

## EXHIBITS

Case Name & Number:	IN THE MATTER OF TREVOR HANGGI DSH -1065430	Hearing Date: September 5, 2024
Exhibit #:	Description of the Exhibit	Date Received
HO-1	Notice of Hearing and Designation of Hearing Officer; dated: May 17, 2024	
HO-2	Affidavit of Service of Notice and certified mail receipts: May 22, 2024	
HO-3	Notice of Appearance, and Request for Adjournment -- July 2, 2024	
HO-4	Notice of Adjournment and Rescheduling; dated: July 8, 2024	

STATE OF NEW YORK DEPARTMENT OF LABOR



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In the Matter of the Suspension, Revocation, or Restriction of:

**TREVOR S. HANGGI**  
**CRANE CERTIFICATE NO 19-0038**

**NOTICE OF HEARING  
AND DESIGNATION OF  
HEARING OFFICER**

Pursuant to Section 61-1.5(f) of Title 12 of the New York  
Codes, Rules and Regulations.

File # DSH - 0164327

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NOTICE IS HEREBY GIVEN that a hearing pursuant to Section 61-1.5 (f) and Part 701 of Title 12 of the New York Codes, Rules and Regulations (12 NYCRR Section 61-1.5 [f] and Part 701) will be held via WebEx or similar videoconferencing software application used by the New York State Department of Labor (the "Department"), on **July 22, 2024, at 9:30 a.m.**, and on such later dates as may be necessary until the matter is fully heard, before the Crane Operators Examining Board of the State of New York (the "Examining Board") concerning the possible suspension, revocation, or restriction of your Crane Operator Certificate of Competence No 19-0038 ("Certificate No 19-0038").

The Examining Board will determine whether your Certificate No 19-0038 should be suspended, revoked, or restricted. The Examining Board will determine whether you violated a regulation or law, whether you failed to comply with an order of the Commissioner of Labor, whether you are a person of proper competence, judgment, or ability with respect to the operation of a crane, or whether there is other good cause to suspend, revoke, or restrict Certificate No 19-0038.

In particular, the Examining Board will review your involvement and conduct in an incident that occurred on May 13, 2022, at or near 2661 West Lake Road, Penn Yan, NY 14527 in which a crane that you operated (a hydraulic boom LinkBelt HTC 8690 with 90 ton capacity

and 141ft boom) was involved in the fatality of Ryan Rector. This review will include, but not be limited to, your failure to report such incident/fatality as an unusual incident as required by 12 NYCRR § 61-3.7. Such failure to report resulted in the issuance of a Notice of Violation and Order to Comply, dated October 13, 2023, by the Department's Industry Inspection Bureau (a copy of which is attached hereto as Exhibit "A").

TAKE FURTHER NOTICE that:

- (a) You are requested to appear and will be afforded full opportunity to present relevant oral and documentary evidence and to examine and cross-examine witnesses;
- (b) You are entitled to be represented by counsel;
- (c) You are required to produce at the hearing all records, documents, reports and papers in your possession relating to this matter; and
- (d) Based upon the record made in this hearing, the Crane Examining Board will submit its report and recommendations to the Commissioner of Labor who will determine what action, if any, should be taken regarding Certificate No 19-0038.

FURTHER NOTICE IS GIVEN that Tracy Semeiks of the Department, is hereby designated as the Hearing Officer, in place of the Commissioner of Labor to conduct this hearing, with all powers vested in the Commissioner of Labor for that purpose.

All parties are entitled to be represented by counsel and will be afforded full opportunity to offer testimony and evidence, examine and cross-examine witnesses and submit proposed findings of fact and conclusions of law.

TAKE FURTHER NOTICE that if you, as a party to this proceeding, or a witness you plan to produce, will need the services of a translator or an interpreter for a deaf person, you must notify the Hearing Officer **NO LATER THAN** fourteen (14) days prior to the hearing date



to make accommodations for these services. Failure to do so may result in the exclusion of testimony through these means during the course of the hearing.

