

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

TUESDAY, APRIL 10, 2007

In Attendance: Benjamin Anthony

Ellery Wood, Jr.

David Burnham

David Rodrigues

John Shaw

Not In Attendance: Kathy Serrecchia

Mr. David Burnham called the meeting to order at 10:02 a.m.

There was a Quorum today.

Mr. Burnham, Chair asked if someone would make a motion to accept the minutes from January 9th's meeting as there was no quorum at our last meeting to accept the minutes. Ellery Wood made a motion to accept the minutes of January 9th's meeting. John Shaw

seconded the motion. All members were in favor. David Burnham made a correction to the March 13th minutes to reflect that he had said the meeting was over. This change reflects an amendment to the March 13th minutes. Ellery Wood made a motion to accept the March 13th minutes. Benjamin Anthony seconded the motion. All members were in favor, and the motion carried.

There were two hearings that were previously sworn in by the board stenographer at last month's meeting, and because there was no Quorum, recommendations to the Director will take place at this meeting. David Burnham, explained that there were two violations that occurred and brought before this Board for a recommendation to the Director, since there was no Quorum at last month's meeting.

1. Kentco Development, Inc. (#3054)

RIDLT Investigator, David Rodrigues and Steven Kent, Sr. of Kentco Development, Inc. were present at last month's meeting to provide testimony and were previously sworn in by the stenographer.

Mr. Rodrigues explained that the RIDLT received 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.

Notice of violations and the Stenographer's transcript were mailed to all Board members for review for this month's Board meeting.

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."

It was found by the Board that a Finding of Fact did occur on January 25, 2007, Violation #28-26-12 and violation #28-26-5, Kentco Development, Inc., (# 3054) 56 Maple Street, Warwick, RI 02888. Based on testimony heard before the Board, Ellery Wood made a motion to have the fine stand. After further discussion by the Board, John Shaw made a motion to suspend the violation for a period of 12 months. Ellery Wood seconded the motion. All members were in favor.

John Shaw made a motion to suspend RIGL 28-26-11 in the amount of \$600 for a period of 12 months. Ellery Wood seconded the motion. All members were in favor and the motion carried.

2. Steven A. Kent, Jr. (#3052)

After reviewing the previous transcript from the Stenographer at last month's meeting Benjamin Anthony made a motion that a finding of fact did occur and there was a violation of RIGL 28-26-5 and that the violation be suspended for a 12-month period. Ellery Wood Seconded the motion. All other members were in favor.

Benjamin Anthony made a motion to suspend the \$300 fine regarding violation No. 28-26-11 for a period of a 12-month period. Ellery Wood seconded the motion. All members were in favor.

New Business:

Election of Officers:

Election of Chairman and Secretary was being held at this meeting since there was no Quorum at our last meeting, and the meeting in February had been cancelled.

Ellery Wood made a motion to re-elect David Burnham as Chairperson, and Benjamin Anthony seconded the motion. All other members were in favor. Motion carried.

John Shaw made a motion to elect Benjamin Anthony as Secretary. Ellery Wood seconded the motion. All other members were in favor. Motion carried.

Learner's Permit:

Discussion was made by the Board regarding a provision in our regulations that provide a legal means of gaining experience operating excavating and/or hoisting machinery. Learners Registration/Permit for the purpose of learning the trade must make application to the Division of Professional Regulation to register for a learner's permit. Said person must be at least eighteen (18) years old and have the written permission of the owner/lessee of the equipment to take instruction(s) in its safe operation and is operating the same while under the direct supervision of a person duly licensed under the provisions of the rules and regulations. The instructor must be in direct charge of the trainee and be on site while the trainee is operating machinery. Board would like to make an amendment to the rules and regulations that penalty charges that if the trainee/or instructor do not follow this rule, both will be subject to a penalty under Section 28-16-11. David Rodrigues will put together penalty

charges for our next meeting. This issue will again be placed on the agenda for May.

There was no other business before the Board.

-4-

Ellery Wood made a motion to adjourn the meeting, and Ben Anthony seconded the motion. Meeting was adjourned at 10:50 a.m.

The next meeting of the Hoisting Board is May 8, 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, April 10, 2007.