

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
JOHN O. PASTORE CENTER, BLDG. 68-69  
1511 PONTIAC AVENUE  
CRANSTON, RHODE ISLAND 02920

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IN THE MATTER OF: :

BARRY T. LAMA AND, :  
ALLINSON-LAMA CORPORATION, :  
*RESPONDENTS.* :

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DBR Nos. 12DP099 and  
12DP079

**DECISION AND PERMANENT CEASE AND DESIST ORDER**

Hearing Officer: Ellen R. Balasco, Esq.

Hearing Held: April 4, 2013

Appearances: For the Department of Business Regulation: Neena Sinha Savage, Esq.

For Respondents: No appearance by Respondent or counsel.

**I. INTRODUCTION**

Each of the above-cited matters were assigned to the undersigned Hearing Officer on October 26, 2012, pursuant to Orders to Show Cause, Notice of Hearing and Appointment of Hearing Officer (“Order”) regarding Barry T. Lama and Allinson-Lama Corporation (“Respondent”) requiring Respondent to appear before the Department and answer why the Director of the Department of Business Regulation (“Department”) should not issue an order for the Respondent to cease and desist from activities requiring licensure. The two matters were merged by the Hearing Officer as they issue from the same sets of facts.

The filing of Department’s Order was based on information contained in a complaint dated July 12, 2012 directed to the State Boards of Registration for Professional Engineers and for Professional Land Surveyors alleging that the Respondent was engaging in

unlicensed activities, in violation of R.I. Gen. laws §§ 5-8.1-1 *et seq.* relating to land surveying services, and R.I. Gen. Laws §§ 5-8-1 *et seq.* relating to engineering services.

## **II. JURISDICTION**

The Department has jurisdiction over this matter pursuant R.I. Gen. Laws § *et seq.*, R. I. Gen. Laws § 42-14-1, *et seq.*, and R.I. Gen. Laws § 42-35-1, *et seq.*

## **III. EVIDENCE PRESENTED**

At the outset of the hearing, the undersigned Hearing Officer noted on the record that neither Respondent nor his counsel of record were in attendance. It was further noted that an email message had been received by the Hearing Officer the day before the hearing from Respondent's attorney stating that he was "withdrawing as counsel of record", and that the Respondent knew of the hearing date and that "Mr. Lama may appear on his own behalf."

Department presented three witnesses and submitted four documents which were admitted as full exhibits.

Lois Marshall, employed by the Department as Board Administrator for the Boards of Registration for Professional Engineers and Registration of Professional Land Surveyors testified that she received a complaint against the Respondents on July 13, 2012. (See Dept. Exhibit #1, attached hereto and incorporated by reference.) She determined that Respondent Barry Lama was not, and had never been licensed or registered as either a professional engineer, or a land surveyor in the State of Rhode Island. In the further course of her duties, she presented the complaints to both Boards for review. By unanimous vote, each Board found that the complaint proved that the Respondents had engaged in both the unlicensed practice of and the offer to practice engineering and land surveying.

At the request of the Board of Registration for Professional Land Surveyors, Ms. Marshall retrieved from the State records archives a document outlining the enforcement history of the Respondents which had been prepared by Louis Federici, an investigator for the Board. This three page document was admitted as a full exhibit under the business records exception. (See Dept. Exhibit #2, attached hereto and incorporated by reference.)

The Department also presented a Stipulation and Order entered by the Rhode Island Superior Court on September 30, 2003, which was offered to show the Respondents' history of

engaging in the unlicensed practice of land surveying. (See Dept. Exhibit #3, attached and incorporated herein by reference.)

The final document placed in evidence was a Consent Judgment entered in a civil action filed by the Rhode Island Attorney General against the Respondents, which establishes a prior history of Respondent engaging in the unlicensed practice of engineering. (See Dept. Exhibit #4, attached hereto and incorporated by reference.) The Hearing Officer took administrative notice of these last two Exhibits.

John Mensinger, PLS, Chairperson of the Rhode Island Board of Registration for Professional Land Surveyors, testified that upon review of the July 13, 2012 complaint (Dept. Exhibit #1), he determined that the plan which accompanied the complaint constitutes both the offer to practice and the actual practice of unlicensed and unauthorized land surveying.

As its final witness, the Department presented Christopher Duhamel, PE, PLS, who sits as the Chairperson of the Rhode Island Board of Registration for Professional Engineers. He testified that the contract contained in Dept. Exhibit #1 clearly establishes that the Respondent offered to practice professional engineering services without having a license to do so, and that the plans in that exhibit show that the Respondent had actually engaged in unlicensed engineering.

#### **IV. FINDINGS OF FACT**

After hearing the testimony offered at hearing, and due consideration of the documentary evidence presented by the Department in this matter, the undersigned Hearing Officer makes the following findings of fact:

- A. The Respondent through legal counsel was duly notified of the hearing date in this matter and he has failed to appear; thereby waiving his right to hearing.
- B. The Department has met the requirements of R.I. Gen. Laws § 42-35-9 regarding notice in contested cases.
- C. The evidence presented by the Department establishes that the Respondent has a lengthy enforcement history with both the Department and the Superior Court involving the unlicensed offering to practice and actual practice of engineering.

- D. The evidence presented by the Department establishes that the Respondent has a lengthy enforcement history with both the Department and the Superior Court involving the unlicensed offering to practice and actual practice of land surveying.
- E. The Respondent has violated the terms of a Consent Judgment entered in Superior Court Civil Action No. PC 07-2608 on June 11, 2007 which required him to cease all unlicensed offers to practice or actual practice of engineering.
- F. The Respondent has violated the terms of an Order entered in Superior Court Civil Action No. 02-5669 which required that he cease all unlicensed offers to practice or actual practice of land surveying.
- G. The complaint filed against the Respondent on July 13, 2012 and the plan submitted therewith establish clear and convincing evidence that the Respondent has engaged in the offer to practice and the actual practice of professional land surveying without having the requisite license and registration to do so.
- H. The complaint filed against the Respondent on July 13, 2012 and the contract submitted therewith establish clear and convincing evidence that the Respondent has engaged in the offer to practice and the actual practice of professional engineering without having the requisite license and registration to do so.

## V. CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Department has met its burden in establishing that:

1. The Respondent has violated R.I. Gen. Laws § 5-8.1-13 by engaging in unlicensed activity without the requisite certificate of authorization, and R.I. Gen. Laws §§ 5-8.1-14 and 17 by practicing and/or offering to practice land surveying in the State of Rhode Island; and,

2. The Respondent has violated R.I. Gen. Laws §§ 5-8-1, 5-8-18 (b)(1), (2), (6), (9) and 5-8-20 by offering to practice and practicing engineering in the State of Rhode Island without proper authorization and registration.

