

RHODE ISLAND DEPARTMENT OF LABOR & TRAINING

DIVISION OF PROFESSIONAL REGULATION

BOARD OF EXAMINERS OF HOISTING ENGINEERS

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

TUESDAY, January 10, 2012

10:00am

In attendance: Ronald R. D'Ambruoso, "ex officio"

Brian Iannucillo

James White

James Woloohojian

Ellery Wood, Jr.

Not in attendance: Joseph Graziano

**Also in attendance: David Rodrigues, Chief Hoisting Engineer
Investigator**

Benjamin Cople, Legal Counsel

**Call to Order: The meeting was called to order at 10:01 am by James
Woloohojian.**

**Approval of Minutes: A motion to accept the minutes of the previous
meeting of December 13, 2011 was made by James White and**

seconded by Ellery Wood. The motion passed unanimously by the Board.

Brian Iannucillo arrives at 10:09am.

Violation Appeal Hearings:

Copar Quarries of Westerly, LLC (Violation # 4153): David Rodrigues, Chief Hoisting Engineer Investigator, is sworn in for testimony. The location of the violation was the rock quarry located at 271 Church St, Bradford, RI. James Woloohojian read the violation:

On Wednesday, October 26, 2011, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Howard A. Beardsley operating an hydraulic excavator, Jeffery A. Morris operating a front-end loader, Michael J. Gualazzi operating a hydraulic excavator, and Patrick T. Riley operating an hydraulic excavator, all of which are employees of Copar Quarries of Westerly, LLC, 271 Church St., Bradford, RI 02808. All of the employees were operating 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 (4) four violations of RIGL 28-26-5 "License Required for Operation of Hoisting Machinery".

Laura Touhy, Administrator manager for Copar Quarries of Westerly, LLC, arrived as Mr. Woloohojian was reading the violation. Mr. Touhy is sworn in for testimony. Mr. Woloohojian reread the violation.

David Rodrigues, Chief Hoisting Engineer Investigator, provides testimony. Laura Touhy provides testimony.

James White made a motion that Violation 4153 did occur; seconded by Ellery Wood. There was no opposition. The motion carries. James White made motion to suspend the fine of \$2,400.00 for a period of one (1) year pending no further violations for that period should a violation occur during that period the violation will be reactivated; seconded by Ellery Wood. There was no opposition. The motion carries. The recommendation of the Board will be forwarded to the Director.

Copar Quarries of Westerly, LLC (Violation # 4158): The location of the violation was the rock quarry located at 271 Church St, Bradford, RI. James Woloohojian read the violation:

On Wednesday, October 26, 2011, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed William J. Kenney, an employee of Maine Drilling and Blasting, Inc., 88 Gold Ledge Ave., Auburn, NH 03032, operating a hydraulic drill rig without a valid RI Hoisting Engineer's License at the above job location. Copar Quarries of Westerly, LLC, sub- contracted with Maine Drilling and Blasting, 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".

David Rodrigues, Chief Hoisting Engineer Investigator provides testimony. Laura Touhy provides testimony.

Brian Iannuccillo recused himself from this matter.

Ellery Wood made a motion that Violation 4158 did occur; seconded by James White. There was no opposition. The motion carries. James White made a motion that the fine of \$600.00 be suspended for one (1) year pending no further violations for that period; seconded by Ellery Wood. There was no opposition. The motion carries. The recommendation of the Board will be forwarded to the Director.

Maine Drilling & Blasting, Inc. (Violation # 4159): David Rodrigues, Chief Hoisting Engineer Investigator, is sworn in for testimony. The location of the violation was the rock quarry located at 271 Church St, Bradford, RI. James Woloohojian read the violation:

On Wednesday, October 26, 2011, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed William J. Kenney, an employee of Maine Drilling and Blasting, Inc., 88 Gold Ledge Ave., Auburn, NH 03032, operating a hydraulic drill rig 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".

Brian Iannuccillo recused himself from this matter.

David Rodrigues provides US Postal Tracking Confirmation as Exhibit A confirming the notice for today's hearing was received by Maine Drilling & Blasting, Inc. There was no representative from Maine Drilling & Blasting, Inc. present for the hearing. David Rodrigues provides testimony.

Ellery Wood made a motion that Violation 4159 did occur; seconded by James White. There was no opposition. The motion carries. James White made a motion that the fine of \$600.00 be upheld; seconded by Ellery Wood. There was no opposition. The motion carries. The recommendation of the Board will be forwarded to the Director.

End of Hearings.

Adjournment: A motion to adjourn was made by Ellery Wood, Jr; seconded by James White. The motion passed unanimously by the Board. The meeting adjourned at 10:41 am.

The next meeting is scheduled for Tuesday, February 14, 2012 at 10:00 am.