

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, January 13, 2015

10:00am

In attendance:

Brian Iannuccillo

John Shaw

James White

James Woloohojian, Chair

Board members Joseph Graziano and Ellery Wood, Jr. were 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 10:09 am by James Woloohojian.

2. – Minutes of October 14, 2014 Meeting:

James White made a motion to accept the minutes to the meeting October 14, 2014 as presented; seconded by Brian Iannuccillo. There was no opposition. Motion carries.

3. - Conflict of Interest:

Valentino Lombardi, Legal Counsel, addressed the Board reminding board members that if they have any issues or conflicts with matters before the board and their obligation to disclose such conflicts and to recuse if necessary. Legal counsel is available for questions.

4. - Violation Appeal Hearings:

The Whiting-Turner Contracting Company – Violation 4952: Appeal withdrawn.

Stephen A. Roberts Landscape Architecture & Construction, LLC – Violation 5008: Respondent, Stephen A. Roberts Landscape Architecture & Construction, LLC does not appear. David M. Rodrigues, Chief Hoisting Engineer Investigator is sworn in for testimony. Chair Woloohojian reads the violation into the record.

**Steogeb A. Roberts Landscape Architecture & Construction, LLC –
1160 Bay St, Springfield, MA 01109**

Location of Violation: Balise Toyota of Warwick, 1400 Post Rd.,

Warwick, RI

Violation: On Tuesday, November 18, 2014, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Maynor Victorino Santizo Lopez, an employee of Stephen A. Roberts Landscape Architecture & Construction, LLC, 1160 Bay St., Springfield, MA 01109, operating a skid steer loader 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 provides testimony and is questioned by the Board.

The following are entered as exhibits:

Exhibit A – Packet of photographs

Exhibit B – Pictures of the 08/27/14 inspection

Exhibit C – USPS Tracking

Exhibit D – Stephen A. Roberts Landscape Architecture & Construction, LLC request for appeal.

Regarding Violation 5008, James White made a motion that a violation did occur; seconded by Brian Iannuccillo and passed with no opposition.

James White made a motion that the requested fine of \$1,150.00 be upheld; seconded by Brian Iannuccillo and passed with no

opposition.

The board's recommendation will be forwarded to the Director's office.

End of hearings

**5.) Update on recommended legislative changes pertaining to fines:
The Department is putting together legislation to increase all fines to be consistent with the plumbers and pipefitters. There is discussion.**

6. - Adjournment:

James White made a motion to adjourn. Brian Iannuccillo seconded the motion. There was no opposition. The meeting adjourned at 10:30am.