

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF HOISTING ENGINEERS
TUESDAY, MAY 10, 2011**

In attendance: Joseph Graziano

Brian Iannucillo

James White

James Woloohojian

Ellery Wood, Jr.

David Rodrigues, Chief Investigator

Benjamin Copple, Legal Counsel

The meeting was called to order at 10:12 am by James Woloohojian.

A motion to accept the minutes of the previous meeting was made by James White and seconded by Ellery Wood. The motion passed unanimously by the Board.

Hearings:

Abhe & Svoboda, Inc (Viol # 4037): There was no one present from Abhe & Svoboda, Inc. for this morning's hearing. David Rodrigues is sworn in for testimony. Ben Copple, Legal Counsel for the Department, questions Mr. Rodrigues regarding notice of today's hearing to the respondent. Mr. Copple recommends to the Board to

hold off until next month on any final decision in this matter as he thinks certified receipt of notice should be part of the administrative record, but the Board may hear testimony from Mr. Rodrigues. Mr. Woloohojuan agrees. Violation 4037, dated 3/7/11, was read by James Woloohojian. The name of the violator is Abhe & Svoboda, Inc, 17066 Revere Way, Prior Lake, MN 55372. Location of the violation was the Pell Bridge, Rt 138 East, Jamestown, RI. The violation reads as follows: On Wednesday, March 2, 2011, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator witnessed Carl D. Hill, a superintendent for Abhe & Svoboda, Inc., 17066 Revere Way, Prior Lake, MN 55372, operating a hydraulic boom truck without a valid RI Hoisting Engineer's License at the above location. According to RIGL 28-26-12 "Investigation and Prosecution of Violation", this is (1) one violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery". David Rodrigues addressed the Board. Three photographs are entered into the record; Exhibit A – Carl Hill's Illinois driver's license; Exhibit B – photograph of the vehicle that was being operated; and Exhibit C – photograph of the equipment and location on the bridge. Also added into the record was confirmation that Abhe & Svoboda, Inc. received notice of today's hearing marked Exhibit D. Now knowing that Abhe & Svoboda, Inc. have received notice of today's hearing, the board proceeds with the hearing. The Board questions Mr. Rodrigues. James White made a motion that violation 4037 did occur; seconded by Joseph Graziano and was passed unanimously by the Board. Ellery Wood made a motion to uphold the \$1,150.00 fine; seconded by Joseph Graziano and was passed

unanimously by the Board.

End of Hearing

There was no new business.

A motion to adjourn was made by Ellery Wood; seconded by James White and was passed by the Board. The meeting adjourned at 10:28 am.

The next meeting is scheduled for Tuesday, June 14, 2011 at 10:00 am.