



**SUFFOLK COUNTY PORTABLE FIRE EXTINGUISHER AND  
AUTOMATIC FIRE EXTINGUISHING SYSTEMS LICENSING BOARD**  
c/o Suffolk County Fire-Rescue, P.O. Box 127, Yaphank, NY 11980-0127  
631-852-4855



Minutes of the  
March 29, 2011 Meeting

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The meeting was brought to order by J. Searing at 10:13am.

E. Springer is excused from the meeting.

**Hearing**

Firematic Supply Co., Inc. hearing. This portion of the minutes will be taken by N. Limoncelli from Five Star Reporting.

**Public Comment Period**

A. Varajaro asked the Board for direction in regards to hiring practices based on the new requirements. The Board discussed a grace period to get the new hire trained and certified. The Board discussed the new hire being an apprentice.

A. LaValle questioned hiring a person that had previously worked for another company and had been trained, but their certificates would say their previous employer. J. Caputi stated that the Board could consider a transition between the two companies.

L. Lopez asked if there is a leeway for getting a license for a new employee that is new to the industry. The Board discussed the need to come up with an apprentice/laborer type procedure. A. LaValle questioned the fees for this type of person.

J. Meyer discussed using workers from the union hall and questioned how he should handle notifying the Board about this type of employee. He was told to contact the Board to notify them that he is using these employees. J. Meyer questioned why his employees that work solely on systems need to know how to recharge a fire extinguisher. R. Alexander also questioned this requirement. M. Matteo discussed the reasoning for the requirements and tried to explain to them that similarly as a Fire Marshal he has to take codes classes that have nothing to do with his job as a Fire Marshal, but it is a requirement to maintain his certification. J. Meyer and R. Alexander would like to see two (2) separate types of licenses, one for portables and one for systems. They suggested having the systems license applicant recharge a system tank rather than a portable extinguisher.

M. Matteo discussed the need to look into a union type laborer and non-permanent employees. J. Searing stated that his may be able to be addressed in the Rules and Regulations.

M. Matteo again stressed the need for the public to send in their questions in writing to the Board. This gives the Board the opportunity to discuss and review the questions before the meeting and possibly have answers for the meeting.

J. Searing discussed creating an email address for the Board.

### **Minutes of the Previous Meeting**

A motion was made by M. Matteo to accept the minutes from the February 10, 2011 meeting; seconded by K. Hahn. Motion was carried unanimously.

### **Correspondence**

None

### **Application(s) Review**

None

### **Reported Violations Review**

None

### **Report of the Chairperson**

J. Searing discussed the wording changes to the 294.22 Licensing Board section of the law. The County Attorney drafted a resolution to amend the section.

294.22 letter A, number 4 will be amended to read "Two industry representatives who shall be selected through submission of resumes, interview and appointment by the Commissioner".

294-22 letter B will be amended to read "The three appointed members of the Board shall each serve for a three-year term, and may be removed by the Board only for cause. However, for the industry representative appointments made to the Board in 2011, one shall be appointed for a term of three years and one shall be appointed for a term of two years".

### **Report of the County Attorney**

None at this time.

### **Report of Fire Marshals**

M. Matteo reported that there is nothing outstanding at this time.

### **Unfinished Business**

J. Searing stated that the Fire Command Co., Inc. hearing can not be finalized until E. Springer returns.

J. Searing stated that a list of companies that did not reapply needs to be created and when E. Springer returns he can give an update on how the inspections are going.

**New Business**

None at this time.

K. Hahn Made a motion to go into executive session at 11:02am. M. Matteo seconded. Motion carried.

The Board came out of executive session at 11:30am.

A motion was made to adjourn the meeting by K. Hahn, and seconded by P. Hanratty. Motion carried. Meeting adjourned at 11:37am.

