

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
BOARD OF EXAMINERS OF HOISTING ENGINEERS
1511 PONTIAC AVENUE
Building 70 – 2nd Floor Conference Room
Cranston, RI 02920**

TUESDAY, NOVEMBER 13, 2007

In Attendance:

David Burnham, Chairperson

David Rodrigues

Ellery Wood, Jr.

Ronald D'Ambruoso, Designee

James Woloohojian

Glenn Dusablon

Benjamin Copple, Esquire

David Burnham, Chairperson, called the meeting to order at 10:02am.

There was a Quorum today.

David Burnham explained to guests that were present for the hearings just how the Board is run and what is expected to transpire here today.

David Burnham, Chairperson asked if everyone had reviewed the minutes from September 11, 2007 meeting. Ellery Wood made a motion to accept the minutes, and David Burnham seconded the motion. All were in favor. Motion carried.

There were five hearings that are schedule for today. Those present will be sworn in on an individual basis pertaining to the violation.

1. Calson Construction Corporation #3294

David Rodrigues, Investigator and George A. Calcagni were sworn in by the Board Stenographer.

David Rodrigues read the violation: Location of the violation: Hampton Inn. 20 Commerce Drive, South Kingstown, RI. On Thursday, September 6, 2007, at 2:30 pm Mr. David Rodrigues, Chief Hoisting Engineer Investigator, witnessed Isidro Reyes, an employee of Calson Construction Corporation, 34 Oakdale Avenue, Johnston, RI 02919, operating a construction forklift without a valid RI Hoisting Engineer's license at Hampton Inn, 20 Commerce Drive, South Kingstown. According to RIGL 28-26-12 "Investigation and Prosecution of Violation," this is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery."

David Rodrigues mentioned to the Board that Calson Construction Corporation was issued a suspended fine for one (1) year on violation on No. 2689 on June 13, 2006. This is a second violation for Calson Construction Corporation.

Based on the facts and testimony presented today before the Board, Ronald D'Ambruoso made a motion that a finding of fact did occur on violation No. 3294, on September 6, 2007, and that David Rodrigues did witness Isidro Reyes, an employee of Calson Construction Corporation, working without a license at the Hampton Inn. James Woloohojian seconded the motion. Board members were in favor. Motion carried.

James Woloohojian made a motion that the penalty of \$1,150, RIGL 28-26-11 as written be enforced, since this is a second violation. Ellery Wood seconded the motion. All Board members were in favor. Motion carried.

2. Isidro Reyes #3293

Isidro Reyes was not present for today's hearing.

3. Raymond Deroche, II #3295

John Carnevale, who works for Humphrey Excavating was here to

represent Raymond Deroche, II and Humphrey Excavating and was sworn in by the Board Stenographer. Glenn Dusablon, Chief Electrical Investigator was sworn in by the Board stenographer. David Rodrigues was previously sworn in by the Board Stenographer.

Glenn Dusablon stated that on Friday, September 7, 2007, witnessed Raymond J. Deroche, II, an employee of Humphrey's Excavating, 202 Simmonsville Avenue, Johnston, RI 02919, operating a hydraulic excavator without a valid RI Hoisting Engineer's license at Benjamin Church Manor, 1014 Hope Street, Bristol, RI. This is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery."

Mr. Dusablon stated that he was called to this site by the Town Inspector originally because electrical work was being performed without a license. They were digging up existing wiring, slicing the wiring, and putting the wiring back into the ground. When Mr. Dusablon went to the site that is when he witnessed Raymond Deroche operating a hydraulic excavator without a valid RI Hoisting Engineer's license.

Mr. Rodrigues stated that on May 10, 2006, Mr. Carnevale was given a verbal warning for someone that did not have a current license. To this date, Mr. Deroche, II does not have a license.

Based on the facts and testimony heard at the Hoisting Engineer's Board today, James Woloohojian made a motion that a finding of fact on Violation #3295, RIGL 28-26-5 did occur. Ellery Wood seconded the motion. All were in favor. Motion carried.

