanimously to deny Mr. Passera's application due to lack of a required "Letter of Apprenticeship Completion" certificate.

William G. Rimm, Garrison, NY – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Rimm's application due to lack of required documentation regarding occupational and school related instructional experience.

Vincent Rivero, White Plains, NY – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Rivero's application due to lack of required documentation regarding occupational and school related instructional experience.

Jonathan E. Ruel, Chicopee, MA – (D-2) Limited Journeyman – Approved

The Board voted to approve Mr. Ruel's application. Board member Cameron G. Champlin, Jr. abstained.

Larry M. Salvatore, Branford, CT – (S-3) Limited Contractor – Denied

The Board voted unanimously to deny Mr. Salvatore's application due to lack of a required "Letter of Apprenticeship Completion" certificate.

Stephen E. Senecal, Chicopee, MA – (S-3) Limited Contractor – Approved (S-4)

Mr. Senecal changed his license category from (S-3) to (S-4) Limited Journeyman.
The Board voted unanimously to approve Mr. Senecal's (S-4) Limited Journeyman application.

Joseph M. Sherwin, Palm Harbor, FL – (S-1) Unlimited Contractor – Denied

The Board voted unanimously to deny Mr. Sherwin's application due to lack of required school related instructional experience.

Michael D. Smith, Bethel, CT – (D-2) Limited Journeyman – Denied

The Board voted unanimously to deny Mr. Smith's application due to lack of a required "Letter of Apprenticeship Completion" certificate.

Deron B. Stainback, Highland Falls, NY – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Stainback's application due to lack of required documentation regarding occupational and school related instructional experience.

Dan P. Stefanchik, Hopewell Jct., NY – (S-2) Unlimited Journeyman – Denied

The Board voted unanimously to deny Mr. Riverso's application due to lack of required documentation regarding occupational and school related instructional experience.

James A. Virginia, Manchester, CT – (S-2) Unlimited Journeyman – Approved (S-10)

Mr. Stefanchik changed his license category from (S-2) to (S-10) Limited Journeyman.
The Board voted unanimously to approve Mr. Virginia's (S-10) Limited Journeyman application.

James A. Waldron, Danielson, CT – (S-8) Limited Journeyman – Approved

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

Kevin M. White, Canterbury, CT – (S-4) Limited Journeyman – Denied

The Board voted to deny Mr. White's application due to lack of a required "Letter of Apprenticeship Completion" certificate. Board member Robert H. Barrieau was opposed.

APPLICANTS APPEARING IN PERSON

(The Board voted unanimously to review the following walk-in applications)

Desmond L. Billups, Sr., Stratford, CT – (D-2) Limited Journeyman – Approved

The Board voted unanimously to approve Mr. Billups' application.

Norman F. Gagnon, Enfield, CT – (S-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Gagnon's application. If he passes the (S-2) Unlimited Journeyman examination, he may apply and sit for the (S-1) Unlimited Contractor examination.

Joseph F. Gradia, Sr., East Norwalk, CT – (S-2) Unlimited Journeyman – Denied

The Board voted to deny Mr. Gradia's application due to lack of a required "Letter of Apprenticeship Completion" certificate and lack of required occupational related experience. Board member Robert H. Barrieau was opposed.

Brian Harnish, Terryville, CT – (S-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Harnish's application, contingent upon proof of completing six months as a CT (S-2) Unlimited Journeyman apprentice.

Marc Koret, Stormville, NY – (D-2) Limited Journeyman – Approved

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

Andrew G. Powell, New Milford, CT – (SM-3) Limited SheetMetal Journeyman – Approved

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

John K. Reardon, Bristol, CT – (D-2) Limited Journeyman – Approved

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

Dean J. Russo, Guilford, CT – (S-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Russo's application. If he passes the (S-2) Unlimited Journeyman examination, he may apply and sit for the (S-1) Unlimited Contractor examination.

Kevin St. Pierre, Meriden, CT – (S-10) Limited Journeyman – Approved

The Board voted unanimously to approve Mr. St. Pierre's application.

John A. Virgalla, Oxford, CT – (S-2) Unlimited Journeyman – Approved

The Board voted unanimously to approve Mr. Virgalla's application, contingent upon verification of his registered apprenticeship hours as an (S-2) Unlimited Journeyman or (D-2) Limited Journeyman.

CORRESPONDENCE

1. PSI Examination Services Heating and Sheet Metal examination results from 1/1/08–1/31/08.
2. Gas piping / lightning, grounding of corrugated stainless steel gas tubing / lightning protection system, lightning rod system or assembly.
3. Section 2-540 - Definitions. Certificate of registration. Requirements. Limitations. Suspension. Revocation. Civil Penalties. (a) As used in this section and section 20-541.
4. Licensed Contractors (employees) acting as the contractor of record for a company.