<b>MEMBERS PRESENT</b>	<b>GUESTS PRESENT</b>	<b>STAFF PRESENT</b>
John M. Searing	Jacqueline Caputi	Kristine Bolliger
Kenneth Hahn	Nicole Limoncelli Five Star Reporting	
Peter Hanratty	Jim Meyer Firemasters	
Michael Matteo	Reynold Alexander Lund Fire Products	
	Don Hausz All-Out Fire	
	Alex LaValle BK Engineering	
	Anthony Varajao All Island Fire	
	Lynn Lopez All Island Fire	

<b>NEXT MEETING/WORKSHOP</b>	April 28, 2011
<b>TIME</b>	10:00am
<b>LOCATION</b>	FRES Library

ORIGINAL

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SUFFOLK COUNTY PORTABLE FIRE EXTINGUISHER  
AND AUTOMATIC FIRE EXTINGUISHING  
SYSTEMS LICENSING BOARD

220 Yaphank Avenue  
Yaphank, New York  
March 29, 2011  
10:09 a.m.

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FIVE STAR REPORTING, INC.  
90 John Street, Suite 411  
New York, New York 10038  
(631) 224-5054

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A P P E A R A N C E S:

BOARD MEMBERS:

John Searing for Chairman Joseph Williams -  
Suffolk County Fire, Rescue &  
Emergency Services  
Edward Springer, Not Present - Suffolk  
County Fire Marshals Office

Peter Hanratty - Firematic Supply Co./NAFED

Kenneth Hahn - Ken-Mar Fire Extinguisher  
Co./NAFED

Michael Matteo - FMASCO

STAFF:

Kristine Bolliger - Senior Clerk Typist -  
FRES

GUESTS:

Jacqueline Caputi - Suffolk County  
Attorney's Office

Jim Meyer - Firemaster

Reynold R. Alexander - Lund Fire Products  
Co. Inc

Don Hausz - All Out Fire

Alex Lavallo - BK Engineering

Anthony J. Varajao - All Island Fire

Lynn Lopez - All Island Fire

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THE CHAIR: We'll call the meeting  
to order.

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So this is the Fire Extinguishing  
Licensing Board. If you're not here for  
that, raise your hand. I know you all  
are, I'm just trying to keep it light.

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Our first order of business today  
actually is a hearing with Firematic  
Supply Company. So, Pete, I'm going to  
ask you to, you're kind of stepping from  
the table now.

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MR. HANRATTY: Yes, understood.

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FIVE STAR REPORTING, INC. (631) 224-5054

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Department of Transportation.

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MR. HANRATTY: Yeah.

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THE CHAIR: Can you tell us a little bit?

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MR. HANRATTY: Sure. Well, first of all, I'd like to know for my own, where did this claim come from? Where did it start? How did we end up, how did I end up here? As the song goes, who brought this claim?

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THE CHAIR: The DA's office was in about a complaint that came from the outside. I'm not sure where the complaint emanates from because the DA's office isn't always --

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MR. HANRATTY: Okay, not a problem.

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THE CHAIR: -- doesn't tell us all the information.

MR. HANRATTY: Obviously the original question was whether we have been investigated by a regulatory board. I know we've discussed this in the meetings over a period of time. Maybe there is a lack of clarity in the question.

But for all intensive purposes, you know, what's really coming forward here is the integrity of my family. We've been in business for 50 years. We even opened our facility to the County in the beginning processes of putting this law together.

Both in 1993 and 2003, Firematic encountered random inspections of our hydro test facilities. And in proof of that actual verbiage, I've got a certified US Department of Transportation and I will read as quoted. On July 24th, 2006, pursuant to 49 AP USC 5121, an inspector from this FIVE STAR REPORTING, INC. (631) 224-5054

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office conducted a compliance inspection

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at your facility in East Yaphank, New

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York. So that's always been, it's an

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industry standard. We've been

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considering these encounters as

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inspections since the beginning of time.

