

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF SAFETY AWARENESS
Wednesday, August 13, 2014
8:30 A.M.**

In attendance: Eric Anderson

Robin Coia

Edgar Ladouceur

Joseph Sabitoni, Chair

Bernard Trembl

Timothy Byrne, Wayne Coulombe, Nicholas Giardino and James Jackson were not in attendance.

Also in attendance: Mark Ryan, Prevailing Wage Investigator; John Shaw, Administrator; and Mary Ellen McQueeney-Lally, DLT Legal Counsel.

1. CALL TO ORDER: Meeting was called to order at 8:35am by Joseph Sabitoni. A quorum was present. All board members are in attendance with the exception of Timothy Byrne, Wayne Coulombe, Nicholas Giardino and James Jackson who are excused.

2. REVIEW & APPROVE MEETING MINUTES: Regarding the minutes of the December 11, 2013 meeting; Eric Anderson made a motion to accept the minutes as presented; seconded by Edgar Ladouceur and passed unanimously by the Board.

3. HEARINGS:

1.) Frank Lombardo and Sons, Inc. – Violation #4902: Frank Lombardo, of Frank Lombardo and Sons, Inc., and Mark T. Ryan, Investigator, are sworn in for testimony. Mark Ryan presents the violation.

Violation: On June 13, 2014, Mr. Mark T. Ryan, Prevailing Wage Investigator, visited the Rhode Island College Art Center project, valued at \$16 million, and interviewed Rene Nunez of Frank Lombardo and Sons, Inc. This individual was working on the project without OSHA-10 hour certification. This is a violation of RIGL 37-23-1 “Safety Awareness Program Required”.

Frank Lombardo and Sons, Inc. was a subcontractor to Delta Mechanical Contractors, LLC; as Delta Mechanical Contractors, LLC was a subcontractor to Iron Construction Group LLC.

Frank Lombardo, of Frank Lombardo and Sons, Inc., provides testimony and is questioned by the Board. Mark Ryan is also

questioned by the Board.

The board has discussion. The Board continued questioning parties.

Edgar Ladouceur made a motion that the violation be dismissed based upon evidence and testimony given with the stipulation that, should Frank Lombardo and Sons, Inc. have a future violation the maximum fine would be imposed. There was no second. Motion failed.

Robin Coia made a motion that a violation of the Safety Awareness law did take place and uphold the violation. The motion was seconded by Eric Anderson. Eric Anderson, Robin Coia and Bernard Trembl voted in favor and Edgar Ladouceur abstained. Motion carried.

Eric Anderson made a motion that the fine of \$500.00 be levied. The motion was seconded by Robin Coia. Eric Anderson, Robin Coia and Bernard Trembl voted in favor and Edgar Ladouceur abstained. Motion carried.

The recommendation will be forwarded to the Director.

****FOR INFORMATION: Mark Ryan informed the board that next meeting is scheduled for September 10, 2014.**

4. ADJOURNMENT: Bernard Trembl made a motion to adjourn; seconded by Eric Anderson and passed unanimously by the Board. The meeting adjourned at 8:50am.