

Board of Examination of Telecommunication

Systems Contractors, Technicians, and Installers

- RULES & REGULATIONS -

Meetings:

The board shall hold meetings once per month and at such other times as is determined to be required to conduct the business of the board.

All meetings held by this board must constitute a quorum of four (4) members and shall be called to order and presided over by the chairperson or in his/her absence by the vice chairperson.

At the February meeting, the Board shall elect a Chair, a Vice Chair and a Secretary who shall serve for a period of one (1) year.

Administration:

1. Authority

The Board authorizes the Rhode Island Department of Labor and Training, Division of Professional Regulation to administer the day-to-day business of this board in accordance with these rules/bylaws and the Administrative Procedures Act of the State of Rhode Island.

Any matters not covered by these rules/bylaws or by the Administrative Procedures Act shall be referred to the Board for a determination, resolution or action, as appropriate. If any such matter requires immediate attention, it shall be referred to the Board Chairperson, or in his/her absence the Board Vice Chairperson, for a determination pending confirmation by the Board at the next regular meeting, or at a special meeting called for such purpose.

2. Forms

The Board shall provide or approve all necessary forms for the administration of these rules/bylaws and of Chapter 5-70 of the General Laws of the State of Rhode Island.

- * Individual application form - refer to appendix A (3 pages)
- * TSC Partnership application form - refer to appendix B (1 page)
- * TSC Corporation application form - refer to appendix C (2 pages)

3. Applications

a Forms

The board will provide or approve the necessary application forms for use by the Department of Labor and Training, Division of Professional Regulation for each license form and category.

b Procedure

Applications are to be made by an individual applicant filing for the form of license and category(ies sought).

Applications for examination must be received by the Department of Labor and Training, Division of Professional Regulation at least fifteen (15) working days prior to the examination date.

Out of state applicants who hold an equivalent license, as determined by this board, issued by another state will be allowed to take the Rhode Island examination. Out of state applicants for TSC who hold no equivalent of Form TSC license issued by another state and show sworn evidence of three (3) years of verifiable and continuous experience will be allowed to take the Rhode Island Form TSC license examination.

Applicants filing for licenses must be at least eighteen (18) years of age.

Applicants who apply under the initial or deregulation grandfathering provisions of Chapter 5-70 of the General Laws of the State of Rhode Island, as amended, and who provide evidence of ten (10) years or more of verifiable telecommunications experience covering experience in each category applied for shall be considered as an equivalent to submitting a statement showing three (3) verifiable projects per category and may apply for a Form TSC license.

Applicants who otherwise qualify under the provisions of rules and regulations may apply for certification as TSC without company affiliation.

Clarifying comment: The previous paragraph permits the licensee to hold a form TSC license as an individual while employed by a business that is conducted under a TSC license that is held by some other person.

Employees regulated by the Public Utilities Commission: Persons who are employed by firms or corporations regulated by the Public Utilities Commission; who are retired or terminated prior to and/or as a result of deregulations, may apply for licenses under the Grandfather terms under GL: 5-70 of the State of Rhode Island. Persons who apply pursuant to this paragraph, to qualify for grandfathering, must do so within six (6) months of the date of separation from said firm or corporation.

4. Examination

a Forms

The Board will provide or approve the necessary examination forms to the Department of Labor and Training, Division of Professional Regulation for each license form and category. Said examination forms will be individually numbered with a unique identification number. The examination forms will be kept in a securely locked storage compartment except when in use during an examination session.

b Procedure

All examinations shall be conducted and completed in writing and may include written and/or practical demonstrations, and the provisions shall be based on a list of standards, publications and/or texts that is authorized by this board.

All answers to written examination questions will be in ink, unless otherwise specified by the Board. Any person found referring to notes or books during an examination, will be disqualified from that examination.

Applicant for examination will be required to obtain an average numerical score of at least seventy percent (70%), in accordance with Chapter 5-70 of the Public Laws of the State of Rhode Island, in order to obtain a license. Applicants for examination will be required to obtain an average numerical score of at least sixty percent (60%) in order to review said examination with the Board.

Only those applicants approved to take the examination will be admitted.

Cover sheet will be attached to the examination form when presented to the applicant/examinee.

Examination forms and attached cover sheets will individually numbered at the conclusion of the exam with a unique corresponding number.

Completed examination forms will be presented to the Board for grading with the unique number assigned stamped on each.

Completed examinations will not be presented to the Board with the applicant/examinee's name in evidence or in any other manner divulged to the Board prior to grading.