TAKE FURTHER NOTICE that the hearing shall be conducted in accordance with Article 3 of the New York State Administrative Procedure Act and the New York State Department of Labor Adjudication Plan as established by 12 NYCRR 701 et. Seq.

TAKE FURTHER NOTICE that this hearing shall be conducted via video conferencing by WebEx or similar videoconferencing software applications designated by the Administrative Adjudication Office. All parties will appear remotely for the hearing through the prescribed videoconferencing system using their home or business computers and internet access. The Administrative Adjudication Office will specify the exact videoconferencing service to be used, provide an e-mail to the parties with the link to access that service and instructions on how to join the hearing through this service. Any party that does not have access to a computer for the videoconference and wishes to appear physically at a Department of Labor location shall contact the Hearing Officer at his or her earliest convenience, but no less than fourteen (14) days prior to the hearing.

Within fourteen (14) days of the date of this Notice all parties must provide an email address, which will be used to provide access to the software application for the hearing, to the Administrative Adjudication Office at: [adminadjud@labor.ny.gov](mailto:adminadjud@labor.ny.gov). Any e-mails sent to the Administrative Adjudication Office **must** reference the Respondent(s) set forth in the Notice of Hearing in the subject line.

All parties must mail or deliver physical copies of any possible evidentiary materials to the Administrative Adjudication Office and all other parties, no later than three (3) days prior to the hearing. The parties shall provide the material in an organized fashion, appropriately marked



as exhibits. Department and Respondent proposed exhibits will be identified as such and numbered, beginning with number "1." At least three (3) days prior to the hearing, a party may request the Hearing Officer, or the other party, to accept electronic copies of proposed exhibits.

**If agreed to by the other parties and permitted by the Hearing Officer, electronic documents must be in portable document file ("pdf") format.** Failure to provide proposed exhibits in an organized fashion and in the format required, may result, upon application by one of the parties, or at the Hearing Officer's discretion, in the Hearing Officer excluding the information, or some portion thereof from the record, or another remedy chosen by the Hearing Officer.

All communications, additional requests, pleadings or evidentiary materials a party wishes to provide to the Hearing Officer should also be sent to the Administrative Adjudication Office at: [adminadjud@labor.ny.gov](mailto:adminadjud@labor.ny.gov), as well as to the other parties.

TAKE FURTHER NOTICE that RESPONDENT is required to file an ANSWER in writing at least fourteen (14) days prior to the date of this hearing. Said ANSWER shall contain a specific admission, denial or explanation of each of the material facts alleged in the Notice. Such a denial may be upon information and belief or a denial of knowledge or information sufficient to form a belief as to the allegation. The ANSWER must also contain a statement of any facts upon which Respondent relies for an affirmative defense. Said ANSWER shall be personally delivered or served by certified mail, return receipt requested, upon the Administrative Adjudication Office and the Department of Labor attorney assigned to this case as set forth below, and via e-mail to the Administrative Adjudication Office at: [adminadjud@labor.ny.gov](mailto:adminadjud@labor.ny.gov) and the e-mail address designated by the Department of Labor attorney.

At the Hearing Officer's discretion, upon receipt of Respondent's Answer, or written notice of appearance, the Hearing Officer may conduct a telephone conference with all parties who have appeared in the proceeding, at which time the Hearing Officer will discuss the possibility of settling the matter prior to hearing, videoconferencing rules, the evidentiary requirements, and other relevant issues.

TAKE FURTHER NOTICE THAT if you fail to appear at the hearing in this matter, such failure **will** result in a default and a waiver of your right to a hearing; and an Order **will** be issued against you granting the relief requested in this Notice of Hearing and Designation of Hearing Officer.

TAKE FURTHER NOTICE THAT the Hearing Officer may, upon application by any of the parties hereto, or at the Hearing Officer's discretion, depending upon the rules governing meetings set in place by the Governor or the Department of Labor, convert this VIDEO ONLY HEARING, to a hearing where the hearing officer may be physically present with the parties, or direct some parties to appear by video, or some other form of attendance.