Ronald D'Ambruoso made a motion to suspend \$300 fine, RIGL 28-26-11 for one year, since this is his first offense. James Woloohojian seconded the motion. All were in favor. Motion carried.

4. Humphrey's Excavating #3297

John Carnevale and Glenn Dusablon were previously sworn in by the Board Stenographer.

This was the same job location and the same incident as Raymond J. Deroche, II.

Glenn Dusablon read the violation: On Friday, September 7, 2007, Mr. Glenn Dusablon, Chief Electrical Investigator, witnessed Raymond J. Deroche, II, and employee of Humphrey's Excavating, 202 Simmonsville Avenue, Johnston, RI 02919, operating a hydraulic excavator without a valid RI Hoisting Engineer's license at Benjamin

Church Manor, 1014 Hope Street, Bristol, RI. According to RIGL 28-26-12 “Investigation and Prosecution of Violation,” this is one (1) violation of RIGL 28-26-5 “License Required for Operation of Hoisting Machinery.”

David Rodrigues brought up the fact that Humphrey’s Excavating was issued a verbal warning on May 9, 2006 for having an employee (Domingo Ramirez) operate excavating equipment without a RI Hoisting Engineer’s license.

Based on the testimony and facts brought before the Board today, Ellery Wood made a motion that a finding of fact on Violation No. 3297, RIGL 28-26-5 did occur. Ronald D’Ambruso seconded the motion. All were in favor. The motion carried.

Ellery Wood made a motion that the fine of \$1,150, RIGL 28-26-11, based on the testimony heard today, stand as issued. James Woloohojian seconded the motion. All were in favor. Motion carried. David Burnham advised Mr. Carnevale that a recommendation would be made to the Director, and the Director will follow through on this recommendation through the mail.

5. Tocci Building Corporation #3308

Glenn Dusablon explained to the Board that he investigated Tocci Building Corporation while David Rodrigues was out on Family

Bereavement.

Robert F. Tierney was sworn in by the Board Stenographer. Glenn Dusablon was previously sworn in by the Board Stenographer.

-4-

Glenn Dusablon read the violation: On Tuesday, September 25, 2007, Mr. Glenn Dusablon, Chief Electrical Investigator, witnessed Robert Randall, an employee of Cape Cod Concrete Pumping, Inc., P. O. Box 1049, East Sandwich, MA 02537, operating a concrete pump truck without a valid RI Hoisting Engineer's License at Capitol Cove Condominiums, Park Row and Canal Street, Providence, RI. Tocci Building Corporation sub-contracted with Cape Cod Concrete Pumping, Inc. to perform said work. According to RIGL 28-26-12 "Investigation and Prosecution of Violations," this is one (1) violation of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery."

Robert Tierney was unaware of the licensing process in Rhode Island for Hoisting, as this is his first job in Rhode Island, and Robert Tierney has been performing work in Massachusetts for the last twenty years.

Testimony was taken by Robert Tierney and a transcript will be sent to all Board members to review and a decision/recommendation will

be made to the Director at our next Board meeting. David Burnham made a motion that Violation No. 3308 be tabled to our next meeting for action and in regards to the fine. Ellery Wood seconded the motion. Ronald D'Ambruoso recused himself from this violation.

Ronald D'Ambruoso introduced James Woloohojian to everyone and was given a copy of the Learner's Permit documentation to review for our next meeting.

Old Business:

Learner's Permit was tabled to our next meeting.

David Burnham motioned to adjourn the meeting at 11:33 am. Ellery Wood seconded the motion. All Board members were in favor.

Minutes respectively submitted by Elaine J. Heiss, November 13, 2007.

The next meeting of the Hoisting Board is December 11, 2007 at 10:00 am in Building #70, 2nd floor conference room, 1511 Pontiac Avenue, Cranston, RI 02920.