DLT will, after grading by the Board, match the cover sheets with the corresponding completed examination.

DLT will then make notification to the applicant/examinee, on behalf of the Board, of their result in the following manner.

1 - Pass.

2 - Fail with right to request review (between 60 - 70%)

3 - Fail

Reviews must be requested by the applicant/examinee, by phone or in writing, and will be conducted by the Board in the same manner that the tests are scored.

The applicant/examinee may be in attendance.

The applicant/examinee requesting the review will not be identified to the Board prior to the review proceedings.

Official answers to questions that are found to be faulty during the review process shall be discounted for that examination (session).

Such questions and their answers shall be eliminated or corrected in the official files for future exams.

Applicants/examinees who fail may re-apply to take the test at the next session.

Persons, firms or corporations aggrieved by a decision of the Board on any questions relative to examinations may petition for a hearing before the Board. Request for such a hearing must be made in writing to the Secretary of the Board within thirty (30) days of notice of such decision.

5. Notifications

Notice of the time and place of examinations will be mailed to each applicant.

Notice of results of examinations, as noted above, will be mailed to each applicant taking the examination.

6. Renewals

All licenses and/or certificates issued by the Board shall be renewable on the birth month of the licensee.

Application for renewal of license must be made thirty (30) days prior to the expiration date, which shall be the last day of the licensee's birth month, to remain in effect.

A license and/or certificate shall not be renewable if a penalty and/or fine is outstanding with the Board, until such time as restitution has been made.

License holders will have a two (2) year period from the date of expiration to renew without reexamination, provided all appropriate fees are paid.

Clarifying Comment: An individual wishing to reinstate a license that has lapsed for a period just short of two years would be assessed the full license fee for that two year period plus a penalty as determined by the board under fees.

License in a lapsed state may be renewed without the requirement to submit to re-examination if application is made prior to the expiration of two years from date of expiration, provided the applicant makes the necessary payment of the fees calculated from the date of expiration, including the late charge required by this Board as noted under fees.

Form TSC license and firm or corporation certificate shall be renewable concurrently on the birth month of the individual holding the TSC license under which the business is operating.

In the case of military service personnel who are licensees prior to their entry into active military service, shall have their licenses renewed without further examination provided, however, they file for renewal within four (4) months of their release from active duty and upon payment of the prescribed fee. Said individual will not be assessed any late fees.

Applications for renewal of form TSC licenses and certificates, in the case of firms or certificates, shall be signed by the same individual originally granted the license or passed the examination by which such firm or corporation was authorized, or reauthorized, to enter upon or engage in business as provided in Chapter 5-70 of the General Laws of the State of Rhode Island, as amended.

7. Duplicate license/certificate

In the event that a license, registration or certificate issued under the provisions of Chapter 5-70 is lost, stolen or destroyed, the person to whom the same was issued may make application for and, upon payment of the required fee, obtain a duplicate license, registration or certificate, upon furnishing proof satisfactory to the board that such has been lost, stolen or destroyed.

Such duplicate license, registration or certificate will be clearly marked that it is a duplicate.

LICENSED ACTIVITIES - (Use of License)

No licensee shall engage in business under any name other than that stated on his/her license, except the holder of Form TSC pursuant to the provisions of this section.

If a holder of a Form TSC license wishes to conduct business under a firm, partnership or corporation name, the Board shall issue a certificate through the Department of Labor and Training, Division of Professional Regulation stating such, upon payment of the appropriate fee.

A license holder may obtain only one (1) firm or corporate certificate and his or her license shall be restricted to the identified firm or corporation.

The firm or corporation certificate will comprise the identical Form TSC license number.

The original Form TSC license shall not be utilized by said individual independent of the firm or corporation certificate.

Upon notification of termination of the firm or corporation certificate in the name of the individual, the original Form TSC license shall be retained by the individual and the firm or corporation certificate shall become and be made null and void, after a period of sixty (60) days from such notification.

Should the holder of a Form TSC license be separated from the firm or corporation, to which a certificate was issued, for any reason, such as retirement, lay-off or other reason, except for a violation punishable under the rules of this Board and except as provided above, within sixty (60) days from such separation the firm or corporation must designate an individual and who must apply for licensing under the rules of this Board for a Form TSC license. Said designated individual must be the holder of a valid Form TSC, or Form TST license and must have a minimum of five (5) years experience as such, at the time of application. Upon successful qualifications for a form TSC license, the individual's original license shall be upgraded, and this Form TSC license number will be issued and certified to the firm or corporation.