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We also find it real easy to find

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right online from the Office of the

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Inspector General, there is a web site

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that claims and gives the definition of

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the investigative process, which defines

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the difference. An investigation will

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usually begin with the receipt of an

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allegation that impacts the DOT, one of

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its employees, a grantee, or program

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area. Investigations are opened based

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on OIG priorities and procedures and in

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consideration of prosecutorial

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guidelines that the local United States

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Attorneys have established. That goes

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on for like another page of really

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defining the differences between them.

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THE CHAIR: If I'm not mistaken,

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that's off the RSPA web site, right, on

FIVE STAR REPORTING, INC. (631) 224-5054

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DOT?

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MR. HANRATTY: OIG.DOT.GOV. I've got copies of it here too, John, if the Board would like. I've got copies of everything that I'm basically basing this on.

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THE CHAIR: Sure.

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MR. HANRATTY: And then as far as really notifying the difference between it, I found on the Federal Register where it's defined differently. This is to notify the public that the PHMSA is unauthorized marking of high and low pressure compressed gas cylinders including fire extinguishers, oxygen cylinders, and self-contained breathing apparatus by another Long Island fire equipment company. And even though this company revealed, the retest records revealed that from November 2003 to 2004, this company had returned to service hundreds of cylinders without hydrostatically testing them.

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So in other words, the  
FIVE STAR REPORTING, INC. (631) 224-5054

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investigation process is something that

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can come from an inspection. If they

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come and they do a facility

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inspection -- as its been defined to

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me -- if they find things that are

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outside the walls that they have to

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obviously investigate to get to the

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bottom of it, will then, at that point,

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become an investigation, unless there

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was an original allegation made.

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So that's where we stand. If

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you'd like to go forward, we can.

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MS. CAPUTI: There was one in '93

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as well.

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MR. HANRATTY: Yes, that's what I

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stated. Both in '93 --

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THE CHAIR: For the Board, that's

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consistent with what we have. It says

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that it's a compliance inspection on the

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paperwork that we were able to get from

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DOT.

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MS. CAPUTI: So, Pete, in other

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words, when you filled out the

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application or someone in your company

FIVE STAR REPORTING, INC. (631) 224-5054

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did for your license, it was your

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understanding you were answering the

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question honestly because --

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MR. HANRATTY: 100 percent, yes.

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And it's easy to define the difference

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between the rumor of the company that

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had brought this to the DA's office --

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I'm going to take the high road and not

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bring this name into this encounter --

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but there's quite a difference just by

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looking on the web sites at the

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difference between an inspection and an

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investigation.

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THE CHAIR: Okay. Mike or Ken,

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any questions?

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MR. MATTEO: You said you have

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copies of those definitions and so forth

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for us?

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MR. HANRATTY: Yes (handing).

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MS. CAPUTI: Mr. Hanratty, I

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forgot to ask you, you're aware that

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Mr. Springer, the Chief Fire Marshal,

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wasn't able to be at this meeting?

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MR. HANRATTY: Yes.

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MS. CAPUTI: You're consenting to him reading this transcript?

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MR. HANRATTY: Most certainly.

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MS. CAPUTI: And participating in the deliberations?

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MR. HANRATTY: Yes, I'm fine with that. I would imagine I will recuse myself from the deliberations in this matter.

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MR. MATTEO: Just a quick question. When they come in for the inspection or what it is they came in for you, unannounced typically?

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MR. HANRATTY: Yes, random. But over the years we've still had other types. We've had Suffolk County health inspections, DOT inspections for our truck shop.

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MR. MATTEO: Regulatory bodies?

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MR. HANRATTY: Yes, very similar in fashion.

THE CHAIR: For the Board, based on some of the research I've been doing on DOT's web site on RSPA, it seems that FIVE STAR REPORTING, INC. (631) 224-5054

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they keep a public record of anybody who

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has ever had a violation associated with

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an inspection. But if you have an

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investigation, it goes to the Federal

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Register.

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MR. HANRATTY: Correct.