TAKE FURTHER NOTICE that, pursuant to 12 NYCRR 701.10, any request for an adjournment must be made directly to the Hearing Officer designated above, with notification to the Department of Labor attorney assigned to this case, at least fourteen (14) days prior to the scheduled hearing date. The request shall be in writing and shall set forth the reasons therefore and the position of the other party or parties and offer alternate hearing dates. Please note that no adjournment shall be granted absent a showing of good cause.

DATED: May 17, 2024  
Albany, New York



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Roberta Reardon  
Commissioner of Labor

TO: Trevor S. Hanggi  
6942 Lee Rd  
Canandaigua, New York 14424

**CERTIFIED MAIL,  
RETURN RECEIPT  
AND FIRST CLASS MAIL**

ALL CRANE OPERATORS EXAMINING BOARD MEMBERS

Theron Hogle, Upstate NY Operating Engineers Local 158, Manager, Retired  
John Dillion, Tioga Construction, Certified Operator  
Jeff Loughlin, International Union of Operating Engineers, Local 137, Business Manager  
Vincent Rapacciuolo, NYSDOL, Program Manager 2

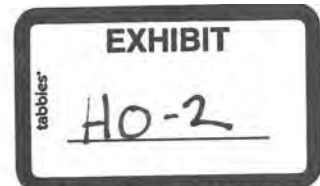
Tracy Semeiks, Hearing Officer  
Administrative Adjudication Unit  
New York State Department of Labor  
State Office Building Campus,  
Building 12, Room 266C  
Albany, New York 12226

Marshall H. Day, Chief Administrative Law Judge  
Administrative Adjudication Unit  
New York State Department of Labor  
State Office Building Campus,  
Building 12, Room 266C  
Albany, New York 12226

Jill Archambault, Deputy Commissioner and General Counsel  
Evan Zablow, Associate Attorney, of Counsel  
New York State Department of Labor  
State Office Building Campus  
Building 12, Room 509  
Albany, New York 12226



STATE OF NEW YORK: DEPARTMENT OF LABOR  
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In the Matter of the Suspension, Revocation or Restriction of

TREVOR S. HANGGI  
CRANE CERTIFICATE NO. 19-0038

**AFFIDAVIT OF SERVICE**

Pursuant to Section 61-1.5(f) of Title 12 of the New York  
Codes, Rules & Regulations

File No. DSH – 0164327

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STATE OF NEW YORK )  
                                  ) SS.:  
COUNTY OF ALBANY )

David Newberger, being duly sworn, deposes and says that deponent is  
not a party to the action, is over 18 years of age and resides in the State of New York.

That on the 22<sup>nd</sup> day of May, 2024, deponent served the within Notice of Hearing upon the  
following by depositing a true copy of same in a securely sealed post-paid wrapper, one copy via first  
class mail, one via certified mail, properly addressed to:

Trevor S. Hanggi  
6942 Lee Rd.  
Canandaigua, NY 14424


Article No. 7019 0160 0000 5280 9192

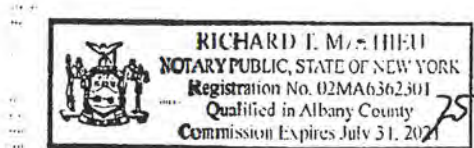
Deponent delivered said wrapper with the requisite postage to a United States Post Office carrier or box.

  
\_\_\_\_\_

Sworn to before me this

22<sup>nd</sup> day of May 2024

  
\_\_\_\_\_  
Notary Public





David M. Fulvio  
Counsel

July 2, 2024

**VIA ELECTRONIC MAIL**

**AND REGULAR MAIL**

Ms. Tracy Semeiks, Hearing Officer  
Administrative Adjudication Unit  
New York State Department of Labor  
State Office Building Campus  
Building 12, Room 266C  
Albany, New York 12226

Re: In the Matter of the Suspension, Revocation or Restriction of Trevor  
S. Hanggi Crane Certificate No. 19-0038  
File # DSH - 0164327

Dear Ms. Semeiks:

We have been retained to represent the Respondent, Trevor S. Hanggi, in regards to the above matter, which is scheduled for a hearing on July 22, 2024 at 9:30 a.m.