3. A default judgment against Respondent is appropriate given his failure to appear and/or defend this action pursuant to Section 21 of *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*.

**V. RECOMMENDATION**

Based on the above analysis, the Hearing Officer recommends that the Director of the Department Order that:

1. The Respondent is defaulted for his failure to appear and/or defend this administrative enforcement action;

2. A permanent cease and desist order is issued against Respondent from engaging in the unlicensed practice or offer to practice land surveying services and engineering services.

3. In accordance with the provisions of R.I. Gen. Laws § 5-84-5, the Respondent is ordered to pay an administrative penalty in the amount of twenty-two thousand five hundred dollars (\$22,500) to the office of the General Treasurer. This penalty is assessed against the Respondent Barry Lama both individually and in his capacity as owner of Allinson-Lama Corporation.

4. This matter is to be referred to the Office of Attorney General for prosecution pursuant to R.I. Gen. Laws § 5-8.1-17(d) for violations of R.I. Gen. Laws § 5-8.1-17 (a) and (c) and pursuant to R.I. Gen. Laws § 5-8-20(c) for violations of R.I. Gen. Laws §§ 5-8-20(a) and (b).

5. Respondent shall be publicly censured in accordance with the findings outlined in this order by publishing, at Respondent's expense, a Notice in the Sunday Providence Journal notifying (as determined by the Boards) that Respondent is permanently barred from practicing land surveying and engineering in the State of Rhode Island.

DATE: 17 April 2013

  
\_\_\_\_\_  
Ellen R. Balasco, Esq.  
Hearing Officer

**ORDER**

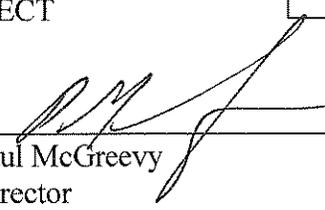
I have read the Hearing Officer's Recommendation in this matter, and I hereby take the following action with regard to the Recommendation:

ADOPT

REJECT

MODIFY

Dated: 17 April 2013

  
\_\_\_\_\_  
Paul McGreevy  
Director

ENTERED as Administrative Order No. 13-017 on the 17<sup>th</sup> day of April, 2013.

**THIS ORDER CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-1 *ET SEQ.* AS SUCH, THIS DECISION MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW IN SAID COURT.**

**CERTIFICATION**

I hereby certify on this 17<sup>th</sup> day of April, 2013 that a true copy of the within Decision was sent by first class mail, postage prepaid to Respondent **Barry T. Lama 66 Levesque Street, Warwick, Rhode Island 02886, and at Allinson-Lama Corporation, 2699 Post Road, Warwick, Rhode Island 02886,** and by electronic mail to the following at the Department of Business Regulation: Neena Sinha Savage, Esq., Lois Marshall, Board Administrator of the State Board of Registration for Professional Land Surveyors and for the State Board of Registration for Professional Engineers.

  
\_\_\_\_\_

Brian LaPlante\*  
Jeffrey D. Sowa  
Robert S. Goldman\*  
Thomas G. Gulick\*



Edward A. Shapira (Of Counsel)  
Norbert Fessel (Of Counsel)  
John W. Lyle, Jr. (Of Counsel)  
John A. Pagliarini, Jr. (Of Counsel)  
David M. Campanella (Of Counsel)

Michael J. Jacobs\* +  
Joshua W. Glass\*  
Marshall M. Raucci +  
Ronald M. LaRocca\*

\*Also Admitted in Massachusetts  
+Also Admitted in Connecticut

July 12, 2012

VIA FIRST CLASS MAIL

Mr. Louis A. DeQuattro, Deputy Director  
Division of Regulatory Standards, Compliance and Enforcement  
Rhode Island Department of Business Regulation  
1511 Pontiac Avenue  
Cranston, RI 02920

RE: Barry T. Lama ("Mr. Lama")

Dear Mr. DeQuattro:

Please be advised that this law firm represents Ms. Joyce Fedorko ("Ms. Fedorko") in a pending action in the Kent County Superior Court (C.A. No. KC-2011-1197) arising from Ms. Fedorko's hiring of Mr. Lama to perform certain surveying and professional engineering work. Ms. Fedorko is a resident of the Town of Coventry, Rhode Island (the "Town"). In or about April 2008, Ms. Fedorko hired Mr. Lama to perform all professional work necessary to consummate a three (3) lot subdivision for a 10.9 acre property. (See Contract, attached as Exhibit 1.) As stated in the Contract, Mr. Lama provided a cost estimate and "professional fee" quote of Twenty-Four Thousand Six Hundred Dollars (\$24,600.00). The quote included surveying, professional engineering work, and representation before the Town.

Ms. Fedorko hired Mr. Lama and paid him over Twenty Thousand Dollars (\$20,000.00) of the quoted fee. Mr. Lama proceeded to provide Ms. Fedorko with a portion of the work outlined in the Contract (albeit over a one (1) year period). This included the attached documentation. (See Exhibit 2.) Despite the fee paid by Ms. Fedorko, Mr. Lama failed to provide any work acceptable to the Town. This failure, combined with Mr. Lama's intermittent unresponsiveness to Ms. Fedorko's communications, forced her to hire another professional to consummate the subdivision, at a substantial additional cost. The Town ultimately approved Ms. Fedorko's property's three (3) lot subdivision. None of the work provided by Mr. Lama, however, was a basis for Ms. Fedorko's approved subdivision.

Business Regulation  
Legal Section

JUL 13 2012

Mr. Louis A. DeQuattro, Deputy Director

July 12, 2012

Page 2

Based upon an exhaustive search of open records and Mr. Lama's professional history available on public databases, it appears that Mr. Lama was not licensed to engage in surveying and/or professional engineering work at the time he contracted to do so and performed (albeit not to the satisfaction of the Town) a portion of the work.

Ms. Fedorko would sincerely appreciate if you would investigate this matter and take any measures that you deem appropriate. Please do not hesitate to contact me should you have any questions or concerns. Thank you.

