

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF HOISTING ENGINEERS
1511 PONTIAC AVENUE
Building 71 – 2nd Floor Conference Room
Cranston, RI 02920**

TUESDAY, JULY 10, 2007

**In Attendance: David Burnham, Chairperson
David Rodrigues
Ellery Wood, Jr.,**

Not In Attendance: Kathy Serrecchia, Benjamin Anthony, John Shaw

Mr. David Burnham called the meeting to order at 10:02 a.m.

There was no Quorum today.

There were three hearings scheduled for today.

Mr. Burnham, Chairperson advised the Board members and those people present for today's hearings (John Maretta, Esquire for Tennessee Gas Pipeline, Violation No. 3139 and Mr. Edward Rolland, Violation No. 3187, who is also representing Carlisle Building

Systems, Inc., Violation no. 3188) that the Board can hear testimony for these hearings but since there is no quorum, a transcript from the Board stenographer will be presented to the absent board members of the facts and testimony taken today and that a recommendation from the Director of Labor and Training, Adelita Orefice would take place at our next Board meeting, which is August 14, 2007. They are all welcome to come back at our August 14, 2007 meeting and state more facts or additions before Board.

1. Tennessee Gas Pipeline Company – Violation #3139

David Burnham, Chairperson read the violation. On Thursday, April 19, 2007, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Douglas K. Millison, an employee of Delta Gulf Corporation, 152 Apremont Way, Westfield, MA 01085, operating a hydraulic excavator without a valid RI Hoisting Engineer’s license at Salem Street Gas Line Extension, Island Wood Commercial Park, Smithfield, RI. Tennessee Gas Pipeline Company sub-contracted with Delta Gulf Corporation to perform said work. According to RIGL 28-26-12 “Investigation and Prosecution of Violations”. This is one (1) violation of RIGL 28-26-5 “License Required for Operation of Hoisting Machinery.”

David M. Rodrigues, Chief Hoisting Engineer Investigator stated that he received a complaint on April 9, 2007 that he proceeded to go to the site where Mr. Douglas Millison, an employee of Delta Gulf Corporation was operating a hydraulic excavator without a valid RI Hoisting Engineer's license. David Rodrigues stated that when he asked Mr. Millison for a license, Mr. Millison got defensive. David Rodrigues then approached and spoke with the foreman on the job and assured David Rodrigues that he would get a licensed person on the job.

David Rodrigues stated that Delta Gulf Corporation and Douglas Millison's violation fees have been paid. Mr. Douglas Millison has since gone for the training and has now passed the Hoisting examination.

Mr. John Maretta, Esquire for Tennessee Gas Pipeline Company did not dispute the violation and since the violation fees have been paid, Mr. Maretta asked the Board that since Delta Gulf Corporation and Mr. Millison was unaware of the laws at that time, and the fact that the violations have been paid, Mr. Maretta would like the consideration of the Board to drop the appeal based on the good history of Tennessee Gas Pipeline Company in this state. Chairman, Mr. David Burnham advised Mr. Maretta that the facts and the testimony (based on the

Stenographer's transcript) will be forwarded to the absent board members and a recommendation to the Director of Labor and Training, Adelita Orefice will be brought up at the August 14, 2007, Hoisting Engineer's Board meeting, and Mr. Maretta will receive a letter based on the recommendation from the Director.

2. Edward J. Rolland – Violation #3187

Chairman, David Burnham read the violation: On Wednesday, May 9, 2007, Mr. David Rodrigues, Chief Hoisting Engineer Investigator, witnessed Edward J. Rolland, Vice President of Carlisle Building Systems, Inc., P. O. Box 397, Dayville, CT 06241, operating a loader backhoe without a valid RI Hoisting Engineer's license at new construction of a bandstand, Oakland Beach, Warwick, RI. This is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery."

3. Carlisle Building Systems, Inc. – Violation No. # 3188

Chairman, David Burnham read the violation: On Wednesday, May 9, 2007, Mr. David Rodrigues, Chief Hoisting Engineer Investigator, witnessed Edward Rolland, Vice President of Carlisle Building Systems, Inc., P. O. Box 397, Dayville, CT 06241, operating a loader backhoe without a valid RI Hoisting Engineer's license at new construction of a bandstand, Oakland Beach, Warwick, RI. According to RIGL 28-26-12 "Investigation and Prosecution of Violation", this is

one (1) violation of RIGL 28-26-5 “License Required for Operation of Hoisting Machinery.”

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Chairman, David Burnham stated to Mr. Rolland that since there is no quorum today, and based on the Board’s procedures, Chairman, David Burnham asked Mr. Rolland if he would like to give testimony concerning violation No.’s 3187 and violation No. 3188 and that the testimony of the facts and the status of the fines would be determined at our August 14, 2007 meeting once the stenographer’s transcript is reviewed by the absent board members. A recommendation will be made by the Director of Labor and Training, Adelita Orefice.

Mr. Edward Rolland testified that he was unaware of the licensing requirement when he rented the equipment from Sunbelt Rentals. He stated that he did not know he needed a license to operate this equipment. David Rodrigues, Chief Hoisting Engineer, submitted a copy of the Sunbelt rental contract to our Chairman, Mr. David Burnham. The contract was reviewed by Mr. Burnham and other

members of the board, and the contract does stipulate that Edward Rolland needed a license to operate this equipment. David Rodrigues has since informed Sunbelt rental and Mr. Rolland of the proper requirements.

Based on Mr. Rolland's testimony and the facts represented to the Board, Mr. Rolland is asking the Board that since he and Sunbelt Rental were unaware of the licensing requirements, and because of his good track record in Rhode Island and the fact that as soon as he found out he was in violation of the law, he immediately closed up the trench he was working on, that the Board consider dropping the violation.

Mr. David Burnham, Chairman, stated to Mr. Rolland that the stenographer's transcript will be submitted to absent board members to review the facts and testimony heard at today's meeting and that a recommendation to the Director of Labor and Training, Adelita Orefice will be made at our August 14, 2007 Board meeting and that Mr. Rolland is welcome to come before the Board and add additional information if he desires to do so.

Old Business:

There was no quorum today to have a discussion concerning the Learner's Permit.

Minutes from the May 8, 2007 meeting will be review at our next meeting on August 14, 2007 Board meeting.

David Burnham, Chairman made a motion to adjourn at 10:30 am.

There was no further business before the Board. The next meeting for the Board of Examiners of Hoisting Engineers will be August 14, 2007 at 10:00 am in Building #70, Department of Labor and Training, second floor conference room, Cranston, RI 02920.

Minutes respectively submitted by Elaine Heiss, July 10, 2007.