We respectfully request an adjournment of the above referenced matter, including the time to file an answer, so that we may review the matter with our client, draft and file an answer, and prepare for the hearing.

Please do not hesitate to contact the undersigned to further discuss this matter. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David M. Fulvio".

David M. Fulvio

DMF: dmf

**Via Electronic Mail**

cc: Trevor S. Hanggi  
Matthew J. Larkin, Esq.



STATE OF NEW YORK DEPARTMENT OF LABOR

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In the Matter of the Suspension, Revocation, or Restriction of:

**TREVOR S. HANGGI**  
**CRANE CERTIFICATE NO 19-0038**

**NOTICE OF  
ADJOURNMENT  
&  
RESCHEDULED  
HEARING**

File # DSH - 0164327

Pursuant to Subpart 61-1.5(f) of Title 12 of the Official  
Compilation of Codes, Rules and Regulations of the State of  
New York.

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**PLEASE TAKE NOTICE** that the above-captioned hearing that was scheduled to be heard on July 22, 2024, at 9:30am, is adjourned, and rescheduled to be heard at **9:30 A.M. on September 5, 2024**, and continuing on any scheduled adjourned date thereafter as may be necessary, through completion.

**TAKE FURTHER NOTICE** that this hearing will be conducted via video conferencing by WebEx or similar videoconferencing software applications designated by the Administrative Adjudication Office. All parties, including the Crane Operators Examination Board of the State of New York, will appear remotely for the hearing through the prescribed videoconferencing system using their home or business computers and internet access. The Administrative Adjudication Office will specify the exact videoconferencing service to be used, provide an email to the parties with the link to access that service and instructions on how to join the hearing through this service.

Dated: July 8, 2024  
Albany, New York

  
\_\_\_\_\_  
Tracy Semeiks, Hearing Officer  
Office of Administrative Adjudication



**TO:**

**VIA E-MAIL**

David Fulvio, Esq.  
c/o Trevor Hanggi  
dfulvio@barclaydamon.com

Matthew Larkin  
dfulvio@barclaydamon.com

Evan Zablow, Associate Attorney, of Counsel  
Evan.Zablow@labor.ny.gov

# WE ARE YOUR DOL



Kathy Hochul, Governor  
Roberta Reardon, Commissioner

**Evan S. Zablow**  
Associate Attorney

**New York State Department of Labor**  
State Office Campus  
Building 12, Room 509, Albany, NY 12226  
(518) 485-2191 | [evan.zablow@labor.ny.gov](mailto:evan.zablow@labor.ny.gov)

August 29, 2024

Tracy Semeiks  
Administrative Law Judge  
Administrative Adjudication  
State Office Campus  
Building 12, Room 266c, Albany, NY 12226

Re: Matter of Trevor S. Hanggi - Crane Certificate No. 19-0038  
Docket No. DSH – 1065430

Dear Hearing Officer Semeiks:

Enclosed are the exhibits that the Department intends to offer into evidence. The Department reserves the right to introduce additional documents instead of or in addition to the enclosed documents.

Witness List: Peter Turkow, Associate Safety and Health Inspector

Ex #	Description	Dated	Bates
DOL 1	Addendum	6.3.22	0001
DOL 2	Certificate of Competence (front and back)		0002
DOL 3	TCIA, Guidance for Crane Practices in Arboriculture	March 2012	0003-0015
DOL 4	Yates County Sherriff's Report	5.26.22	0016 - 0019
DOL 5	Notice of Violation	10.13.23	0020
DOL 6	OSHA Contact Sheet		0021 - 0023
DOL 7	OSHA Citation	11.8.22	0024 - 0031
DOL 8	OSHA Safety Narrative		0032 - 0033
DOL 9	OSHA Photos	May 2022	0034 - 0040
DOL 10	Statements obtained by OSHA	5.13.22	0041 - 0044
DOL 11	Statement obtained by OSHA	5.24.22	0045 - 0046