Very truly yours,



Ronald M. LaRocca  
[rlarocca@lsglaw.com](mailto:rlarocca@lsglaw.com)

RML/esp/kjs

Enclosures

cc: Rhode Island State Board of Examiners for Professional Engineers and Land Surveyors (via first class mail, with copies of enclosures)

# ALLINSON~LAMA CORP.

CONSULTANTS  
2699 POST ROAD  
WARWICK, RI 02886  
PH.(401) 739-4114  
FAX (401) 739-0671

April 14, 2008

Joyce Fedorko  
915 Town Farm Road  
Coventry, RI 02816

Dear Joyce,

The following is a cost estimate and professional fee basis quotation as requested for the property located at 915 Town Farm Road (A. P. 324 Lot 100) Coventry, RI. The following tasks will be needed to subdivide the existing parcel of land into three lots. One lot will contain the existing dwelling and all Accessory Buildings. The remaining land will be divided into two vacant lots.

- Record Research
- Traverse (field)
- Traverse (office)
- Computer work
- Topography (field)
- Topography (office)
- Drainage Design
- Drawings
- Any and all consultations in regard to the above mentioned project unless specified in proposal
- Attend any and all municipal and governmental meetings
- Perform two ground water tests (Vacant Lots) Machine and DEM fees included
- Two ISDS designs (Variance not included-fees are included)
- Subdivision Recording Fees

TOTAL: \$24,600.00

Not included in proposal:

- Any work in regard to wetlands.
- Application fees for various agencies not specified in the proposal (including DEM-Wetlands Division, Governmental and Municipal fees).
- Installation of concrete bounds (\$200.00 per bound, includes the cost of bound).

Payment Schedule: \$8,200.00 Upon acceptance of Proposal  
\$8,200.00 Upon completion of Perimeter Boundary Survey  
\$8,200.00 Upon completion of all drawings

If you have any question, or need further clarification, please feel free to call.

Sincerely,

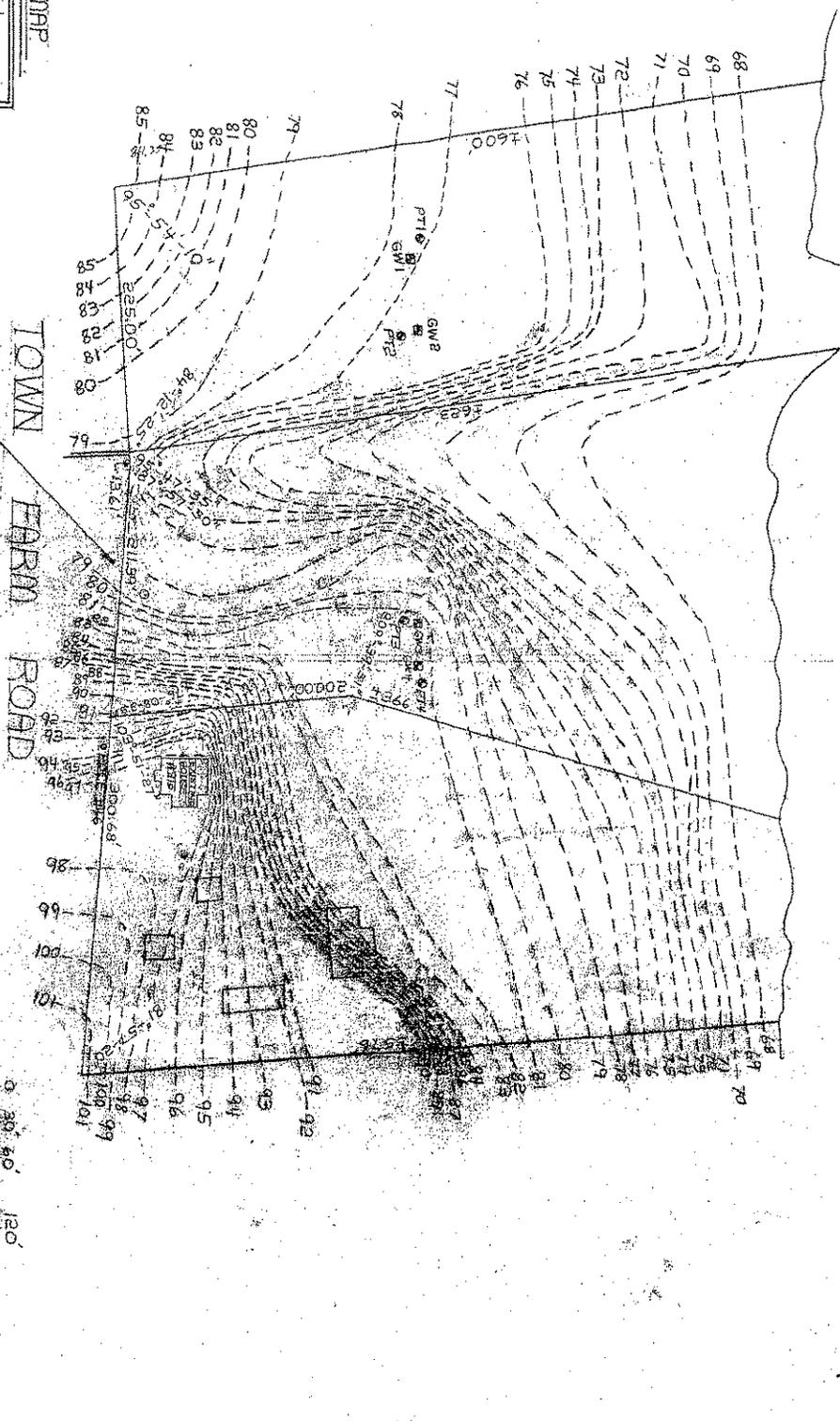


Barry T. Lama  
President

RESIDENTIAL RR3
MIN. LOT AREA-3 ACRES
FRONT YARD-50'
SIDE YARD-50'
REAR YARD-90'
FRONTAGE-325'
MAX. HEIGHT-35'

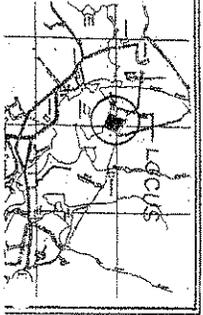
FLOOD ZONE C  
 FIRM MAP PANEL 15 OF 30  
 COMMUNITY NO. 140004 0015 A  
 DATE: SEPTEMBER 1, 1978

FLAT RIVER RESERVOIR



BENCH MARK - NAIL IN  
 PAVEMENT (ASSUMED  
 ELEVATION 100.000)

FEDORKO ESTATES  
 DRAWN BY: B. L. BARRA  
 DATE: 08-27-08  
 HOYCE FEDORKO  
 915 TOWN FARM ROAD COVENTRY, RI  
 02822  
 01 FERRISKI AWWA 7/01/10

