

**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, March 13, 2012**

**10:00am**

**In attendance:**

**Ron D'Ambrouso, "ex officio"**

**James White**

**James Woloohojian**

**Ellery Wood, Jr., Chair**

**Not in attendance: Joseph Graziano and Brian Iannuccillo**

**Also in attendance:**

**David Rodrigues, Chief Hoisting Engineer Investigator**

**Benjamin Cople, Legal Counsel**

**Call to Order:**

**The meeting was called to order at 10:11 am by James Woloohojian.**

**Approval of Minutes:**

**A motion was made by Ellery Wood to approve the minutes of the**

**January 10, 2012 and February 14, 2012 meetings; seconded by James White and passed unanimously by the Board.**

**Violation Appeal Hearings:**

**Turner Brothers, LLC (Viol # 4192): Christopher Turner represents Turner Brothers, LLC. Christopher Turner and David Rodrigues, Chief Hoisting Engineer Investigator, are sworn in for testimony. James Woloohojian read Violation 4192 dated February 9, 2012:**

**NAME OF VIOLATOR: Turner Brothers LLC, 34 Bellows Rd, Raynham, MA**

**LOCATION OF VIOLATION: Tockwotton on the Waterfront, 500 Waterfront Dr., East Providence, RI**

**VIOLATION: On Friday, February 3, 2012, Mr. David M. Rodrigues, Chief Hoisting Engineer Investigator, witnessed Emanuel Sousa, an employee of Turner Brothers, LLC, 34 Bellows Rd., Raynham, MA 02767, operating a construction forklift 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".**

**NOTE: A verbal warning was issued on 8/17/2011 on this site to a foreman of Turner Brothers, LLC for operating without a valid RI Hoisting Engineer license.**

**David Rodrigues, Chief Hoisting Engineer Investigator, provides**

**testimony. Mr. Rodrigues submits five (5) photographs as Exhibit A (Emanuel Sousa's identification, a forklift training certificate and three (3) photographs of equipment). Mr. Rodrigues submits four (4) photographs as Exhibit B (Thomas Schofield's photo ID, Thomas Schofield's Payloader/Backhoe license issued by RIDLT and the equipment Mr. Schofield was operating on August 17, 2011). James White questions Mr. Rodrigues regarding Exhibit A. Christopher Turner provides testimony. Exhibits A and B are entered into evidence.**

**Testimony from Mr. Rodrigues and Mr. Turner continues.**

**The Board questions Mr. Turner and Mr. Rodrigues.**

**James White made a motion that Violation 4192 did, in fact, occur and seconded by Ellery Wood. There was no opposition. James White made a motion that the penalty of \$1,150.00 stands and seconded by Ellery Wood. There was no opposition.**

**The recommendation will be forwarded to the Director.**

**End of hearing**

**Adjournment:**

**A motion to adjourn was made by Ellery Wood. Hearing no objection, the meeting adjourned at approximately 10:42am.**

**The next meeting is scheduled for Tuesday, April 10, 2012 at 10:00 am.**