

STATE OF NEW YORK DEPARTMENT OF LABOR

IN THE MATTER OF

ANDRE TOMAS

Crane Operator Certificate of Competence No. 99-0024

A proceeding pursuant to 12 NYCRR 23-8.5 for a determination affecting a Crane Operator Certificate of Competence.

DETERMINATION  
&  
ORDER  
Docket #  
GA-08-0100

WHEREAS the Crane Operator Examining Board, pursuant to 12 NYCRR 23-8.5, conducted a hearing on August 5, 2009 to determine whether the New York State Commissioner of Labor had sufficient grounds to revoke Andre Tomas's Crane Operator Certificate of Competence; and

WHEREAS the testimony and other evidence presented at the hearing establish, in relevant part, the following:

1. That the Applicant failed the practical examination conducted on December 3, 1998; and
2. That the Applicant's failure of the practical examination was the result of his inability to properly operate the crane.

WHEREAS the Crane Operator Examining Board, based on the evidence presented at the hearing, made the attached written recommendation, which provides, in relevant part:

That the Crane Operator Certificate of Competence of Andre Tomas be revoked;

NOW, upon review of the entire record made by the Crane Operator Examining Board, and due deliberation having been had thereon, it is

ORDERED that the Recommendation of the Crane Operator Examining Board  
be, and hereby is, adopted by the Commissioner of Labor, and it shall constitute the final  
**Determination & Order** of the Commissioner.

Dated: August 19, 2009  
Albany, New York

A handwritten signature in black ink that reads "M Patricia Smith". The signature is written in a cursive style with a large, sweeping initial "M".

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M. Patricia Smith  
Commissioner of Labor  
State of New York