Respectfully submitted,

Evan S. Zablow  
Associate Attorney

cc: Respondent (via email to Respondent's Counsel at: [dfulvio@barclaydamon.com](mailto:dfulvio@barclaydamon.com))

District Office 08 Industry Inspection Bureau 109 South Union St., Room 402 Rochester, NY 14607 (585) 258-4570 (voice)		Program Manager Industry Inspection Bureau State Office Campus, Room 157 Albany, NY 12240 (518) 457-2131 Fax (518) 457-4411
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Employer Name & Address: Wilcox Crane Company, Inc. 4028 Rt 5 & 20 Cananadaigua, NBY 14424		dba: Wilcox Crane Company  FEIN: Site Location: 2661 West Lake Rd , Penn Yan	Contact Name: Trevor Hanggi  Title: Crane Operator	
Business (585) 233-0486	Select: ( )	E-mail:	www:	
Jurisdiction: Crane	Municipality: Town of Penn Yan	County: Yates	Type of Visit: Accident	Page: 1 of 1

**ADDENDUM**

**NOTES:**

On Friday May 13th, 2022 just before 7:30 am on 2661 West Lake Rd in Penn Yan, Mr. Ryan Rector (27 years old) owner of Hillside Logging and Tree in Naples, NY was inspecting a rotted tree to cut down from the end of the wire rope rig on a crane owned by Wilcox Crane Company out of Cananadaigua when he fataly fell 50-60 ft. I first heard of this fatality from another tree company a full week after the incident (Friday, May 20th) so I was not at the accident. On May 26th, I spoke with Officer Ron Spike from Yates County Sheriff Department to FOIL the police report which I recived from him later that day.

On May 26th I also called Wilcox Crane Company to speak with the crane operator and to get his crane certificate of compitence. I spoke with crane operator, Trevor Hanggi # 19-0038 exp 7/22, and first asked if Mr. Rector was on the tree at the time of the accident to which Mr. Hanggi replied, "no he was on the crane when he fell". I then asked how he was on the crane when he fell and Mr. Hanggi stated that Mr. Rector was rigged to the headache ball at the end of the crane wire". I asked if Mr. Hanggi had any documentation to show how he was rigged and Mr. Hanggi said "Yes I do, this is a very common way to go up into the tree to inspect and I can send you a pdf file that shows how he was rigged". Mr Hanggi sent the link to the rigging process/procedures: <https://www.tcia.org/TCIAPdfs/Resources/Arboriculture/Technical/guidance-for-crane-practices-in-arboriculture-20120601.pdf>). I asked Mr. Hanggi if Mr. Rector was wearing a harness at the time of the accident of which he replied, "I think he was using a dual tailine harness and may have only clicked one of them onto the rigging but I'm unsure." The crane that was operated at the time of the accident by Mr. Hanggi was a Hydraulic boom LinkBelt HTC 8690 with 90 ton capacity and has 141ft of boom. Mr Hanggi stated that he was unaware that he had to report this fatality to the NYS DOL.

According the the police report, "At this time it appears the Ryan (Rector) was only attached to the crane with one point of contact. His safety lanyard did not appear to be in use. It is possible that Ryan went to unhook from the crane thinking his safety lanyard was attached properly and in use when it was not. The investigation continues...."

No violations have been issued at this time by the Department of Labor and the investigation is still ongoing with the Yates County Sheriff's Department.