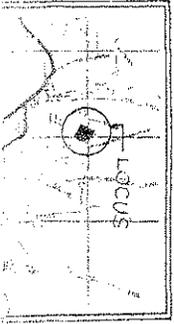


ZONING CATEGORIES
RESIDENTIAL ARA
MIN. LOT AREA-3 ACRES
FRONT YARD-50'
SIDE YARD-50'
REAR YARD-90'
FRONTAGE-225'
MAX. HEIGHT-35'

FLOOD ZONE C  
 FIRM MAP PANEL 15 OF 30  
 COMMUNITY NO. 440004  
 DATE: SEPTEMBER 1, 1978

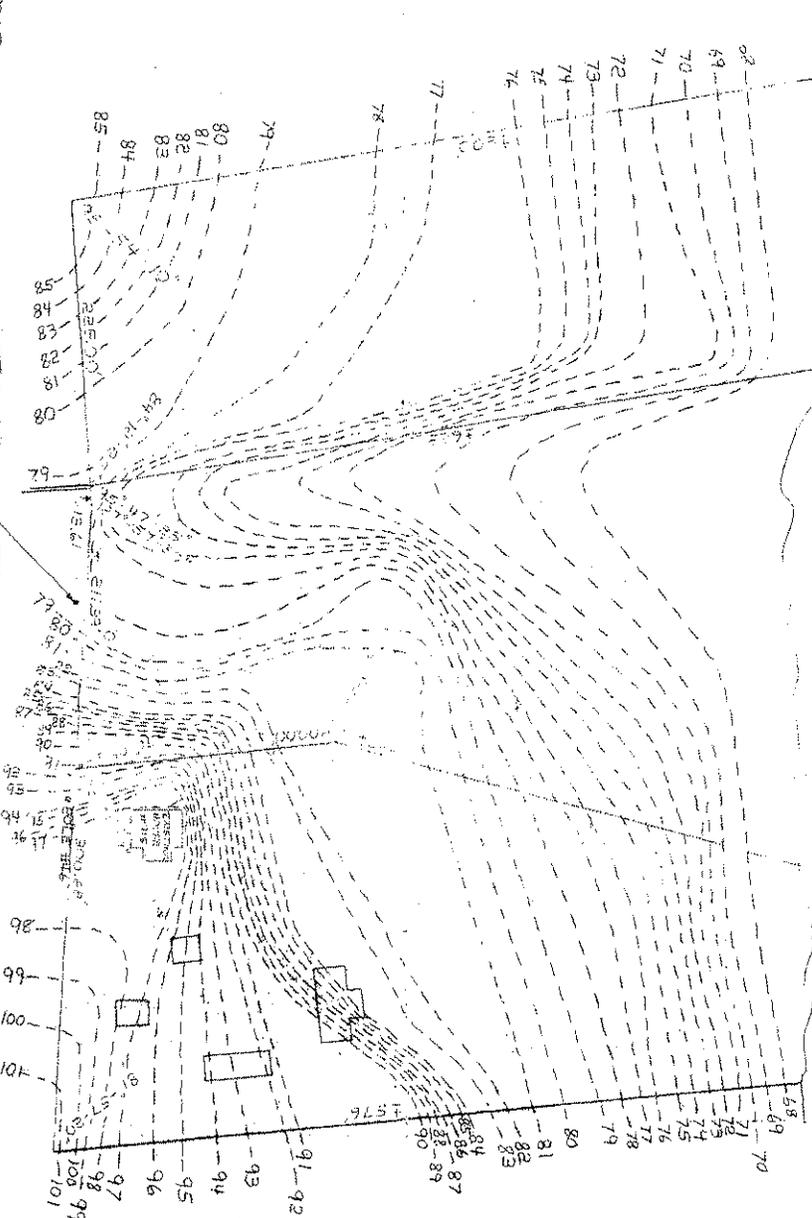
FLAT RIVER RESERVOIR

LOCATION MAP



TOWN FARM ROAD

BENCH MARK - NAIL IN PAVEMENT (ASSUMED ELEVATION 100.000)



**SITE PLAN**

SCALE 1" = 30'

