

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, July 9, 2013

10:00am

In attendance: Ronald D'Ambruoso

Joseph Graziano

Brian Iannuccillo

James White

James Woloohojian, Chair

Ellery Wood, Jr. 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 10:00 am by James Woloohojian.

2. - Conflict of Interest:

Valentino Lombardi, Legal Counsel, addressed the Board reminding board members if they have any issues or conflicts with matters before the board and their obligation to disclose such conflicts.

****The meeting was held at 10:02am for the arrival of Board Member, Brian Iannuccillo. Mr. Iannuccillo arrived at 10:04am and the meeting resumed.**

3. – Minutes of Previous Meeting:

James White made a motion to accept the minutes to the previous meeting of April 9, 2013 as presented; seconded by Joseph Graziano. There was no opposition. Motion carries.

4. - Violation Appeal Hearings:

MBP Masonry, LLC – Violation 4610: James Woloohojian reads the violation.

DATE: 5/6/2013; VIOLATION #: 4610; MBP Masonry, LLC, 157 Pound Rd, Cumberland, RI 02864

LOCATION OF VIOLATION: UCAP School 75 Carpenter St. Providence, RI

VIOLATION: On Wednesday, April 24, 2013, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Joshua P. Cutting, an employee of MBP Masonry, LLC, 157 Pound Rd., Cumberland, RI, 02864 operating a construction forklift 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".

Joe Pacheco, of MBP Masonry, and David Rodrigues, Chief Hoisting Engineer Investigator are sworn in for testimony.

Brian Iannuccillo recused himself from the hearing.

David Rodrigues provides testimony and enters four (4) photographs into evidence. The photographs are marked Exhibit A, B, C and D. The Board questions Mr. Rodrigues. Mr. Pacheco had no questions for Mr. Rodrigues. Photographs are reviewed. The Board continues questioning Mr. Rodrigues.

Joe Pacheco, of MBP Masonry, reviews the photographs and addressed the Board. The Board questions Mr. Pacheco.

The Board continues questioning Mr. Rodrigues and Mr. Pacheco.

Regarding Violation 4610, James White made a motion that, based on testimony presented, Violation 4610 did occur. The motion was seconded by Joseph Graziano. There was no opposition. Motion carried.

Regarding the penalty on Violation 4610 of \$600.00, James White made a motion, based on testimony of Mr. Pacheco and his diligence

in ensuring that no employees further get on a machine that are not licensed, that the fine of \$600.00 be upheld. The motion was seconded by Joseph Graziano. There was no opposition. Motion carried.

The recommendation will be forwarded to the Director.

Mr. Pacheco inquired if he could pay the fine today. Mr. Pacheco stated he will mail in the payment.

End of hearings.

****NEW BUSINESS****

David Rodrigues, Chief Hoisting Engineer Investigator, provides board members with a copy of the amended Rules and Regulations of the Board of Examiners of Hoisting Engineers that are set to go into effect July 15, 2013. Some of the amendments are discussed. James White points out a typographical error on Rule #2 Item (H). Valentino Lombardi informs the Board it can be corrected.

5. - Adjournment:

James Wolohoojian asked the Board if there was any objection to adjournment. There being no objection, the meeting adjourned at 10:25am.