**Supporting documentation:**

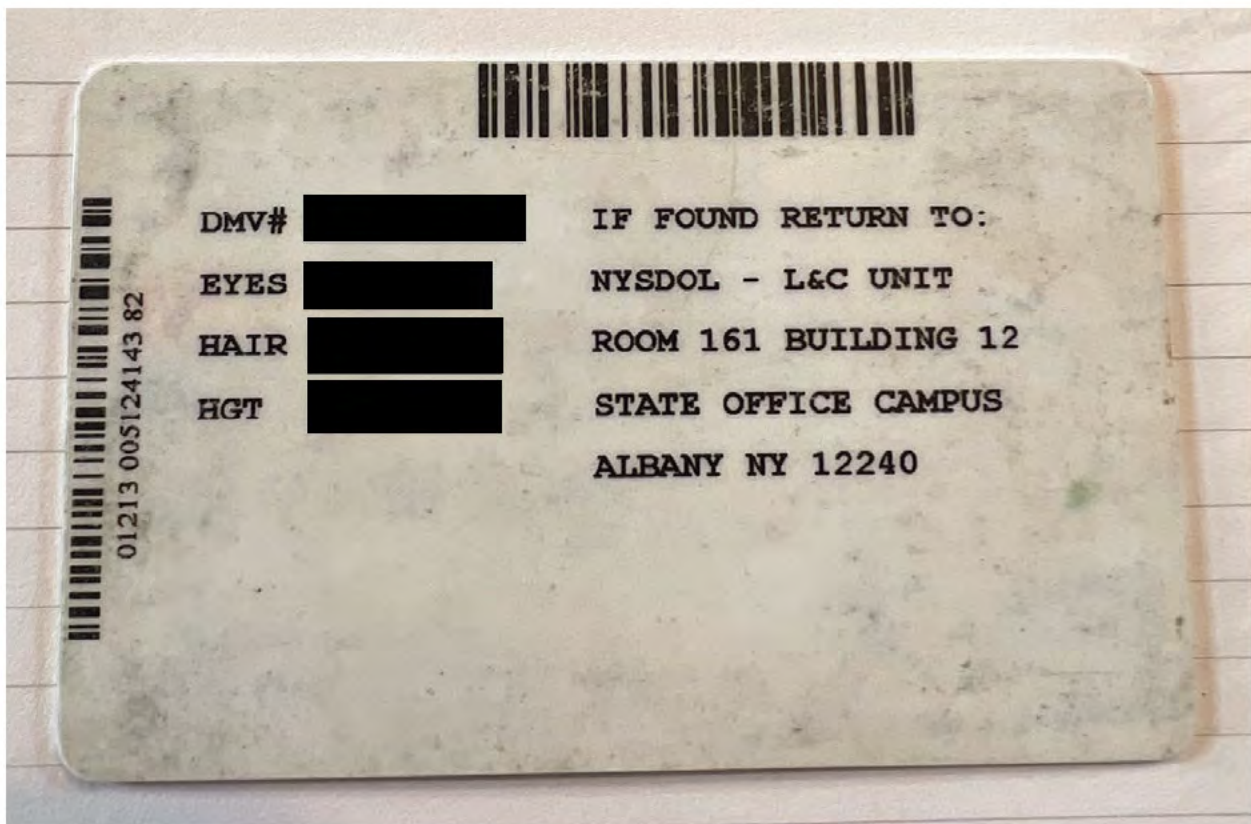
- 1 - Front view pic of Trevor Hanggi's NYS Crane Certificate of Competence
- 2 - Back view pic of Trevor Hanggi's NYS Crane Certificate of Competence
- 3 - Crane Rigging picture from the file listed in the addendum that Mr. Hanggi provided
- 4 - Yates County Sherriff's Department Police Report

**NAME: P Turkow**

**ORDERS ISSUED:**

**DATE: 6/3/2022**





# Guidance for Crane Practices in Arboriculture<sup>1</sup>



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<sup>1</sup> The Tree Care Industry Association, in collaboration with the Maine Arborist Association and in consultation with representatives from federal OSHA Region 1, recommend this as a documented protocol or decision-making process for arborists to follow, each and every time a crane is required to hoist a climber.

### TCIA Guide Disclaimer

This guide is designed to provide information in regard to the subject matter covered. It is provided for informational purposes only with the understanding that none of the information contained in this guide is intended to constitute professional advice or an express or implied warranty of any kind. It is the sole responsibility of the user to determine the applicability of any information discussed herein to any particular use. Neither the TCIA nor any of its agents will be responsible for any action taken by any user of this guide in regard to the subject matter covered. The user of this guide is advised to seek local counsel before using or implementing any portions of this guide, or associated samples, models, and forms, in whole or in part, at their company.