DATE 8-27-78

APPROVED BY A.P. 324 LOT 100

JOYCE FEDORKO

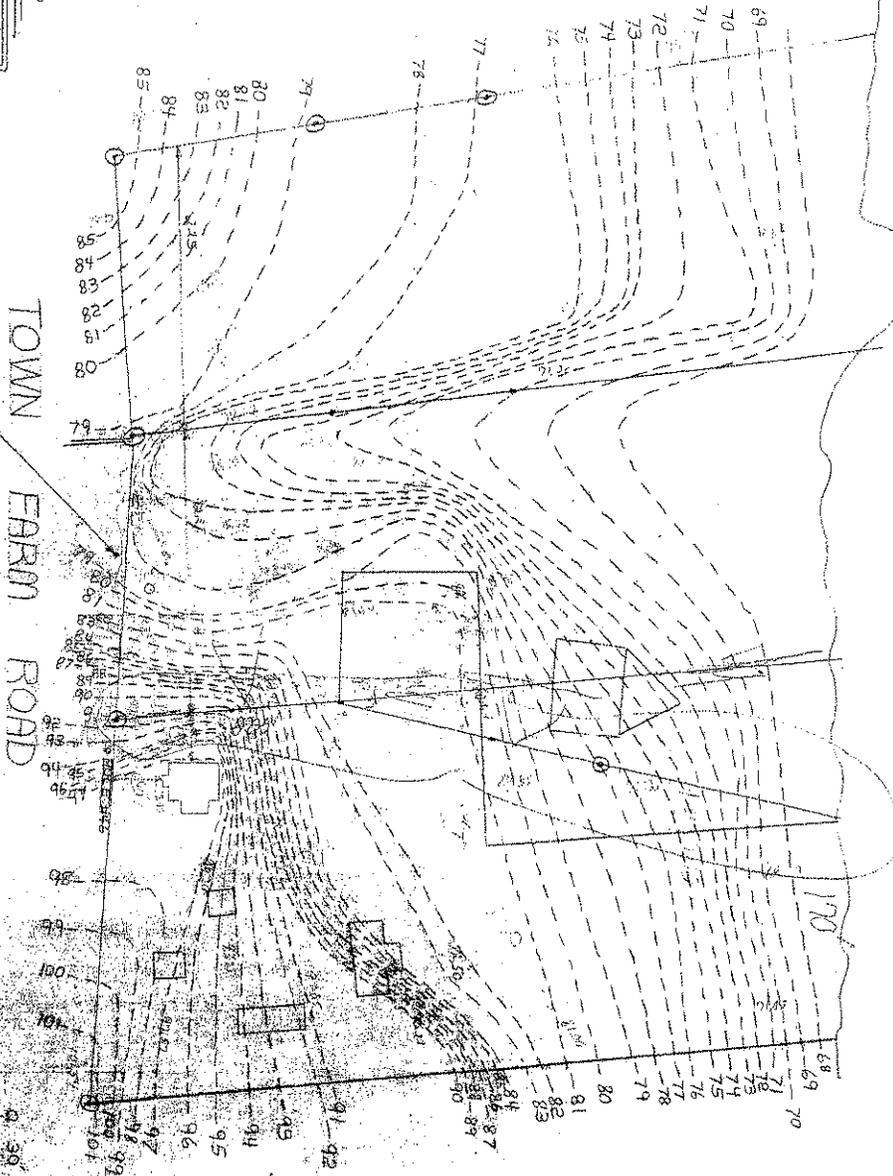
915 TOWN FARM ROAD COVENTRY, CT 06232

DRAWN BY B. L. GIBB

RESIDENTIAL AREA  
 MIN. LOT AREA - 3 ACRES  
 FRONT YARD - 50'  
 SIDE YARD - 50'  
 REAR YARD - 90'  
 FRONT RISE - 2.25'  
 MAX. HEIGHT - 35'

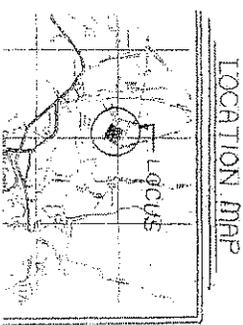
FLOOD ZONE C  
 FIRM MAP PANEL 15 OF 30  
 COMMUNITY NO. 440004 0015 A  
 DATE: SEPTEMBER 1, 1978

FLAT RIVER RESERVOIR



BENCHMARK - NAIL IN PAVEMENT (ASSUMED ELEVATION 100.00')

TOWN FARM ROAD



**SITE PLAN**  
 JOYCE FORDS  
 915 TOWN FARM ROAD, COVENTRY, R.I.  
 MILLIMSON-1-6119, MRP (SHEET 1 OF 1)





STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

1 CAPITOL HILL, 2<sup>nd</sup> FLOOR, PROVIDENCE, RI 02908-5860  
v. (401) 222-2565 fax. (401) 222-5744

RE: Investigator's Interim Report of Barry Lama/Allinson-Lama Corporation of Warwick, RI Feb. 10, 2006

<i>Investigator's findings and Comments</i>	<i>DATE</i>	<i>Content</i>
	May 25, 2001	The Board pens a letter to Mr. Barry Lama of the Allison-Lama Corporation. In this letter the Board requests an explanation from Mr. Lama as to why his signage contains the words "LAND SURVEYORS" as an offered service when in fact the corporation does not have a current COA.
	June 13, 2001	The Board receives a letter from Mr. Lama explaining that he hires land surveyors as needed for his engineering projects.
The Board had determined that Mr. Lama was engaged in the practice of land surveying and was in violation of RIGL 5-8.1 et. Seq.		
Initially arrogant and condescending to the Board, Mr. Lama also refused to cover or remove the <u>Land Surveying Services</u> from his sign, but later acquiesced.	April 09, 2002	Barry Lama appears before the Board to answer charges of advertising land surveying services on a sign outside his Warwick office.
Mr. Kirk is an attorney from the Law offices of Visconti and Boren, The Board's Legal counsel.	October 30, 2002	The Board receives a letter addressed to William L. Kirk, Esq. from Mr. Barry Lama, stating that in "his opinion" under the 'Task List' he is able to do those tasks that fall under the "...permitted practices of engineering..." and therefore he is not willing to alter his signage.
	November 1, 2002	The Board receives a letter from Kirk L. Williams, Esq. stating that Mr. Lama of Allinson-Lama Corp. is unwilling to voluntarily alter his business sign to eliminate the reference to "Land Surveying" as one of his services.
An investigation was started. The Board found that Mr. Lama was engaged in the illegal practice of land surveying.	November 22, 2002	The Board receives a letter from Mr. William L. Villella, PLS, Assistant City Engineer for the City of Warwick. In the letter Mr. Villella states that the company of Allinson-Lama has submitted plans to the Warwick Planning Board in the name of Allinson-Lama Corp. which contains land surveying elements and that the company does not have a current "COA" to conduct land surveying or professional engineering in the State of RI.
The both indicated that their respective relationships were limited in nature and were terminated as of that meeting.	February 11, 2003	Mr. Kirk Andrews, PLS and Mr. Richard Lipsitz, PLS appears before the Board to explain their business relationship with Mr. Lama.
	February 11, 2003	Mr. William Villella, PLS, Assistant City Engineer for the City of Warwick appears before the Board to register a complaint against Mr. Lama for appearing before the Warwick Planning Board and purporting himself to the surveyor of record for the aforementioned project.
The Board had determined that Mr. Lama was engaged in the practice of land surveying and was in violation of RIGL 5-8.1 et. Seq.	May 15, 2003	The Board receives from Richard Boren; Esq. a copy of a deposition of Barry Lama in response to a complaint against Mr. Lama for illegal practice of land surveying.
The intent is to seek injunctive relief from the courts.	May 20, 2003	The Board receives from Richard Boren, Esq. a copy of a summary of the deposition of Mr. Lama, for the Board's review. The Board is seeking injunctive relief from the Superior Court on May 28, 2003.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

