

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, December 8, 2015

10:00am

In attendance: James Grundy

Brian Iannuccillo

John Shaw, Designee

James White

James Woloohojian, Chair

Edward Zambrano

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

1. - Call to Order:

The meeting was called to order at 10:07 am by James Woloohojian.

2. – Minutes of October 13, 2015 Meeting:

James White made a motion to approve the minutes to the meeting

October 13, 2015 as presented; seconded by Brian Iannuccillo. All were in favor. 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:

All parties participating in hearings were sworn in for testimony: David Rodrigues, Chief Hoisting Engineer Investigator; Cesar Franco; Martin McKinney, Service Station Equipment, Inc.

Horan Building Company – Violation 5188 David Rodrigues informed the Board that this matter has been continued and will be rescheduled.

All-In Investments LLC -- Violation 5256

All-In Investments LLC representative did not appear for hearing. David Rodrigues confirmed notice of today's hearing was sent to All-In Investments LLC. A copy of the hearing notice for the December 8, 2015 hearing and a copy of signature card of delivery

receipt is entered as Exhibit A. The hearing continued in their absence.

Chairman Woloohojian read the violation.

LOCATION OF VIOLATION: Residential home, 282-284 Phillips Hill Rd.,
Coventry, RI

VIOLATION: On Thursday, July 2, 2015, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Brodrick L. Bedard, an employee of All-In Investments, LLC, 32 Brayton Ave., Warwick, RI 02886, 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 provided testimony and was questioned by the Board.

James White made a motion that Violation 5256 did occur based on Mr. Rodrigues's testimony. Brian Iannucillo seconded that motion. All were in favor. Motion passed.

James White made a motion to uphold the recommended fine of \$1,500.00 for Violation 5256. Brian Iannucillo seconded that motion.

All were in favor. Motion passed.

The recommendation will be forwarded to the Department.

Cesar Franco -- Violation 5317 Chairman Woloohojian read the violation.

LOCATION OF VIOLATION: Moses Brown School Boy's Baseball Field and Tennis Complex, Barnes St., Providence, RI

VIOLATION:

On Friday, August 28, 2015, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Cesar Franco, an employee of Green Acres Landscape & Construction Co. Inc., 21 Malbone St., Lakeville, MA 02347, operating a hydraulic excavator 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 provided testimony and was questioned by the Board. Two photographs of job site and equipment and one copy of Mr. Franco's photo id and copy of Massachusetts Hoisting License entered in as Exhibit A. Cesar Franco provided testimony and was questioned by the Board.

James White made a motion that Violation 5317 did occur based on

testimony given. James Grundy seconded that motion. All were in favor. Motion passed.

James White made a motion to uphold the recommended fine of \$1,500.00 for Violation 5317. Edward Zambarano seconded the motion. Vote was 4:1 with Brian Iannucillo opposed.

The recommendation will be forwarded to the Department.

Thomas C. Tullidge, Violation 5341 and Service Station Equipment Inc, Violation 5342

Attorney Joseph Pemantell represents Mr. Tullidge who was absent from this hearing. and Service Station Equipment Inc. Attorney Pemantell requested that the two violations be heard together.

Violation 5341 Thomas C. Tullidge

LOCATION OF VIOLATION: Bestway Gas Station, 280 Atwood Ave., Cranston, RI

VIOLATION: On Thursday, September 24, 2015, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Thomas C. Tullidge, an employee of Service Station Equipment, Inc., 33 Leffingwell Rd., Uncasville, CT 06382, operating a skid steer loader 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".

Violation 5342 – Service Station Equipment Inc.

LOCATION OF VIOLATION: Bestway Gas Station, 280 Atwood Ave., Cranston, RI

VIOLATION: On Thursday, September 24, 2015, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Thomas C. Tulledge, an employee of Service Station Equipment, Inc., 33 Leffingwell Rd., Uncasville, CT 06382, 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 provided testimony and was questioned by the Board. Two photographs of the equipment and one copy of Thomas C. Tulledge's photo id are marked as Exhibit A for both Violations 5341 and 5342.

Mr. Martin McKinney of Service Station Equipment, Inc., provided testimony and was questioned by the Board.

Attorney Joseph Pemantell addressed the Board.

Regarding Violation 5341, Thomas C. Tulledge, James White made a motion that a violation did occur based on testimony given. James Grundy seconded that motion. All were in favor. Motion passed.

Regarding the fine for Violation 5341, Thomas C. Tulledge, James White made a motion to assess a fine of \$750.00 and suspend \$750.00 for one (1) year pending no further violations and Thomas C. Tulledge be allowed to take the Hoisting Exam. Edward Zambarano seconded the motion. All were in favor. Motion passed.

Regarding Violation 5342, Service Station Equipment, Inc., James White made a motion that a violation did occur based on testimony given. Edward Zambarano seconded that motion. All were in favor. Motion passed.

Regarding the fine for Violation 5342, Service Station Equipment, Inc., James Grundy made a motion to uphold the recommended find of \$1,500.00. James White seconded that motion. All were in favor. Motion passed.

The recommendation will be forwarded to the Department.

5.) Public Comments: None

David Rodrigues notified the Board that the meeting day will be

changed from Tuesdays to Wednesdays going forward.

6.) Adjournment:

Chair Woloohojian asks if there is any objection to the adjournment of the meeting. There being no objection, the meeting adjourned at 10:43am.