

1 HEARING OFFICER TRACY: Thank you. At this
2 point the Department's presented its case. You've
3 presented your response and your description of
4 what's happened. The Board will review the
5 information it has before it, the transcript and the
6 evidentiary materials. They'll make a recommendation
7 to the Commissioner of Labor, and she will issue an
8 Order either finding that you should continue to be a
9 crane operator, continue to have your certificate, or
10 that some other thing should happen, whether it's
11 suspension, revocation or something else. It will
12 depend upon the recommendation of what the
13 Commissioner decides and that will be done in
14 relatively short order.

15 At this point, if there's nothing further,
16 then we'll go off the record.

17 (Discussion off the record.)

18 HEARING OFFICER TRACY: The Board members
19 have had an opportunity to review the testimony and
20 the evidence of the parties. Based upon the
21 testimony of Mr. Parker, whom the Board members find
22 credible, it's their understanding that it's
23 reasonable to accept the fact that Mr. Parker
24 believed that the power was off in the lines at the
25 time he was operating the crane and, therefore, that

1 he was not negligent and did not act improperly in
2 lifting the load that he was lifting and that,
3 therefore, he remains a person of competence -- he
4 remains a person of proper competence, judgment and
5 ability to operate a crane. Is that a fair
6 restatement of the Board's findings?

7 MR. RUPERT: Yes.

8 MR. ALGER: Yes.

9 HEARING OFFICER TRACY: Very well. Thank
10 you, gentlemen. That will be put together in a
11 report and recommendation to the Commissioner.
12 That's all.

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15 * * * 2:04 p.m. * * *
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