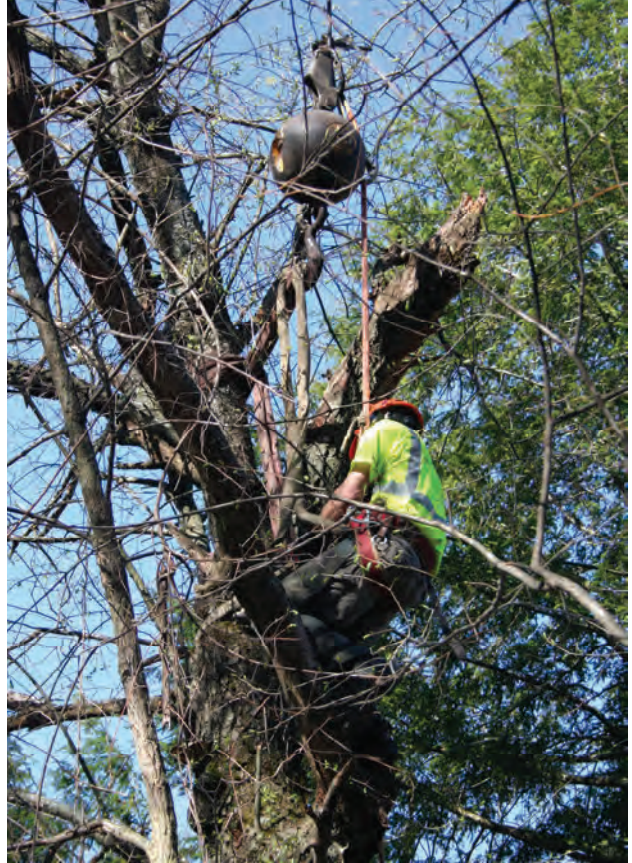
## Introduction

The purpose of this document, first and foremost, is to assist employers with assuring that their tree care operations using cranes have taken all reasonable precautions to ensure a safe operation. Secondly, it is intended to provide guidance to the employer to avoid potential OSHA citation.

OSHA doesn't have a problem generally with the use of cranes in arboricultural work so long as OSHA-compliant procedures are followed. These procedures are summarized and explained in ANSI Z133.1 (see page 8 of this document). Crane operators should also be familiar with OSHA's general industry crane standard, 29 CFR §1910.180, which can be accessed electronically on the federal OSHA web site.

OSHA's issue with cranes in arboriculture focuses pretty narrowly on the practice of hoisting a climber into a work position with the crane. This practice violates an OSHA standard, even though it may provide the safest or only feasible means to access a tree's canopy, as it does in the illustration to the right. The burden of proof is on the arborist to establish that complying with OSHA's standard is either *impossible* (infeasible) or *less safe* for workers.

The so-called "employer affirmative defense" is explained in this excerpt from OSHA Directive number CPL 02-01-045, *OSHA Citation Guidance Related to Tree Care and Tree Removal Operations*, effective 8/21/2008:



.....

Among other requirements, the [OSHA Crane] standard prohibits hoisting an individual on the crane load or hook (§1910.180(h)(3)(v)). This requirement applies even though the American National Standard for Arboricultural Operations, ANSI Z133.1-2006, §5.7.9, allows the hoisting of personnel into position with a crane. An employer's reliance on the ANSI [Standard] is therefore not a defense to a violation of §1910.180(h)(3)(v). An employer may, however, assert that compliance with the OSHA standard is either impossible/infeasible or presents a greater hazard to the employee. As with other affirmative defenses, the employer bears the burden of proving these affirmative defenses.

1. In accordance with OSHA Instruction CPL 02-00-103, *Field Inspection Reference Manual (FIRM)*, Chapter III, **impossibility/infeasibility** is established when compliance is:
  - a. Functionally impossible or would prevent performance of the required work; and
  - b. There are no alternative means of employee protection.
2. A **greater hazard** defense exists when compliance with the standard:
  - a. Results in greater hazards to the employee than noncompliance;
  - b. There are no alternative means of employee protection; and
  - c. An application of a variance would be inappropriate [see page 12].