1 CAPITOL HILL, 2<sup>ND</sup> FLOOR, PROVIDENCE, RI 02908-5860  
v. (401) 222-2565 fax. (401) 222-5744

Stipulation and Court Order	September 30, 2003	On September 30, 2003 Mr. Lama's Attorney signed C.A. No. 02-5669 and Richard Boren, Esq. signed on behalf of the Board. This order requires Mr. Lama to "obstruct" the words "land surveyors and land surveying": from it's signs at its business at 2699 Post Road Warwick, RI. This order prohibits Mr. Lama from any further use of the aforementioned terms on his signs, letterhead, card...etc. The order also prohibits Mr. Lama "...a graduate civil engineer" from engaging in the practice of any areas associated with land surveying in RI.
Correspondence from Visconti & Boren	October 1, 2003	The Board receives from Richard Boren, Esq. indicating a hearing to be held in Superior Court on September 30, 2003 concerning the Lama case. Both attorneys could not reach an out of court agreement then with the court's intervention, the parties came to a settlement. (C.A. No. 02-5669).
<b><u>New Allegations.</u></b>	April 18, 2005	RISBRPLS Receives letter from Mr. Robert P. Malavich, West Warwick Town Planner. In this letter Mr. Malavich seeks to have the Board give to him its interpretation of the laws governing the practice of land Surveying as they pertain to the proper stamping of plans. With this request, Mr. Malavich enclosed a "SITE PLAN" for property located on Providence and River Street, West Warwick, RI; which was designated as A.P. 40 Lot 71. The plan bears the professional seal of a Mr. William Anderson, Professional Engineer and the title block bears the company name of "ALLINSON-LAMA CORP".
It appears that the firm of ALLINSON- LAMA CORP. is engaging in the illegal practice of land surveying	April 18, 2005	The aforementioned plan is dated 3-4-05: Drawn by: B. Lama and stamped and sealed by Mr. William Anderson, PE. The apparent owner of the property is listed as Mr. Arthur Yatsko of 1057 Post Road, Warwick, RI. Mr. Anderson is asked to appear before the Board to explain his business relationship with Mr. Lama and to explain to the Board why his plan seems to contain land surveying only, and no engineering work.
Last communication with West Warwick.	July 5, 2005	Board Chair Mr. DiOrio pens a letter to Mr. Robert P. Malavich, West Warwick Town Planner explaining the requirements of design professional stamping and signing plans. In addition, Mr. DiOrio briefly explains the definition of land surveying as determined by this Board.
From the proper purview perspective, the plan appears in proper order.	September 9, 2005	Mr. William Anderson, P.E. submits a revised plan to the Board of the Arthur Yatsko property signed and sealed by Mr. Walter P. Skorupski, PLS.
	October 11, 2005	The Board appoints Louis Federici, PLS, Board member as investigating officer for the new allegation against Mr. Lama.
<b><u>Investigator's Recommendations:</u></b> <b><u>October, 2005</u></b>		<ol style="list-style-type: none"><li>1. That Mr. Lama, come before this Board to be formerly interviewed to give his version of the latest allegations of the illegal practice of land surveying.</li><li>2. That all billing records and bank statements which pertain to this project, of the Allinson-Lama Corporation and those of Mr. Barry Lama, be submitted to the Board for its review.</li><li>3. All written contracts, which pertain to this project, of the Allinson-Lama Corporation and those of Mr. Barry Lama, are to be submitted to the Board for its review.</li><li>4. That all project files which pertain to this project, of the Allinson-Lama Corporation and those of Mr. Barry Lama, are to be submitted to the Board for its review.</li><li>5. That all drawings and other documents which pertain to this project, of the Allinson-Lama Corporation and those of Mr. Barry Lama, be submitted to the Board for its review.</li><li>6. That all field notes taken which pertain to this project, of the Allinson-Lama Corporation and those of Mr. Barry Lama, be submitted to the Board for its review.</li></ol>



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**  
**RHODE ISLAND STATE BOARD OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS**

1 CAPITOL HILL, 2<sup>nd</sup> FLOOR, PROVIDENCE, RI 02908-5860  
v. (401) 222-2565 fax. (401) 222-5744

**New Findings:**

February 13, 2007

Meet with Mark Carruolo, Warwick Planner	Jan 30,2007	Reviewed files that contained references to Mr. Lama and or Allinson-Lama Corp. Requested that any further activity concerning Mr. Lama and or Allinson Lama Corp. be forwarded to the Board.
Meet with Robert Malavich, West Warwick Planner	Jan 30,2007	Reviewed files that contained references to Mr. Lama and or Allinson-Lama Corp. Requested that any further activity concerning Mr. Lama and or Allinson Lama Corp. be forwarded to the Board.
Meet with John DeLucia, Warwick Engineer	Feb. 2,2007	Discussed activity with the City concerning Mr. Lama and or Allinson Lama Corp. Requested that any further activity concerning Mr. Lama and or Allinson-Lama Corp. be forwarded to the Board. Staff member told me that Mr. Lama is the contact person for projects submitted to the City that contain land surveying. I told Mr. DeLucia and his staff to be prepared for possible testimony before the Board.
Meet with Steve Murray, West Warwick, Building Official	Feb. 8, 2007	Reviewed files that contained references to Mr. Lama and or Allinson-Lama Corp. Requested that any further activity concerning Mr. Lama and or Allinson Lama Corp. be forwarded to the Board. My file review, uncovered additional possible violations by others. One pertaining to the Board's rules and regulations and two statutory violations.  <ol style="list-style-type: none"> <li>1. Mr. Barry Lama (Allinson Lama Corp.) filed a flood plain plan on behalf of Mr. Arthur Yatsko, no PLS stamp or PLS company was reference on the plan.</li> <li>2. Mr. Peter B. Cipolla, Jr., PLS filed a plan along with Mr. William Anderson, PE on behalf of "Barry Lama" (client/property owner) on Allinson-Lama Corp. drawing sheet. The plan appears not to comply with the Boards rules and regulations regarding the "Standards of Practice".</li> <li>3. Mr. Craig Richard Carrigan, PE filed a plan on behalf of Mr. Phil Pare for a site design. The plan contained a reference to another plan by another engineering company (i.e. ERA Engineering) as the source of the base mapping and property line information. The referenced plan was prepared by ERA Engineering, 144 Bignall Street, Warwick, RI; Dated: Nov. 5, '90. The plan is stamped and signed by a Mr. Philip P. Virgadamo, PE. I checked the PLS registration list for his name and found he is not registered as a PLS.</li> </ol>
Received a call from Mr. Allen Francis, client of Barry Lama	Feb. 12, 2007	Mr. Allen Francis: 42 Oxford Ave., Warwick, RI 401-580-5441 called me at my office this date. His reason for calling was to inquire about my investigation of Mr. Lama. It seems that the Warwick Planner misplaced Mr. Francis' file after my review, which resulted in Mr. Francis' exclusion from the Warwick Planning Board's Agenda for the month of February. Mr. Francis offered to me "Mr. Lama was his Engineer and Land Surveyor" thus he wanted to know more about the investigation. I replied that the file has yet to opened to the public, and that this Board will notify him as to the final disposition of the case. He thanked me.
Received a call from Mr. Walter Skorupski, PLS, apparent PLS for Mr. Francis	Feb. 12, 2007	Shortly after the call from Mr. Francis Mr. Walter Skorupski, PLS called to inquire about his client's (Mr. Francis) project. He also wanted to know more about the investigation of Mr. Lama without mentioning Mr. Lama's name. He claimed that Mr. Francis was <i>his</i> client and not Mr. Lama's and or Allinson- Lama Corp. I replied that the file has yet to opened to the public, and that this Board will notify him as to the final disposition of the case. I also told Mr. Skorupski that he might be called before the Board for testimony. He was corporative.