Interpretation: The individual is the legitimate holder of the Form TSC license prior to certification to a firm or corporation. The license number is assigned to and considered in the possession of said individual. If the individual becomes the legitimate holder of a Form TSC license as a result of employment with and for a firm or corporation for the purpose of certification of said firm or corporation, the license number is considered in the possession of and assigned to the individual, but certified to the firm or corporation while so employed.

General contractors that are not licensed telecommunications contractors, Form TSC, shall not bid, solicit, or advertise for telecommunications work. They may solicit bids from Rhode Island Licensed Telecommunications Contractors.

Network Interface: For the purpose of regulation by this Board, all providers of any and all telecommunications services to the general public shall cause to be designated a physical point of network interface, herein after referred to as NI. Such NI shall not extend more than six (6) feet beyond the point of entrance or demarcation point as defined herein. Such NI shall apply to any and all interior communications wiring and/or transmission media and shall be considered to be covered by the laws establishing and governing this Board.

Definitions: The following definitions shall apply for the purpose of this board; point of entrance shall be as defined in accordance with the National Electric Code, as adopted by the State of Rhode Island, State Building Code Commission; the demarcation point shall be as defined in Part 68 or the rules and regulations of the Federal Communications Commission.

All such interior wiring and/or transmission media shall be required to be installed, altered and/or serviced by the holder of a valid license as issued by the State of Rhode Island and Providence Plantations through this Board or, as provided by the enacting legislation, by such other licensing authority as noted under RIGL 5-70-7. Under no circumstance shall any person not so licensed, with the exception of the residing owner of a single family residence, be permitted to install, alter or service such wiring and/or transmission media.

"Personal Computers" as used in these rules shall mean a device consisting of a monitor, harddrive keyboard and associated input/output devices that is a stand alone device or which serves strictly to allow for an individual to connect to or access a telecommunication system and/or network. A device that may contain the same components that serves as a centralized point or communication for a system and/or network such as a server, router, bridge, PBX, etc. is not included in this definition.

FEES ---

1. Examination Fee - \$30.00
2. License/renewal -
 - TSC ----- \$100.00
 - TST ----- \$ 60.00
 - TSLI ----- \$ 30.00
 - Apprentice ----- \$ 20.00

 - Corporation/Partnership ---- \$100.00
4. Duplicate/Lost License fee - \$10.00
5. Late renewal - \$10.00 additional fee per month.

6. In the event that a payment for a license, registration, examination fee, or certificate issued under the provisions of Chapter 5-70 is deemed improper for the reason of insufficient funds or closed account, said license, examination, registration, or certificate will be invalid until the person to whom the infraction has incurred submits the required license, registration, examination, or certificate fee plus a penalty of twenty-five percent (25%) of the original fee, in the form of a certified check or money order to the proper payee.

Enforcement:

1. Authority -

The Board authorizes the Rhode Island Department of Labor & Training, Division of Professional Regulation to administer the day-to-day business of this board in accordance with these rules/bylaws and the Administrative Procedures Act of the State of Rhode Island.

The Chief of the section shall act as an investigator with respect to the enforcement of all provisions of law relative to the licensing of telecommunications contractors, technicians and installers, and to this effect whenever a complaint is made by the chief of the section to the director of labor and training that the provisions of this chapter are being violated, the director of labor and training, or his/her designee may issue an order to cease and desist from the violation and impose penalties as provided in RIGL 5-70 against the violator.

The violator may appeal the decision of the Director of Labor & Training as provided in RIGL 5-70-22.

Any matters not covered by these rules/bylaws or by the Administrative Procedures Act shall be referred to the Board for a determination, resolution or action, as appropriate. If any such matter requires immediate attention, it shall be referred to the Board Chairperson, or in his/her absence the Board Vice Chairperson, for a determination pending confirmation by the Board at the next regular meeting, or at a special meeting called for such purpose

2. Procedures -

Right of entry is within the purview of the local building official under the state building code.

The following procedure shall apply in all cases of complaint made against a license holder, and all other matters that may be brought before the Board for its' consideration and/or action:

All complaints, appeals and other matters submitted to the Board for consideration must be stated in writing.

Complaints against an applicant or license holder:

8 of 11

A complaint must identify the license holder, by name or by license number, and must be signed by the complainant,

including the complainants address and daytime telephone number. All complaints must state the pertinent facts of the complaint, including the nature of the complaint, the approximate date of occurrence and the effect on the complainant. Complaints do not have to be submitted on official forms in order to be considered by the Board or its' authorized representative.

