

RHODE ISLAND DEPARTMENT OF LABOR & TRAINING

DIVISION OF PROFESSIONAL REGULATION

BOARD OF EXAMINERS OF HOISTING ENGINEERS

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

TUESDAY, April 9, 2013

10:00am

In attendance: Joseph Graziano

Brian Iannuccillo

James White

James Woloohojian, Chair

Ellery Wood, Jr.

Ron D'Ambruoso was not in attendance.

Also in attendance were David Rodrigues, Chief Hoisting Engineer Investigator; and Valentino Lombardi, Legal Counsel.

1. - Call to Order:

The meeting was called to order at 10:04 am by James Woloohojian.

2. - Conflict of Interest:

Valentino Lombardi addressed the Board asking if any member had any questions. There were none.

3. – Minutes of Previous Meeting:

James White made a motion to accept the minutes to the previous meetings; seconded by Ellery Wood, Jr. There was no opposition. Motion carries.

4. - Violation Appeal Hearings:

Richard W. Rose – Violation 4546:

Richard W. Rose, Respondent; and David M. Rodrigues, Chief Hoisting Engineer Investigator, are sworn in for testimony. James Woloohojian reads the violation.

DATE: 3/12/13; VIOLATION: 4546; Richard W. Rose, 539 Douglas Pike, North Smithfield, RI 02896

LOCATION OF VIOLATION: West Greenwich Solar, LLC 179 Plain Meeting House Rd West Greenwich, RI

VIOLATION: On Wednesday, February 20, 2013, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Richard W. Rose, an employee of Mass Electric Construction Co., 180 Guest St., Boston, MA 02135, operating a construction forklift without a valid RI Hoisting Engineer's License at the above job location. This is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery".

David Rodrigues provides testimony. Evidence is submitted to the

Board; Exhibit A: a photo of the equipment and material; Exhibit B: a copy of Richard W. Rose's photo ID and Hoisting License; and Exhibit C: a record of Mr. Rose's hoisting license indicating the Hydraulic Crane endorsement issued in 1996. The Board questions Mr. Rodrigues.

Richard W. Rose provides testimony. The Board questions Mr. Rose.

The Board questions Mr. Rodrigues and Mr. Rose.

Regarding Violation 4546, James White made a motion that Violation 4546 did, in fact, occur; seconded by Ellery Wood and passed unanimously by the Board.

Regarding the penalty, Ellery Wood, due to the disregard for the authority of the Hoisting Inspector, made a motion to increase the fine from \$300.00 to \$600.00; seconded by Joseph Graziano and passed unanimously by the Board.

Based on testimony presented by Mr. Rose and Mr. Rodrigues, James White made a motion to uphold the fine as amended; seconded by Joseph Graziano and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

End of hearings.

5. - Adjournment:

A motion to adjourn was made by Ellery Wood, Jr; seconded by James White. There being no objection, the meeting adjourned at 10:35am.