<p><b><u>Investigator's Comments and Recommendations:</u></b>  <b><u>March, 2007</u></b></p>	<ol style="list-style-type: none"> <li>1. That Mr. Lama is asked to appear before the Board to explain his actions.</li> <li>2. That Mr. Francis be asked to appear before the Board to tell us what his relationship is with Mr. Lama (Allinson-Lama Corp.), Mr. William Anderson, PE and Mr. Walter Skorupski, PLS.</li> <li>3. That Mr. Peter B. Cipolla, PLS be asked to appear before the Board and comment on his plan that may or may not comply with the Standards of Practice. Also, that Mr. Cipolla gives us insight as to his relationship with Mr. Lama and or Allinson-Lama Corp.</li> </ol> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. That there may be many more PLS's doing surveying for other business's improperly.</li> <li>2. That there are still Professional Engineers practicing Land Surveying without proper registration.</li> <li>3. That building officials seem to be a tremendous source of information where violations can be uncovered.</li> </ol>
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STATE OF RHODE ISLAND  
PROVIDENCE, SC

SUPERIOR COURT

STATE BOARD OF REGISTRATION  
FOR PROFESSIONAL LAND  
SURVEYORS

vs

C. A. No.: 02-5669

ALLINSON-LAMA CORPORATION

STIPULATION AND ORDER

Now come the named parties in the above entitled matter, the State Board of Registration for Professional Land Surveyors ("RIBLS") and Allinson-Lama Corporation and Barry Lama ("ALC") and hereby stipulate and agree to an order as follows:

1. ALC shall not practice or offer to practice land surveying in the State of Rhode Island or otherwise represent to the public that ALC is competent to practice land surveying in the State of Rhode Island, as that term is defined in R.I.G.L. §5-8.1-1, et seq., unless and until ALC is in compliance with R.I.G.L. § 5-8.1-13.

2. ALC has obstructed or otherwise covered the words "land surveyors" and "land surveying" from its signs at its of business at 2699 Post Road, Warwick, Rhode Island.

3. ALC shall not use the words "land surveyors" and "land surveying" or any derivatives thereof from any and all signs at its place of business now or in the future unless and until ALC is in compliance with R.I.G.L. § 5-8.1-13 and any other applicable section of the Rhode Island Land Surveyors Statute.

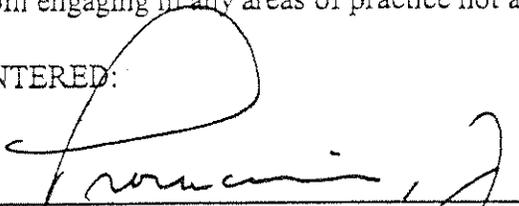
4. ALC shall not use any title, sign, card or device which identifies itself as a land surveyor or competent to practice land surveying in the State of Rhode Island unless and until ALC is in compliance with R.I.G.L. § 5-8.1-13 and any other applicable section of the Rhode Island Land Surveyors Statute.

5. ALC shall within thirty (30) days of the entry of this Stipulation and Order, notify the Rhode Island Secretary of State's Office that it is not registered nor licensed to practicing land surveying in the State of Rhode Island and unless and until ALC can comply with R.I.G.L. § 5-8.1-13 and any other applicable section of the Rhode Island Land Surveyors Statute shall not file any annual report with the Rhode Island Secretary of State that its "purpose" is land surveying.

6. ALC will pay up to a maximum of \$400 to have an advertisement published in the Providence Journal to be approved by the Board in advance in the form attached hereto as *Exhibit "A"* and notify the Board of the date of the advertisement prior thereto. The advertisement will put the public on notice that ALC is not authorized to practice land surveying in the State of Rhode Island.

7. The provisions set forth above shall not be construed to prohibit Barry Lama, a graduate civil engineer, Allinson-Lama Corporation, or any other entity controlled by Barry Lama from engaging in any areas of practice not associated with the profession of land surveying.

ENTERED:

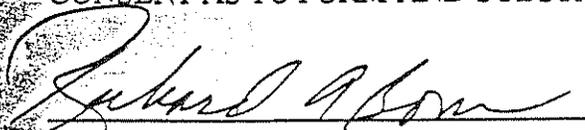
  
9-30-03

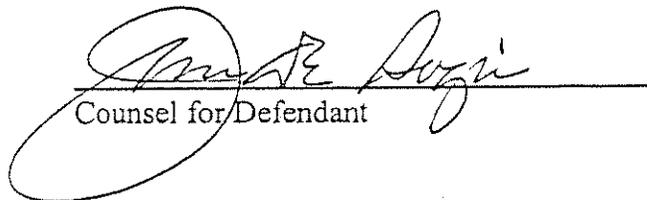
PER ORDER:

  
Clerk

Dated: September 30, 2003

CONSENT AS TO FORM AND SUBSTANCE:

  
Counsel for the Plaintiff

  
Counsel for Defendant

*Exhibit "A"*

**NOTICE OF ADMINISTRATIVE ORDER**

By stipulation and order dated September 30, 2003 and pursuant to  
R.I.G.L. § 5-8.1-1 concerning  
the unauthorized practice of land surveying in the State of Rhode Island:

Allinson-Lama Corporation  
2699 Post Road, Unit 2  
Warwick, RI 02886

Does not hold a registration as a land surveying firm in this state.  
Cannot practice or offer to practice land surveying in this state.

BY ORDER OF THE RHODE ISLAND STATE BOARD  
OF REGISTRATION FOR PROFESSIONAL LAND SURVEYORS

Joseph Frisella, Chairman



VISCONTI AND BOREN LTD

C O U N S E L O R S - A T - L A W

October 1, 2003

Christina M. Styron, Administrative Assistant  
Board of Registration for Professional Land Surveyors  
One Capitol Hill, 3<sup>rd</sup> Floor  
Providence, RI 02908-5860

*Re: RIBLS/Allinson-Lama*

Dear Christina:

The Allinson-Lama case was scheduled for hearing in court on September 30, 2003. On September 29, 2003, Mr. Lama's attorney and I attempted to reach a negotiated settlement. When we were not able to agree on all of the terms, we contacted the judge who was going to be hearing the matter on September 30, 2003. With the judge's input, we were able to reach an agreed upon stipulation and order.