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THE CHAIR: That's what you --

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MR. HANRATTY: I gave you a copy

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of one from a Long Island equipment --

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MR. MATTEO: RSPA is?

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THE CHAIR: I'm sorry. It's

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Research and Special Programs

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Administration. That's what handles all

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the --

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MR. MATTEO: Part of DOT?

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THE CHAIR: Yes, that's the branch

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of DOT that handles the --

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MR. MATTEO: The inspections?

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THE CHAIR: The inspection and

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compliance of all the tanks, cylinders,

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and etcetera, etcetera. It's Research

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and Special Programs Administration.

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MS. CAPUTI: Anyone on the Board

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have any other questions?

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MR. MATTEO: I'm just taking a quick look. We have a, I'm just looking at the original, I guess these would be inspection reports, right?

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THE CHAIR: Yes.

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MR. MATTEO: DOT that we've gotten last?

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THE CHAIR: Do you have the 2010 one? If you want to take a quick look. Do you guys have that?

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MR. HANRATTY: 2003 you mean.

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THE CHAIR: 2006. I'm looking at the date of the file, 2006. The letters on there but if you want to take a look at the inspection reports.

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MR. MATTEO: I only have '92 and '93 I think here.

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MR. HANRATTY: I think you'll find right in that letter it says, after review of the information generated from the inspection, we have decided to issue this warning in lieu of recommending other actions at this time.

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MR. HAHN: That was only just in FIVE STAR REPORTING, INC. (631) 224-5054

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quality control?

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MR. HANRATTY: At that point I

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think it was even that.

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MR. HAHN: Wasn't even that?

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MR. HANRATTY: No. I think in

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1993 you can call it that.

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THE CHAIR: So there was no

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monetary fine associated with the 2006

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but there was with 2003?

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MR. HANRATTY: Yes, it was like

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\$3,700.

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THE CHAIR: Yes, 3,700. Were you

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involved in the '93 one?

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MR. HANRATTY: No. To be honest,

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I was not, I wasn't a technician then.

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It was 18 years ago before the statute

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of limitations when we would need to

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keep these records in the first place.

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But we've got nothing to hide so

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obviously we'd be willing to bring them

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forward.

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MR. MATTEO: As I stated, I think

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in the previous hearing that we've had,

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we're looking to define inspection

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versus investigation for the purposes of

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this hearing, that's pretty much where

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we're at. I'm assuming we're not going

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to be making a decision on this just as

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we have in the past. We're going to

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deliberate on this, right?

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THE CHAIR: Right. When Ed comes

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back, right. We'll set another meeting.

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MR. MATTEO: Just for my own

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clarification, once again, when they

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came into your shop on any one of these

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occasions, the thought process for you

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and your employees was that what? They

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were here for an investigation or an

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inspection?

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MR. HANRATTY: Random inspection.

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They can walk in there today, same

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thing.

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MR. MATTEO: They can. They can

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walk in at any time. I didn't get a

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chance to read, I haven't seen these

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beforehand. But in your mind, when

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would you feel that it would turn into

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an investigation? I like the

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information now that we have two different parts of the DOT which I didn't realize.

MR. HANRATTY: Well, like I said, Mike, I'm trying to take the high road and I'm not going to point out the name of the company.

MR. MATTEO: That's fine, I have it here and I have a history on that too, Peter.

MR. HANRATTY: I know you were involved in that.

MR. MATTEO: So I do know what you're getting at.

MR. HANRATTY: So it's pretty easy to see where once it hits the Federal Register, it's considered an investigation. And if you were to read through this entire document that I gave there, basically it states that it comes from an allegation or to the situation where as of -- for example, if they were to come to my facility and I were not able to document that we had

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hydrostatically tested and done it

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correctly and that there were cylinders

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in the field that they would literally

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have to go and hunt down to try to find

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out if the public was safe. At that

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point it would obviously become an

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investigation.

