

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF HOISTING
1511 PONTIAC AVENUE
Building 71 – 2nd Floor Conference Room
Cranston, RI 02920**

TUESDAY, MARCH 13, 2007

In Attendance: Benjamin Anthony

Ellery Wood, Jr.

David Burnham

David Rodrigues

Not In Attendance: John Shaw, Kathy Serrecchia

Mr. David Burnham called the meeting to order at 10:10 a.m.

There was no Quorum today.

Mr. Burnham did not make a motion to accept the minutes from January 9th's meeting as there was no quorum. Minutes will be reviewed and approved at the next Board meeting.

There are two hearings today and have been previously been sworn

in by the board stenographer. David Burnham, Chairperson explained to Steven Kent, Sr., Steven Kent Jr., and Richard Page that they could give testimony, and/or since there was no quorum, they can come before the Board at our next Board meeting. They decided to give testimony. David Burnham explained to them that they would hear testimony, but the Board would review the transcript from the Board Stenographer at our next Board meeting and a recommendation would be made to the Director.

1. Hearing Kentco Development, Inc. (#3054)

RIDLT Investigator, David Rodrigues and Steven Kent, Sr. of Kentco Development, Inc. is present today to provide testimony and have been previously been sworn in by the stenographer.

Mr. Rodrigues explained that the RIDLT got an anonymous phone call on January 5, 2007 and Mr. David Rodrigues witnessed that Steven A. Kent, Jr. was operating a hydraulic excavator without a valid RI Hoisting Engineer's license.

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Mr. Rodrigues read the violation: Location of violation was New House Lot, Main Street (between #1505 and #1525), Coventry, RI Chief

Hoisting Engineer Investigator did witness an employee, Steven A. Kent, Jr. and employee of Kentco Development, Inc., 56 Maple Street, Warwick, RI 02888, operating a hydraulic excavator without a valid RI Hoisting Engineer's License at the above location. According to RIGL 28-26-12 "Investigation and Prosecution of Violation", this is 1 (one) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery."

Mr. Steven Kent, Sr. testified for Mr. Richard Page and Mr. Steven A. Kent, Jr. (#3052) who were present at the meeting.

Mr. Steven Kent, Sr., testified that the machine is owned by Kentco Development, Inc. (Rental Company) and that Mr. Richard Page works for Kentco Development, Inc. and has a license to operate the machinery.

Mr. Steven Kent, Sr. also testified that Steven A. Kent, Jr. was working on a wood chipper that does not require a license to operate, and other than that, Mr. Richard Page does all the work.

Mr. David Rodrigues explained to Mr. Steven Kent, Sr., Mr. Steven Kent, Jr. and Mr. Richard Page that the only people exempt from requiring a license is the Farm, (Agriculture), Marine Fishermen, and United States Government employees. Other than that, private property requires the use of a license. David Burnham reported that if you are an owner of the equipment or you are a private individual,

you need to be licensed.

Mr. Richard Page reported that he has known Mr. Steven A. Kent, Jr. all of his life and that Steven wants to learn the trade, but how can he learn the trade on the job if he is not able to use his skills on the job. Mr. Page stated that he just ran to the store to pickup materials while Steven Kent, Jr. was left on the job unsupervised. Mr. Burnham reported that Mr. Kent, Jr. is required to take a Hoisting exam that pertains to Dig Safe and OSHA laws, which are on the written exam and needs the required license to operate machinery and that you cannot just depend on the skills that you have experienced on the job.

Mr. David Burnham reported that if there is no other testimony to be made, that the testimony given will be reviewed by the Board members from the transcript from the court reporter and that a recommendation will then be made to the Director.

Mr. Burnham made a motion that the meeting was adjourned at 10:35 a.m.

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The next meeting of the Hoisting Board is April 10, 2007 at 10:00 a.m.

in Building #70, of the Department of Labor and Training, second floor conference room, 1511 Pontiac Avenue, Cranston, RI 02920.

Respectively submitted by Elaine J. Heiss, March 13, 2007.