

**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**

**Wednesday, June 8, 2016**

**10:00am**

**In attendance:**

**James Grundy**

**Brian Iannuccillo**

**James Woloohojian, Chair**

**James White**

**Edward Zambrano**

**John Shaw, Designee was not in attendance.**

**Also in attendance were David Rodrigues, Chief Hoisting Engineer Investigator and Sean Fontes, Executive Counsel-DLT.**

**1. - Call to Order: The meeting was called to order at 10:03 am by James Woloohojian.**

**2. – Minutes of March 9, 2016: James Grundy made a motion to approve the minutes to the meeting March 9, 2016 as presented; seconded by James White. All were in favor. Motion carries.**

**3. - Conflict of Interest: Sean Fontes, Executive 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.**

**5. - Violation Appeal Hearings:**

**Akshaj Hospitality LLC – Violation 5465 Mayurkumar Patel was in attendance.**

**James Woloohojian reads Violation 5465 into the record.**

**LOCATION OF VIOLATION: Hampton Inn, 2 George Street, Pawtucket, RI 02860**

**VIOLATION:**

**On Thursday, April 14, 2016, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed an unoccupied construction forklift**

**in a working position, raised to the second floor of the building at the above location. While questioning the workers at the site Mr. Alvaro Ramirez Gonzales the owner of Vayo Drywall, LLC, 3 Lions Ave., Apt. #6, Hudson, NH 03051, admitted to operating the construction forklift. After further questioning it was found that Mr. Alvaro Ramirez Gonzales did not possess a valid RI Hoisting Engineer's License. Akshaj Hospitality, LLC, sub- contracted with Vayo Drywall, LLC, to perform said work. According to RIGL 28-26-12 "Investigation and Prosecution of Violations", this is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery".**

**David Rodrigues, Chief Hoisting Engineer Investigator, provides testimony and is questioned by the Board.**

**David Rodrigues enters four (4) photographs into the record as Exhibit A.**

**Mayurkumar Patel provides testimony and is questioned by the Board.**

**Regarding Violation 5465, James Grundy made a motion that a violation did occur based on the testimony of the witness; seconded by James White and passed unanimously by the Board. Motion carries.**

**Regarding the fine for Violation 5465, James White made a motion to**

**uphold the fine of \$1,500.00; seconded by James Grundy and passed unanimously by the Board. Motion carries.**

**The recommendation will be forwarded to the Department.**

**Akshaj Hospitality LLC – Violation 5481 Mayurkumar Patel was in attendance.**

**James Woloohojian reads Violation 5481 into the record.**

**LOCATION OF VIOLATION: Hampton Inn, 2 George Street, Pawtucket, RI 02860**

**On Monday, May 9, 2016, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed, Robert A. Benedict II an employee of D&O Excavating & Demolition, LLC, 19 Cadwell Place, Branford, CT, 06405, operating a hydraulic excavator without a valid RI Hoisting Engineer's License at the above job location. Akshaj Hospitality, LLC, sub-contracted with D&O Excavating & Demolition, LLC, to perform said work. According to RIGL 28-26-12 "Investigation and Prosecution of Violations", this is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery". This is the second Hoisting Engineer license violation issued to Akshaj Hospitality, LLC. On April 4, 2016, a violation for the amount of \$1500.00 was issued at this same job location.**

**David Rodrigues, Chief Hoisting Engineer Investigator, provides testimony and is questioned by the Board.**

**David Rodrigues enters four (4) photographs into the record as Exhibit A.**

**Mayurkumar Patel provides testimony and is questioned by the Board.**

**Regarding Violation 5481, James Grundy made a motion that a violation did occur. James White seconded that motion based on testimony given by the witness and passed unanimously by the Board. Motion carries.**

**Regarding the fine for Violation 5481, James White upheld the fine in the amount of \$2,000.00 based on its willful nature; seconded by Edward Zambarano and passed unanimously by the Board. Motion carries.**

**The recommendation will be forwarded to the Department.**

**Francis X Flynn-Wood River Industries – Violation 5458 Francis X. Flynn was in attendance.**

**On Thursday, April 14, 2016, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Francis X. Flynn the owner and operator of Wood River Industries operating a hydraulic excavator 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, Chief Hoisting Engineer Investigator, provides testimony and is questioned by the Board.**

**David Rodrigues, Chief Hoisting Engineer Investigator, provides testimony and is questioned by the Board.**

**David Rodrigues enters four (4) photographs into the record as Exhibit A and one (1) copy of the application for exam as Exhibit B.**

**Regarding Violation 5458, Edward Zambarano made a motion that a violation did occur based on the testimony given by the witness; seconded by James White and passed unanimously by the Board. Motion carries.**

**Regarding the penalty for Violation 5458, James White made a motion to suspend the fine of \$1,500.00 for one (1) year pending no further violations; seconded by Brian Iannuccillo and passed unanimously**

**by the Board. Motion carries.**

**The recommendation will be forwarded to the Department.**

**6.) Public Comments: None**

**7.) Adjournment: Motion to adjourn made by James White; seconded by James Grundy. All were in favor. The meeting adjourned at 11:07am.**