

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF SAFETY AWARENESS**

Wednesday, December 11, 2013

8:30 A.M.

In attendance: Eric Anderson

Timothy Byrne

Robin Coia

Nicholas Giardino

James Jackson

Joseph Sabitoni, Chair

Bernard Trembl

Wayne Coulombe and Edgar Ladouceur were not in attendance.

Also in attendance: Mark Ryan; Prevailing Wage Investigator; Lisa Tirocchi, Chief Prevailing Wage Investigator; John Shaw, Administrator; and Angelyne Cooper, DLT Legal Counsel.

1. CALL TO ORDER: Meeting was called to order at 8:41am by Joseph Sabitoni. A quorum was present. All board members are in attendance with the exception of Wayne Coulombe and Edgar Ladouceur who are excused.

2. REVIEW & APPROVE MEETING MINUTES: Regarding the minutes of the October 10, 2012 meeting; Timothy Byrne made a motion to accept the minutes as presented; seconded by Bernard Trembl and passed unanimously by the Board.

3. HEARINGS:

1.) R.A.D. Sports Corp (Violation 4691): Amanda Nelson, R.A.D. Sports Corp, and Mark T. Ryan, Investigator, are sworn in for testimony. Mark Ryan presents the violation.

Violation: On September 27th 2013, Mr. Mark T. Ryan, Prevailing Wage Investigator, visited the above mentioned public works job site and interviewed Andablo Cesar and Herman Fonseca Villeda of The Cape & Island Corp. These individuals were working on the project without OSHA-10 hour certification. This is a violation of RIGL 37-23-1 "Safety Awareness Program Required".

Mark T. Ryan, Investigator, provides testimony.

Amanda Nelson of R.A.D. Sports Corp provides testimony. Ms. Nelson submits documents regarding R.A.D. Sports Corp OSHA violation history from the US Department of Labor as Exhibit A. Ms. Nelson submits copies of the Craigslist employment advertisement

for the project as Exhibit B (2 pages). Board members review exhibits. Testimony continued. Ms. Nelson is questioned by the Board.

Based on testimony presented, Nicholas Giardino made a motion that Violation 4691 did occur as stated by Mr. Ryan. The motion was seconded by Robin Coia. There was no opposition. Motion carries.

Based on the testimony that R.A.D. was aware of the regulation, but doesn't appear to make the information specifically known to The Cape & Island Corp, Nicholas Giardino made a motion that the fine of \$1,000.00 be upheld. The motion was seconded by James Jackson. There was no opposition. Motion carries.

The recommendation will be forwarded to the Director.

****NEW BUSINESS**

Mark Ryan addressed the board on meeting frequency. There is discussion. Chair Sabitoni recommends the Board meet at least quarterly moving forward. Discussion continued.

4. **ADJOURNMENT:** Nicholas Giardino made a motion to adjourn; seconded by Bernard Trembl and passed unanimously by the Board. The meeting adjourned at 8:57am.