PRESS RELEASES

1. Press Release dated January 30, 2008 concerning Timothy Kennedy, Rocky Hill, CT contractor who violated numerous state laws related to occupational heating and cooling work, has lost his license and has been ordered to pay \$35,500.00 in civil penalties and restitution. Mr. Kennedy was cited for fourteen violations involving three separate jobs in 2002, 2005 and 2006. Mr. Kennedy broke numerous state laws and regulations by failing to obtain building permits for work performed on customers' homes; performing or causing work to be performed in an incompetent or negligent manner by installing faulty equipment; utilizing improperly or unlicensed persons to perform heating and cooling work; making false, misleading and deceptive warranty; representation regarding his work to consumers; and by not honoring a service warranty; failing to follow proper building codes; failing to display his license number on an invoice; failing to provide records requested by the Department of Consumer Protection; and failing to respond for one year to a request by a Town Building Official for information.
2. Press Release from the Connecticut Attorney General's Office concerning a \$773,332.00 court judgment against the defunct Accurate Heating and Cooling, LLC of East Haven, CT and its owner Joseph George Reynolds for defrauding consumers. The judgment includes \$496,000.00 in civil penalties and \$138,666.00 in disgorgement of ill-gotten gains against Accurate and Reynolds. The court barred Reynolds from owning, operating, managing or working for a heating oil business until he pays the money. This company and its owner broke the law by failing to supply oil and service, literally leaving customers out in the cold. Accurate promised warmth-giving oil and reliable repairs, but delivered cold radiators and unfixed furnaces. Starting in April 2005, Accurate and Reynolds signed consumers to yearlong prepaid home heating oil delivery and service contracts, but repeatedly failed to make deliveries or provide promised service. Reynolds continued signing consumers to 12-month prepaid contracts until April 2006, only to go out of business that same month. Accurate Oil charged \$200.00 to \$500.00 for yearly service contracts under which the company promised to service oil burners and provide replacement parts, only to fail in many instances to provide promised servicing and parts. The company also violated state law by failing to obtain future contracts to buy oil on a certain date at a certain price or a performance bond to assure sufficient supply for prepaid contracts. State statutes require sellers of prepaid contracts to secure supply in advance.

3. Press Release dated February 11, 2008 concerning James R. Lathrop, former owner of Independent Services of Coventry sentenced to prison for five years, suspended after sixty days served, five years probation, ordered to pay a fine of \$20.00 and perform 200 hours of community service, for performing heating and piping work without a license by installing a furnace in a home in Glastonbury, CT in February 2006. Later that day, the furnace caught fire due to improper installation and the house burned down.
4. Press Release dated February 20, 2008 from the Connecticut Attorney General's Office concerning a settlement with Industrial Steel & Boiler Services, Inc. (ISB) and its part owner related to illegal bid rigging in the heating, ventilation and air-conditioning (HVAC) industry over the course of several years. Settlements over \$50,000.00 in penalties and restitution have been reached with all companies and individuals sued for their participation in the HVAC bid rigging that was orchestrated by B-G Mechanical Services. ISB of Chicopee, MA, a company specializing in boiler repairs, steel fabrication and related services, and one of its owners, William O'Neil, will pay a civil penalty of \$50,000.00 and institute an antitrust compliance and training program at the company. Settlements have been reached with B-G Mechanical Services, former B-G President John J. Haggett, Christopher Link and his company Link Mechanical, and B-G salesmen George Pelletier and Francis J. Fallon. All are now cooperating in the attorney general's investigation, which is ongoing. Most of the bids involved year-long Contract Maintenance Agreements (CMAs) from at least 1997 through 2004 to provide preventative maintenance and service for a set price. These contracts were often worth more than the face value of the contract because customers often used the CMA vendor for any additional repair work above and beyond the contract.
5. Press Release dated March 10, 2008 concerning Bruce Allard, owner of Allard's Oil Heat & Gas Service, LLC of Manchester, CT. Mr. Allard pled guilty to a Newington Housing Code violation in New Britain, CT Superior Court on Thursday, March 6, 2008. Mr. Allard was also ordered to pay restitution to the consumer in the amount of \$3,425.00. A Newington consumer complaint alleged failure to install a boiler in conformance with applicable building code.

REQUEST FOR RECONSIDERATION

In the Matter of Timothy Kennedy Docket No. 07-1106

This matter was the subject of a Formal Administrative Hearing held on 9/27/07 and the hearing was continued to the Board's 11/29/07 meeting. Mr. Kennedy was out of the country and unable to attend the Board's 11/29/07 and the hearing was continued to a "Special Meeting" on 1/10/08. The hearing was continued on 1/10/08 and Mr. Kennedy appeared Pro-Se, and the hearing was continued to the Board's 1/24/08 meeting. The Formal Administrative Hearing was continued on 1/24/08 and the hearing was concluded, and Mr. Kennedy was not present. After further discussion on this matter at the Board's 1/24/08 meeting, the Board voted to impose a Civil Penalty in the amount of \$32,000.00, Restitution in the amount of \$3,500.00, immediate revocation of Mr. Kennedy's (S-1) Unlimited Contractor license and refer the matter to the CT Attorney General for further enforcement. Board member Robert H. Barrieau was opposed.

Mr. Kennedy is requesting via his letter dated 2/7/08, that the Board to reconsider their 1/24/08 meeting decision concerning this matter.

Board Chairperson Robert H. Barrieau reports on a telephone conversation with Jim McCann, DCP Administrative Attorney concerning a Stipulated Agreement between Timothy Kennedy and DCP on this matter.

There being no further business, the meeting adjourned at 12:43 p.m.

Respectfully submitted,

Nelson Leon
Board Secretary

The next meeting is scheduled for Thursday, May 22, 2008 at 9:30 A.M. in Room 117.