

CONSUMER PROTECTION / WEIGHTS & MEASURES

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James J. Elcik
Director and Public Advocate

Rockland County Board of Plumbing, Heating, Air-Conditioning, Refrigeration and Sheet Metal
Examiners
Minutes from Meeting
June 12, 2023

A Meeting of the Rockland County Board of Plumbing, Heating, Air-Conditioning, Refrigeration and Sheet Metal Examiners was held on Monday, June 12, 2023, in the Legislative Committee Room at 11 New Hempstead Road New City, NY 10956.

Members Present:

Hon. Toney Earl
Carmelo Toscano
Thomas Pastore
Patrick Conroy
Mathew Zugibe
Jay Theise
Malcolm Lauder Jr.

Members Absent

Virginia Norfleet

Also Present:

James Elcik
William Hartnagel, Esq.
Agnes Niemczyk
Annmarie Gemelli
Steven Sanguinetti
Andrew Levesque
Gene Mc Carthy
Leonid Sandler
Thomas Culianos
Lena Paxos, Esq.
Scott Bishop
Christopher Valvo
Thomas P. Massaro
Ben Kotzker

CALL TO ORDER:

The meeting was called to order at 5:32 pm by Hon. Toney Earl

ROLL CALL: By Agnes Niemczyk

APPROVAL OF MINUTES:

MOTION: By Member C. Toscano, second by Member T. Pastore to approve Minutes for Meeting held on May 8, 2023.

ACTION: All in favor, Motion passed.

DISCUSSION ITEM:

Law change discussion – Thomas Gandolfini, Business manager of Local 373, would like to enforce changes/ revisions to Laws of Rockland County Chapter 319.

- Board has requested Mr. Gandolfini submit a draft of proposal for the Board to review.

P-1226 Weathervane Service, Inc.

Discussion the Board has requested license holder Harry Enoch to attend Board meeting. The Office of Consumer Protection received an email from Mr. Enoch attorney Douglas Solomon, Esq., stating because of the short notice Mr. Enoch and his representation cannot attend the meeting, Mr. Enoch must tend to personal matter. Director J. Elcik addressed the Board if License Holder Mr. Enoch was a local resident a five-day notice should be ample amount of time for notice. Member C. Toscano questioned how Mr. Enoch supervises the work being done in Rockland County if living out of state? The Board, by consensus, agreed to invite Mr. Enoch to the next regular meeting September 2023.

P-23004 CM-McNamara, LLC d/b/a McNamara Heating, Air Conditioning, HVAC, Fireplace & Stove 2nd d/b/a McNamara Services

Discussion of recent findings involving license application. Applicant of record Andrew Levesque is present. A notice of Violation was issued due to advertisement posted on social media for unlicensed solicitation of business in Rockland County. It was brought to the Boards attention Mr. Levesque resides in Massachusetts. Regarding the Notice of Violation Mr. Levesque stated ad was supposed to be posted only for New Jersey and not New York, and correction was made to company name by adding a d/b/a. As for his residence Mr. Levesque asked why this was not flagged during the application submittal process.

Closed complaint No. 420-20

Attorney Lena Paxos, Esq. is present for her client Scheney Vital (consumer) requested to address the Board regarding complaint No. 420-20 which was closed due to the consumer complaint being taken to the court. Ms. Paxos, Esq. addressed the Board requesting the case be

brought back to Consumer Protection office due to vendor willing to pay \$12,904.02 remainder of contract. The Board, by consensus, agree complaint does not need to be open to receive payment from vendor.

P-1469 Affordable A-Jay Plumbing, Heating & Air Conditioning, Inc

Discussion open Complaint No. 220-23. Leonid Sandler is present, addressed the Board regarding Complaint No. 220-23, stating although all fixtures were not installed as per contract he did complete other work that were not related to the contract. The work he did complete passed inspection, a payment of \$3,200.00 was due from Consumer, Consumer did not pay. Member C. Toscano suggested only \$1,200.00 were owed to Vendor for the water heater portion and that he needs to work out the amount owed per contract with Consumer. The Board, by consensus agreed \$1,200.00 owed to Vendor plus additional contractual money owed once worked out with Customer.