I am enclosing a copy of the stipulation and order that was entered by Judge Procaccini on September 30, 2003. If there are any questions from the Board, I can answer them at the next meeting.

Sincerely,

Richard A. Boren

RAB:amm  
Enclosures

- Girard R. Visconti
- Richard A. Boren
- Dante J. Giammarco
- David M. Campbell
- Stephen M. Brusini
- Jessica L. Papazian-Ross
- Lillian M. Jacquard
- Keri Hague Beck

*Of Counsel*

- Gregory P. Cimino, II
- also admitted in MA
- also admitted in CT and DC
- also admitted in MA and NY

Dept. Ech. 4.

STATE OF RHODE ISLAND  
PROVIDENCE, SC

SUPERIOR COURT

STATE OF RHODE ISLAND, BY AND :  
THROUGH PATRICK C. LYNCH, :  
ATTORNEY GENERAL :

Plaintiff :

v. :

C.A. No. PC 07-2608

BARRY T. LAMA, ALLINSON-LAMA :  
CORPORATION :

Defendants :

CONSENT JUDGMENT

WHEREAS, the State of Rhode Island ("State"), by and through Patrick C. Lynch, Attorney General of the State of Rhode Island ("Attorney General"), is the Plaintiff in this civil action; and

WHEREAS, Barry T. Lama ("Mr. Lama") is a Defendant herein, and is not a registered engineer in the State of Rhode Island; and

WHEREAS, Allinson-Lama Corporation ("Allinson-Lama") is a Defendant herein, and does not hold a certificate of authorization for engineering in the State of Rhode Island; and

WHEREAS, R.I. Gen. Laws § 5-8-20(a) requires that Mr. Lama hold a certificate of registration for engineering to, among other things, "practice or offer to practice engineering in this state..."; and

WHEREAS, R.I. Gen. Laws § 5-8-20(b) requires that Allinson-Lama hold a certificate of authorization for engineering to, among other things, "practice or offer to practice engineering in this state..."; and

True Copy Attest

*Handwritten signature*  
Office of Clerk of Superior Court  
Counties of Providence & Bristol  
Providence, Rhode Island

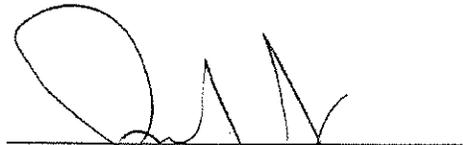
WHEREAS, Mr. Lama acknowledges that adequate evidence exists to demonstrate that he violated R.I. Gen Law §5-8-20(a) as outlined in Count I of the Complaint, and accordingly, Judgment shall enter in favor of the Plaintiff State of Rhode Island and against the Defendant Barry T. Lama on Count I of the Complaint; and

WHEREAS, Allinson-Lama acknowledges that adequate evidence exists to demonstrate that it violated R.I. Gen Law §5-8-20(b) as outlined in Count I of the Complaint, and accordingly, Judgment shall enter in favor of the Plaintiff State of Rhode Island and against the Defendant Allinson-Lama on Count I of the Complaint; and

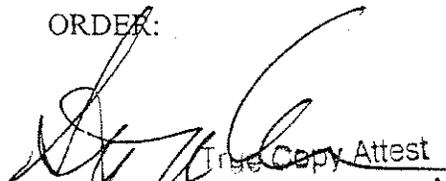
NOW, THEREFORE, by agreement of the parties, and by order and judgment of the Honorable Court, the following Consent Judgment shall enter:

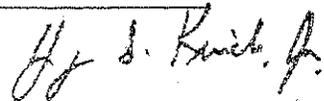
1. Mr. Lama and Allinson-Lama shall not offer to practice or practice engineering in the State of Rhode Island.
2. Mr. Lama and Allinson-Lama shall take affirmative steps no later than July 11, 2007, to the satisfaction of the Attorney General, to withdraw all advertisements and listings located within the "Engineers" section of any Yellow Book, Yellow Pages or similar directory serving any area of the State of Rhode Island.
3. Mr. Lama and Allinson-Lama shall take affirmative steps no later than July 11, 2007, to the satisfaction of the Attorney General, to withdraw all advertisements and listings containing the term "Engineer" or any derivative thereof accessible through the Internet.
4. Mr. Lama and Allinson-Lama recognize that this Consent Judgment is a legal document, and that failure to abide by the provisions of this Consent Judgment shall authorize the State to file a motion to adjudge Mr. Lama and/or the Allinson-Lama Corporation in contempt of Court and to secure such penalties, fines and/or relief as justice may require.

ENTER:

  
Justice Gilbert V. Indeglia

ORDER:

  
Clerk

  
Office of Clerk of Superior Court  
Counties of Providence & Bristol  
Providence, Rhode Island

6-11-2007  
A29-54

PRESENTED BY:

*Adam Sholes*

Adam J. Sholes (#7204)  
Special Assistant Attorney General  
150 South Main Street  
Providence, Rhode Island 02903  
TEL: (401) 274-4400, Extensions 2219  
FAX: (401) 222-3016

*Barry T. Lama*

Barry T. Lama  
66 Levesque Street  
Warwick, RI 02886

*Barry T. Lama*

Barry T. Lama, President  
Allinson-Lama Corporation  
2699 Post Road, Unit 2  
Warwick, RI 02886

True Copy Attest

*H. S. Kenick, Jr.*

Office of Clerk of Superior Court  
Counties of Providence & Bristol  
Providence, Rhode Island

2008 11 A 984

PRESENTED BY:

Adam Sholes

Adam J. Sholes (#7204)  
Special Assistant Attorney General  
150 South Main Street  
Providence, Rhode Island 02903  
TEL: (401) 274-4400, Extensions 2219  
FAX: (401) 222-3016

Barry T. Lama

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Warwick, RI 02886

Barry T. Lama

Barry T. Lama, President  
Allinson-Lama Corporation  
2699 Post Road, Unit 2  
Warwick, RI 02886

True Copy Attest

H. S. Keitch, Jr.

Office of Clerk of Superior Court  
Counties of Providence & Bristol  
Providence, Rhode Island

6/10/01 11 A 5384