

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING  
DIVISION OF PROFESSIONAL REGULATION  
HOISTING ENGINEERS EXAMINING BOARD  
TUESDAY, JANUARY 11, 2005  
10:00 A.M.**

**In attendance: David Rodrigues**

**David Burnham**

**Ellery Wood**

**Benjamin Anthony**

**John Shaw**

**David Rodrigues, Chairperson, called the meeting to order at 10:05 a.m. There is a quorum. The only member not present today is Kathy Serrecchia.**

**The first order of business is acceptance of the minutes of the previous meeting, held on Tuesday, December 14, 2004. Mr. Rodrigues asked if everyone had an opportunity to review the minutes, and they had. Mr. Burnham made a motion to accept the minutes as submitted. Ellery Wood seconded the motion. All members voted in favor.**

**There are no appeal hearings scheduled for today.**

**Mr. Rodrigues informed the Board that Valentino Lombardi, Legal**

**Counsel for the Department requested to address the Board today regarding procedures to follow during hearings.**

**Mr. Lombardi informed the Board that he has been speaking to all Board members to clear up the legal proceedings regarding appeals. It is important to create a good record here at this level of an appeal.**

- 1. An individual comes in because they have been sited.**
- 2. The investigator should read the violation.**
- 3. The Board then hears testimony under oath by the investigator.**
- 4. Members of the Board, the respondent and/or his or her attorney can question the investigator at that time.**
- 5. The respondent then testifies as to their side of the story, and the members of the Board can question the respondent.**
- 6. After the questioning is closed, the Board can discuss what is going on. At that time, the Board can raise up the issues as to what is and what is not allowed, and/or what the interpretation of the law is, etc.**
- 7. Then a motion needs to be made. When making a motion, the motion should consist of the findings of fact (Example: Make a motion that based on the testimony and evidence presented, the individual was running said equipment at said location without a valid license, and I find that he violated the law, and recommend to the Director of Labor and Training that he be fined said amount or said fine in the amount of \_\_\_\_\_ be suspended for a 12 month period pending any further violation.). The motion should be seconded and**

**voted on.**

**8. The respondent should be informed that this is what will be recommended to the Director, and the Director will make the final decision.**

**There was no further business before the Board.**

**Mr. Wood made a motion to adjourn at 10:30 a.m. Mr. Shaw seconded the motion. All members voted in favor.**

**The next meeting of the Board of Examiners of Hoisting Engineers is scheduled for Tuesday, February 8, 2005 at 10:00 a.m. in Building #70 of the Department of Labor & Training, second floor conference room, 1511 Pontiac Avenue, Cranston, RI 02920.**