H-12032 American Field Services Inc

Discussion Open Violation No. 23-85LC. Applicant of record Steven Sanguinetti is present. Mr. Sanguinetti addressed the Board regarding the violation, that he was just trying to help a 90-year-old person change a toilet, and any plumbing work that was required he called a licensed plumber. Member M. Lauder was the plumber that received the call, he noticed a pipe that was cut, flooding occurred, and extensive damage was cause to customers home. Director J. Elcik addressed the Board that Mr. Sanguinetti was ready to pay the full Violation total week prior, but was advised to come and address the Board. The Board, by consensus, agreed to reduce the Violation amount to \$500.00.

Application P-22374 Elmer Aguirre Plumbing & Heating, LLC d/b/a A.G.&L. Plumbing & Heating Services

Discussion Application Master Plumbing and Heating rejected by the Board December 12, 2022. Legislative Appeal scheduled for June 21, 2023, at 3:00PM. Director J. Elcik addressed the Board to invite Members who would like to speak on the application for Master Plumber being rejected. Two Board Members will try to attend.

Application P-21084 CMI Mechanical, Inc

Discussion all application documents due by October 1, 2022, did not meet deadline, requested to appeal to the Board to be allowed to sit in on the next Plumbing test. Applicant of Record Eugene Mccarthy is present with secretary. The secretary addressed the Board that it was her fault not doing job properly that the deadline was missed. The Board, by consensus, agreed to allow Mr. Mccarthy to sit in on next Plumbing test, application must be submitted to the Office before test date.

OLD BUSINESS:

Complaints

- a) **22-499 – P-1122- Fire & Ice Heating & Cooling** – Consumer signed contract to have A/C unit repaired. Vendor never finished repairment. Consumer requests that the vendor refunds the \$12,000 deposit. Consumer Protection sent notice and has made a request to the vendor to have a response in writing. Vendor was told via phone on 3/9/2023 and emailed to submit breakdown of pricing, including materials and labor. Inspector Bryant has given the vendor a deadline of 3/13/2023. As of 05/08/2023 Consumer failed to respond to letter by Friday May 5, 2023, deadline. Matter has been closed as “No Reply-Consumer”.

- b) **23-72 – Action Plumbing & Heating Inc. – P-680-** Consumer believes to be over charged on a wasteline installment. Consumer provides Inspector Bryant a parts breakdown spreadsheet to compare retail prices and photos of slop sink installed without mounting bolts. Vendor’s offer 5% discount of the total cost of \$4,400 and willing to remove slop sink at no additional cost and refund an additional \$700.00 from the total. Inspector Bryant met with Consumer and Consumer does not accept Vendor’s resolution and does not want Vendor back at Consumer’s home. Consumer stated timesheets were not accurate to the hourly rate. As of 4/4/2023, Inspector Bryant emailed Consumer requesting a status update of the written response to the Vendor. Inspector CB received an email from the Consumer in response to voicemail left on 5/24/2023. The Consumer stated that they have been out on leave for the past couple weeks and that their parents' health has gone downhill. As a result, they have not been able to draft the additional response and requested a few days to draft the response.

- c) **90-23- Fire & Ice Heating & Cooling – P-1122-** Inspector CB spoke to Consumer at front desk. The total contract between the Vendor and Consumer was for \$15,000. The Consumer paid the Vendor a deposit of \$6,500. The only work performed on the contract was "moving ice machine to under bar including piping" (\$750 value) and the 1/2" line set for the mini splits (no value provided). The Consumer brought in a new contractor to complete the project. The 1/2" line set was incorrect and a 5/8" line set had to be installed to accommodate the mini splits. The Consumer is requesting a full refund. Vendor has not responded to request for written response. Inspector CB will make another attempt to contact Vendor. Inspector CB attempted to reach the Vendor via phone call. The Vendor's business line is no longer in service, and the Vendor's cell cannot accept voicemail due to the mailbox being full. As of 05/05/2023 complaint has been forwarded to Rockland County District Attorney’s office by inspector K. H.