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MR. MATTEO: At that point it

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would change from that one division of

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DOT to the --

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MR. HANRATTY: Right, to the

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Federal Registry.

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MR. MATTEO: Federal Registry when

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it did become announced, okay.

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MR. HANRATTY: I'll be honest, I

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think it's kind of vague for a normal

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layperson to go in and look for a

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definition between the two terms online

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even in the DOT site. So it might even

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be in our best interest as a group or

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board to create a second question on the

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original --

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MR. MATTEO: That's something we

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can certainly look at.

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MR. HANRATTY: That refers to inspections of hydro test facilities and results. Because, I mean, there's no reason anybody should fear that if they've kept their RIN number, there's no reason for them to fear giving up that documentation. I believe in order to have had a RIN number taken away, it would also have to get to the level of the investigation.

MR. MATTEO: And at the same time, as we know with any affirmative answer to these questions, it also does not preclude you from getting a, what is qualifying you from getting a license either.

MR. HANRATTY: Most certainly.

MR. MATTEO: Everything is up to review of the Board and Commissioner's approval of the license or the registration. So having a yes answer to any of these will not immediately preclude you from getting a license.

I have nothing further until we  
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have a chance to review the rest of the documents.

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THE CHAIR: Also, just for the Board, it talks about at a conclusion of investigation, a report is prepared that summarize facts disclose during an investigation and a report is distributed to attorneys, etcetera, etcetera.

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When we did the foil from here, for documentation, there was no reports associated with this other than the compliance inspection sheets and there's an exit briefing associated with that. But they don't consider that an exit, they don't consider that to be a report of an investigation. In fact, they say in the exit briefing, DOT puts on there that this has been a compliance inspection in accordance with Section 109, blah blah blah blah blah blah.

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I have nothing further. Mike, do you have anything?

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MR. MATTEO: No.

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MR. HAHN: I'm good.

THE CHAIR: Let me show this information real quick (handing).

MS. CAPUTI: Before we close the hearing, I just want to note for the record that Mr. Springer is not here today but it's an excused absence because we had a death in the family which is why he was unable to participate in this hearing.

MR. MATTEO: One more question; is that okay?

MS. CAPUTI: Sure.

MR. MATTEO: If you were to fill out the application today after sitting through a hearing, viewing other hearings, how would you answer that question?

MR. HANRATTY: That was going to be one of my questions as a Board member today to define it. Is this me being considered investigated by a regulatory board? This process, this hearing, has my family's name now been dragged to FIVE STAR REPORTING, INC. (631) 224-5054

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MS. CAPUTI: Well, no. Well, that's, it's just for our purposes, we can make a decision. As far as any other governmental --

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MR. HANRATTY: Well, an easier way to answer that, Mike, was on this next go around, I checked No once again but highlighted it and also wrote some information in there with regard to our definition of that, leaving open that obviously --

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MR. MATTEO: So your opinion of how you answered the question has not changed?

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MR. HANRATTY: No.

MR. MATTEO: You still feel the way the question is written, your interpretation of the question, you answered it correctly?

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MR. HANRATTY: Yes, sir.

THE CHAIR: Anything further, Ken?

MR. KAHN: No.

THE CHAIR: I have nothing

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further. Mike?

MR. MATTEO: No, that's it.

THE CHAIR: Making a motion to  
close the hearing?

MR. MATTEO: Motion to close.

MR. HAHN: Second.

THE CHAIR: All in favor.

THE BOARD: (In unison) Aye.

THE CHAIR: The hearing is closed.

Thank you.

(Time noted: 10:30 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF SUFFOLK)

I, NICOLE LIMONCELLI, a Notary Public  
in and for the State of New York, do hereby  
certify:

THAT the foregoing is a true and  
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 4<sup>th</sup> day of April, 2011.

  
NICOLE LIMONCELLI



**A**

able 8:21 9:24 15:25  
 absence 19:8  
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