

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
HOISTING ENGINEERS EXAMINING BOARD
TUESDAY, DECEMBER 13, 2005
10:00 A.M.**

In attendance: David Rodrigues

Benjamin Anthony

Kathryn Serrecchia

John Shaw

David Rodrigues, Chairperson, called the meeting to order at 10:15 a.m.

The above members were present for today's meeting. Members absent for today's meeting were David Burnham, Ellery Wood, and the vacant board member. There was a quorum.

The first order of business would be acceptance of the minutes of the previous month's meeting. However, there was no meeting in November, and therefore no minutes to be approved.

As the Board stands now, there is a quorum, however, since David Rodrigues was the investigator of these alleged violations, he has to recuse himself from voting on the appeal of violation, and therefore, there is no quorum. The Board gave an option to the individuals

present to either make testimony under oath with a record of the proceedings from the court reporter, and the decisions will be voted on at a later date when there is a quorum, or to postpone the hearings until a later date when there is a quorum of the Board present. All individuals agreed to make testimony today. These individuals were informed that they will be invited to be present for the next month's meeting when voting will occur.

Mr. Rodrigues turned over the Chair of the meeting to Mr. Benjamin Anthony.

The first hearing on the agenda pertains to Mutual Properties, Inc. The court reporter swore in Mr. Rodrigues, Mr. John Ledversis of Dig Safe, Mr. Stephen Soscia, Owner of Mutual Properties, Inc., Mr. Steven Jackson, Superintendent of Mutual Properties, Inc., and Mr. Antonio Soave, employee of Mutual Properties, Inc.

Mr. Soscia informed the Board that the documentation sent to him was addressed to Mutual Properties Associates. Just for clarification of future documentation, the correct name of his company is Mutual Properties, Inc.

Mr. Anthony asked Mr. Rodrigues to read the violation. On October 6, 2005, Mr. Rodrigues was informed by his Administrator, Ronald R. D'Ambruoso, that an accident had occurred at the Rivers Edge Apartments, on 1735 Main Street, West Warwick, RI involving a loader

backhoe hitting a gas line on October 5, 2005. The loader backhoe was operated by Mr. Antonio Soave, an employee of Mutual Properties, Inc. who does not possess a valid RI hoisting engineers license to perform this work. Mr. Rodrigues stated that he did not actually witness Mr. Soave operating the loader backhoe, however, after interviewing Mr. Steven Jackson, Superintendent on the job, he was informed that Mr. Soave was in fact the individual operating the equipment when the accident occurred.

There were no questions for Mr. Rodrigues.

Mr. Steven Jackson, Superintendent stated that they were setting curbs that day. They were digging the trenches by hand because they were aware that there were gas lines underneath. At the time the accident occurred, Mr. Jackson was at the trailer, and one of the laborer's came down to tell him about the accident. At that time, he was informed that Mr. Soave had operated the loader backhoe and hit the gas line. They do have a licensed operator, but he was not there at the time. Mr. Soave probably wanted to move something. Mr. Jackson did not tell him to operate the backhoe, nor was he aware of it until the accident occurred.

Mr. Don Ledversis of Dig Safe stated that there is a law that requires whenever a gas line is hit, Dig Safe must be contacted to investigate it. When this accident occurred on October 5, 2005, Dig Safe was

contacted, and when Mr. Ledversis investigated the accident he did not see anyone operating a backhoe. Mr. Ledversis provided the Board with pictures of the accident. Those pictures were entered by the court reporter as exhibits. There were some questions by the individuals representing Mutual Properties, Inc. because Mr. Soave stated that he only scratched the dirt with the backhoe. He did not go down more than eight (8) inches when he hit the gas line, and Mr. Jackson confirmed this. Mr. Ledversis stated that over years, construction takes place and the depth of the gas lines change. Dig Safe has no authority over the depth of gas lines after the initial construction takes place. They have some gas lines at URI that are only two (2) inches below the surface. That is why it is so important to contact Dig Safe.

Mr. Stephen Soscia is President of Mutual Properties, Inc. and is also a partner of the Rivers Edge Apartment Complex. Mr. Soscia stated that he was not present at the time the accident occurred, however, he was aware that they were going to be setting some pieces of curbing. Mr. Soscia stated that he was involved with the original construction of this property, and as such was aware of the gas line. However, they were supposed to be digging the trench by hand. Mr. Soscia and Mr. Geoffrey Lemieux are the only licensed backhoe operators. Mr. Lemieux's job that day was to move and set the curb stones. Mr. Soscia has never had any violations in the past with either the Department of Labor & Training or Dig Safe.

Mr. Soave stated that he just scratched the dirt. The gas line was buried very shallow. Mr. Ledversis stated that the gas line was constructed in 1989. Mr. Jackson stated that it was about an hour before the gas was shut off, and the fire department showed up after about an hour as well. Mr. Rodrigues stated that the gas line was within 100 feet of the apartment complex, and the fire department had to shower the break with water.

There were no further questions.

Mr. Anthony informed the individuals representing Mutual Properties, Inc. that they have everyone's testimony, and when the Board meets in January, if there is a quorum, they will render a decision. Mr. Anthony then turned the Chair of the meeting back over to Mr. Rodrigues.

Mr. Rodrigues informed the Board that a second hearing was scheduled for today pertaining to TRB Development Group, Inc. Mr. Barry Boisvert was in attendance to represent TRB Development Group, Inc. Mr. Boisvert stated that there was a miscommunication in his office. Originally, they wanted to appeal the violation based on a couple of facts, however, when the cease and desist order came in, the fine was paid immediately, and they decided not to appeal.

Mr. Boisvert did want to address the Board regarding this matter

because although the individual cited did not possess a valid Rhode Island hoisting engineers license, he does possess certifications from New Hampshire where the company is located. It was not their intent to come to Rhode Island and not comply, but they thought their certification in New Hampshire covered them. They have been in touch with Mr. Rodrigues, and have had their people tested and licensed, and they are now in compliance.

There was no further business before the board.

A motion to adjourn was made by Mr. Anthony at 10:45 a.m., and seconded by Mr. John Shaw. All members voted in favor.

The next meeting of the Board of Examiners of Hoisting Engineers is scheduled for Tuesday, January 10, 2006 at 10:00 a.m. in Building #70 of the Department of Labor & Training, second floor conference room, 1511 Pontiac Avenue, Cranston, RI 02920.