- d) **209-23 Pomona Plumbing – Unlicensed.** Inspector CB received the complaint file and initiated the investigation. The Consumer stated that a person named Mikey showed up

to provide a free estimate on a new furnace installation. They were only supposed to be charged \$85.00 for the company to show up. The Consumer stated that they were then charged \$365.00 after the Vendor looked at the furnace. The Consumer paid the \$365.00 in cash and did not receive a receipt. When the Consumer called the company after the visit to discuss the charge, they were put on hold and the person that answered never came back. Inspector CB came across this company when doing research for a similar complaint against a fraudulent Vendor. This company appears to be related to fraudulent Vendor's researched for Complaint #100-21 and Complaint #384-22.

Violations

- 1) 21-48L – C & D Custom Construction – Unlicensed - **Court date set for 7/24/2023.**
- 2) 21-120LC – Innovative Interior Solutions – Unlicensed - **Unlicensed solicitation of plumbing and mechanical work - \$1000 fine. As of 4/29/22, 30-day notice sent to vendor, no payment received.**
- 3) 21-179L – Mr. D Handyman – Unlicensed – **Court date set for 6/21/2023.**
- 4) 21-226L – C & D Custom Construction – Unlicensed – **Court date set for 7/24/2023.**
- 5) 21-261L – Comfort Experts – Unlicensed – **As of 6//06/2023, failed to appear in court, bench warrant issued.**
- 6) 21-272L – Ortegas Construction – Unlicensed – **Court date set for 6/22/2023.**
- 7) 22-59LC – Mamakating Heating and Cooling – P-1600 – **Working without a license - \$750 fine – Sent to County Attorney.**
- 8) 22-193L – Will Clark, All Day Plumbing – Unlicensed- **Court date set for 9/12/22. Did not appear at court. Bench warrant issued**
- 9) 22-437- H-1241- Fan Man- **Unlicensed solicitation of Heating and Cooling. 2nd offense. \$1,500 Violation issued. – Sent to County Attorney.**
- 10) 22-506LC- H-8068- Alexander Holding, LLC DBA Bath Fitter- **Performing plumbing work without a plumbing license on commercial property in Clarkstown. Violation issued on 11/10/2022. Penalty amount- \$750.00**
- 11) 22-547 – Z-10600- Besson Heating & Cooling – **Unlicensed advertisement on bessonhvac.com. Penalty set at \$3,000.**
- 12) 22-555 – P-1699- Avir HVAC Corp- **No decal on vehicle at jobsite. Penalty set at \$250.**

- 13) 22-556 – P-1699- Avir HVAC Corp- **No lettering on vehicle at jobsite. Penalty set at \$250.**
- 14) 22-557 – P-1699- Avir HVAC Corp- **No work permit at jobsite. Penalty set at \$500.**
- 15) 22-558 – P-905- Mr. Plumber- **Unlicensed advertisement for cooling at mrplumberny.net. Penalty set at \$1,000.**
- 16) 23-23L – Z-10611-Prestige Air Limited Liability Corporation – **Unlicensed HVAC – Court Date 5/18/2023. Civil penalty paid (\$425.00), case closed.**
- 17) 23-39LC – P-788- A Novellino Plumbing & Heating – **(Chpt. 319-12A) Failure to respond to letters dated 12/14/22 and 1/11/23. Penalty set at \$50.**
- 18) 23-72L – Z-10623- Giselle Valerio & A&G Valerio Central Air & Heat – **Unlicensed HVAC. Court date 6/13/2023.**
- 19) 23-73LC – Guglielmi Plumbing & Heating, Inc. – P-22262- **Unlawful use of license, Hiring an Unlicensed Subcontractor. Penalty set at \$750.**
- 20) 23-85LC- American Field Services, Inc – H-12032- **Unlicensed Plumbing. Penalty set at \$1,000.**
- 21) 23-101LC- Vasi’s Plumbing & Heating, Inc.- P-19068- **Failure to have decal on vehicle at jobsite. Penalty set at \$250.**
- 22) 23-103LC- Vasi’s Plumbing & Heating, Inc.- P-19068- **Failure to have decal on vehicle at jobsite. Penalty set at \$250.**
- 23) 23-104LC- Vasi’s Plumbing & Heating, Inc.- P-19068- **Unlicensed heating, air-conditioning and refrigeration. Penalty set at \$3,000.**
- 24) 23-112LC- McNamara Heating, Air Conditioning, HVAC, Fireplace- H-22257- **Advertising to perform Plumbing services on Facebook. Penalty set at \$1,000.**
- 25) 23-143LC – Superior Piping & Heating Inc.- P-1668- **No permit. Disregard of building codes for state or any municipality thereof. Penalty set at \$750.**
- 26) 23-144LC- Superior Piping & Heating Inc.- P-1668- **Vehicle at jobsite are incorrectly lettered. Penalty set at \$250.**
- 27) 23-157LC- Mediastreme LLC DBA Mediastreme Constuction – H-22159- **Unlicensed Plumbing. Penalty set at \$750. Sent to County Attorney for collection.**
- 28) 23-203L- Remodel USA Inc – H-19339 – **Unlicensed Plumbing- Court date 6/22/2023.**