Upon the receipt of a complaint, as stated above; the Board or its' authorized representative shall contact the complainant, in writing or telephonically, for any additional statement in order to provide a more clear picture of the situation. All such contact shall be documented, and all such statements shall be made in writing or recorded electronically.

The Board, or its' representative, will then contact the subject of the complaint, in writing, to inform him/her of the complaint and to obtain a written or electronically recorded statement as to his/her explanation relative to the specifics of the complaint. The subject of the complaint shall be allowed ten (10) working days time period to respond.

Upon obtaining the statements of both parties, the Board, or its' agent, may attempt to mediate a resolution of the complaint between the two parties. If both parties are agreeable to a mediation, both parties shall sign a statement outlining the accepted mediation resolution.

Should all attempts to mediate the complaint, or the agreed to mediation resolution not be complied with by either party, either party may request a formal hearing on the original complaint. All records regarding mediation shall become an official part of the formal hearing procedure.

The primary goal of this Board shall be to make every reasonable attempt to resolve complaints through mutually satisfactory agreement of both parties. Only after it becomes clear that no mutually satisfactory resolution is possible should enforcement action be instituted either in the form of a stipulation, consent order or default.

Should the Board rule in favor of the respondent (subject of complaint), a notice of such ruling may, after all appeal procedures have been exhausted by the complainant and at the option of the Board, be publicly published.

Should the Board rule in favor the complainant (party filing complaint), a notice of such ruling will, after all appeal procedures have been exhausted by the respondent, be publicly published.

Appeals of license action (Refusal to issue/renew; revocation,

annulment or suspension of license)

9 of 11

A licensee who is notified that they are subject to refusal to renew may, within fifteen (15) days of such notification, appeal such refusal to the Board of

reconsideration, unless such refusal to renew is the result of enforcement action previously heard by the Board and to which all appropriate appeal procedures have been exhausted by the licensee, including action through the courts.

A licensee who is subject to an order of this Board for revocation, annulment or suspension and upon which such action has been stayed pending the resolution of appeal, must pay all fees due without respect to the stay in effect due to the appeal procedures. Any fees paid under such conditions shall be reimbursable, upon request, on a prorated basis upon final resolution of the appeal.

Clarifying Comment: A person who is subject to an order of suspension or revocation a short time prior to the normal expiration of that persons license, appeals the order and the order is stayed pending disposition of the appeal. While awaiting appeal proceedings, that person's license reaches the expiration date. If the individual were allowed to continue to conduct business or perform work permitted under the expire license, that individual would be receiving an advantage not afforded to other licensees, i.e. operating without a valid license in that the fee was not paid; or being licensed without paying the appropriate fees, with the right to a pro-rated refund places the individual on an equal basis with other licensees without effecting that persons rights in the appeal proceedings.

Interpretation:

All requests for interpretations of rules and regulations by the board shall be submitted in writing to the Board through the Department of Labor & Training, Division of Professional Regulation. The Board shall render such interpretations within sixty (60) days from receipt by the board.

Amendments:

These rules/bylaws may be amended, altered or suspended by two-thirds vote of the full board. One month's notice of any proposed change must have been given in writing to all board members.

No new rules/bylaw amendment or revision of existing rule/bylaw can be introduced, passed, rejected, or voted on under any form of suspension of rules or parliamentary procedure other than the present rules/bylaws of this board.

Order of Business:

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| 1. Opening | 4. Communications |
| 2. Roll call of members | 5. Unfinished business |
| 3. Review and acceptance of minutes of previous meeting | 6. New business |
| | 7. Adjournment |

Parliamentary Authority: The final authority on all questions of procedure and parliamentary law not covered by the rules/bylaws of this board or by the Administrative Procedures Act of the State of Rhode Island shall be Robert's Rules of Order.

These rules and regulations constitute the entire rules and regulations under Title 5, Chapter 70, of the Rhode Island General Laws. All prior rules and regulations are hereby rescinded.

Adopted by the Board of Examination and Licensing of Telecommunication System Contractors, Technicians, and Installers as formal and official Rules and Regulations pursuant to R.I.G.L. 5-70-8 and 42-35-3.

DATE: July 18, 2003

William C. McGowan, Chair

Paul Feeney, Member

Thomas J. Lynch, Vice Chair

Jay Bombardier, Sr., Member

Robert Zuba, Secretary

Jeffrey Deckman, Member

Lawrence E. Ryan, Jr., Member

