

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
SAFETY AWARENESS BOARD
1511 PONTIAC AVENUE
Building 70 – 2nd Floor Conference Room
Cranston, RI 02920**

WEDNESDAY, SEPTEMBER 12, 2007

In attendance: Joseph Sabitoni, Chairperson

Edgar Ladouceur

Nicholas Giardino

Bernard Trembl

Timothy Byrne

Robin Coia

Eric Anderson

Wayne Coulombe

Karl Swanson

E. Patrick Luther

Not in attendance: James Jackson

Legal Representation: Ben Cople, RIDLT and Valentino Lombardi

Mr. Joseph Sabitoni called the meeting to order at 8:13 am. There was Quorum today. They were sworn in by the Board stenographer.

Mr. Sabitoni asked the Board members if they had reviewed the minutes from August 8, 2007. Robin Coia made a motion to accept the minutes. Eric Anderson seconded the motion. The minutes from the previous meeting (July 11, 2007) were also approved because there was no Quorum at the last meeting. Mr. Bernard Trembl made a motion to accept the minutes of July 11, 2007; Mr. Nicholas Giardino seconded the motion.

There were two hearings scheduled for today and Gilbane – Violation No. 3212 that was tabled from last month’s meeting, that testimony was taken, but no Quorum.

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1. Cumplido Painting & Renovations/John Ospina – Violation #3232

E. Patrick Luther, Karl Swanson, and William Cumplido, President of

Cumplido Painting and Renovations were sworn in by the Board Stenographer.

Mr. Joseph Sabitoni, Chairperson read the violation: On June 19, 2007, Department of Labor & Training Investigator, E. Patrick Luther visited Burrillville School, Levy Rink, 26 East Avenue, Burrillville, RI 02830, and found John Ospina, 58 Cleveland Street, 1st Floor, Pawtucket, RI 02860 an employee of Cumplido Painting & Renovations, 21 Bullock Street, Pawtucket, RI 02860 working at the above job location without an OSHA-10 hour Certification card. This is one (1) violation of RIGL 37-23-1 "Safety Awareness Program Required."

E. Patrick Luther, RIDLT Chief Plumbing Investigator gave testimony stating Mr. Ospina did not have the OSHA card at the time he arrived on the job site. E. Patrick Luther did return to the job site later on (maybe one month later) and Mr. Ospina did have his OSHA card on him.

Mr. Cumplido, President of Cumplido Painting & Renovations stated that Mr. Ospina did have his training, and that the Union did not send out his card at the time the Investigator showed up on the job. Mr. Cumplido and Mr. Ospina forgot to pick up the card. Due to lack of language barrier, it was E. Patrick Luther's understanding that Mr. Ospina had not taken the training. Mr. Cumplido did supply the Board with Mr. Ospina's OSHA card, which the date on the card, was

previous to the time E. Patrick Luther, RIDLT Investigator showed up on the job site. Mr. E. Patrick Luther will check into whether the card was authentic and the training was done by Mr. Ospino prior to the date the Investigator showed up on the job. (Mr. E. Patrick Luther did validate this before the Board meeting was over.)

Based on the testimony presented today, Mr. Nicholas Giardino motioned to suspend the fine and Mr. Eric Anderson seconded the motion. All Board members were in favor. Motion carried to suspend the violation for one year and that a recommendation will be made to the Director to suspend the violation for one year.

2. Costa Brother Masonry, Inc. – Violation No. 3211

Mr. Karl Swanson read the violation: On May 23, 2007, Department of Labor & Training Investigators, Lisa Tirocchi and Karl Swanson, visited the New Youth Assessment Facility, Power Road, Cranston, RI and interviewed Robert J. Clark and Robert L. Vanbiber, Jr., employees of Masonry Cosmetics, Inc. These individuals were working at the above job location without an OSHA-10 hour Certification. This is one (1) violation of RIGL 37-23-1 “Safety Awareness Program Required.”

Mr. Mike Costa was sworn in by the Board stenographer.

Based on the testimony and facts brought before the Board today, Mr. Wayne Coulombe made a motion to dismiss violation No. 3211. Mr. Edgar Ladouceur seconded the motion. All Board members were in favor. A recommendation will be made to the Director to dismiss the violation on Costa Brothers.

3. Gilbane Building Company #3212 (Testimony/facts was tabled to this month's meeting, since there was no Quorum at last month's meeting)

Mr. Joseph Sabitoni, Chairperson asked if everyone had read the transcript from last month's meeting.

Robin Coia made a motion based on the facts, testimony, and evidence that was given at our previous meeting, that we suspend violation No. 3212 for Gilbane Building Company and that a recommendation be made to the Director to suspend the violation for 1 year. Mr. Nicholas Giardino seconded the motion. All board members were in favor. A recommendation will be made to the Director to suspend the violation for 1 year.

That concluded the hearings for today.

Other Business:

Mr. Joseph Sabitoni mentioned to the Board that he had a meeting on Monday, and that Board members whose expiration is coming up, should send in a resume and Letter of Intent to stay on the Board. Those who have already submitted letters and/or resumes are all set.

Director will be setting up classes/training programs on procedures, questions, etc. on the proper running of all of the Boards. The training will probably given in the morning for a couple of hours and then the training will probably be held twice, according our Legal Counsel, Ben Copple. The Board members will be receive a letter regarding where and when the training will take place.

There was no further business before the Board. Board meeting was adjourned at 8:45 am.

Minutes respectively submitted by Elaine Heiss, September 12, 2007.

The next Safety and Awareness Board meeting will be held on October 10, 2007 at 8:00 am.