- 29) 23-204LC – Gutierrez Brothers HVAC LLC- Z-10653- **Unlicensed Solicitation for HVAC services. Penalty set at \$3,000. Sent to County Attorney for collection.**
- 30) 23-206L- Luis Alberto Cambi Guaman – Z-10655 – **Unlicensed Plumbing – Court Date 7/18/2023.**
- 31) 23-254L- A1 Plumbing & Heating Corp – P-344- **Unlicensed Plumbing and Heating– Court Date 6/27/2023.**

NEW BUSINESS:

Complaints:

- e) **220-23 Affordable A-Jay Plumbing, Heating & Air Conditioning P-1469** The Vendor was hired by the Consumer to install the rough plumbing and fixtures for their renovation. The Consumer claims the Vendor did not complete the work as stated on the contract. The Consumer claims the Vendor did not change/add pipes or install the fixtures for two (2) bathrooms and a kitchen. The Consumer is looking for a full refund of monies paid to the Vendor. Inspector CB requested board member review of the contract. Board by consensus agreed with Vendor that Vendor is owed \$12,000 from Consumer, plus the additional labor. Vendor showed proof in the contract that fixtures were included. Regarding full amount, that is to be determined by the Vendor and Consumer.

Violations

- a) 23-286L – Air Tech Heating & Cooling – Z-10691 **Unlicensed Air Conditioning – Court date 6/08/2023.**
- b) 23-85LC – American Field Services Inc H-12032 **Unlicensed Plumbing work performed. Penalty set at \$1,000.00.**

NEW APPLICANTS:

- a) Elisha Lewenstein - Lewenstein Inc. d/b/a ELC Plumbing P-23184 (Master Plumbing)
MOTION: By Member M. Lauder, second by Member J. Theise.
ACTION: Rejected, all in favor.
- b) Nicholas Gasparovich - Reiner Group, Inc. P-23185 (Master Heating, Air-Conditioning, Refrigeration, and Sheet Metal)

MOTION: By Member M. Lauder, second by Member J. Theise.

ACTION: Rejected, all in favor.

- c) Rodney Bravo – RB Refrigeration LLC P-23189 (Master Heating, Air-Conditioning, Refrigeration, and Sheet Metal)

MOTION: By Member M. Lauder, second by Member J. Theise.

ACTION: Rejected, all in favor.

- d) Thomas Cuianos – Olympic Plumbing Plus, LTD.U-23174 (Utilizing P-1327 for Master Plumber)

MOTION: By Member M. Lauder, second by Member T. Pastore.

ACTION: Approved, all-in favor.

- e) Vito Piergiovanni – Prestige Air Mechanical Corp. P-23099 (Master Plumbing, Heating, Air-Conditioning, Refrigeration, and Sheet Metal)

MOTION: By Member M. Lauder, second by Member T. Pastore.

ACTION: Classification Master Plumber Rejected, Classification Heating, Air Conditioning, Refrigeration, and Sheet Metal Approved, all in favor.

CLOSE MEETING:

With the agenda completed in its entirety the Meeting adjourned at 7:00PM.

NEXT MEETING: Monday September 11 2023, at 5:30 PM

Respectfully submitted,

Agnes Niemczyk

Agnes Niemczyk
Program Aide