3. If there is reason to believe that either defense may be asserted by an employer using a crane to position an employee, CSHOs [compliance officers] shall consider whether the following (non-exclusive) alternative methods could have been used:

- a. Can an aerial lift position employees? Aerial lifts (e.g., bucket trucks or cherry-pickers) are available in many configurations, some with booms of up to 46 meters. Aerial lifts with material handlers are also available, though generally not with the longest booms. Cranes may be used in addition to aerial lifts if heavy limbs must be handled. Aerial devices used in compliance with 29 CFR 1910.67 *Vehicle-mounted elevating and rotating work platforms* are considered a safe method of positioning employees.
- b. Is the tree safe to climb? Climbing decayed or damaged trees could be hazardous. For instance, damage to tree bark from insect infestation, or missing tree bark caused by fire, may make climbing infeasible or more hazardous than using a crane.<sup>2</sup> If the tree is not damaged or decayed to the extent that climbing would be unsafe, then climbing is normally considered safe using the appropriate climbing equipment and practices.
- c. If it is impossible to use an aerial device and if climbing is unsafe, can a personnel platform be suspended from a crane? Personnel platforms meeting §1926.550(g)(2) are available in several designs and, when used, will be treated as *de minimis*<sup>3</sup> violations of §1910.180(h)(3)(v). These platforms are required to be designed to minimize tipping caused by personnel movement through the use of an appropriate suspension system.

.....

*To the arborist considering the use of a crane to hoist a climber, we recommend this four- step decision-making process:*

1. Document the hazards of the tree/site that require the use of the crane and that specifically require its use to hoist the climber. Diagramming the site may be useful in communicating this information to others.
2. Using the checklist provided, document why other methods of tree access are infeasible or less safe than being hoisted by the crane.
3. Make sure every aspect of the crane operation conforms to accepted regulations and standards. An excerpt from ANSI Z133.1-2012 is provided for your convenience.
4. Make sure that all members of the crane crew have the appropriate licenses, certifications and competencies to perform their assigned duties. A checklist of recommended skills/knowledge is again provided for your convenience.

<sup>2</sup> Another common scenario for crane hoisting that OSHA neglected to mention in its directive is in storm response to wind-thrown trees where timing of response is critical and the tree is inherently and obviously unsafe to climb.

<sup>3</sup> *De minimis* conditions are those where an employer has implemented a measure different than one specified in a standard, that has no direct or immediate relationship to safety or health. Whenever *de minimis* conditions are found during an inspection, they are documented in the same manner as other violations, but no penalty is levied.

## Analysis of Tree/Site Hazards & Obstacles

Site address or physical location \_\_\_\_\_

List and describe the hazards of the tree(s) and/or the site that dictate the use of a crane to hoist a climber:

List and describe any site restrictions(s) or obstacle(s) that will dictate how the work is to be performed:

Specify the equipment needed to do this job safely:

Specify the personnel needed to do this job safely:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



### Tree/Site Diagram of Hazards & Obstacles

Diagram your tree job below. Use shaded areas to indicate site obstacles such as buildings, other structures or other tree canopies. Use cross-hatching to indicate slopes, wet areas, waterways, leach fields, septic tanks or other areas of unstable footing for crane/aerial lift outriggers. Use circle(s) to indicate location(s) and approximate diameter(s) of tree(s), with an "X" in those to be removed.

The form consists of a large grid of 20 columns and 20 rows. In the top right corner of the grid, there is a green compass rose with the cardinal directions labeled: N (North) at the top, S (South) at the bottom, E (East) on the right, and W (West) on the left. The grid is intended for drawing site hazards and obstacles.

Scale: 1 square = approx. \_\_\_ feet

## Alternatives for Tree Access & Removal

### Removal Options

1. Can the tree be safely removed by felling in one piece?  YES  NO  
 If "no", explain why: \_\_\_\_\_  
 \_\_\_\_\_
2. Can the tree be safely/feasibly removed by piecing down, roping and/or rigging:
- a. by a climber  YES  NO  
 If "no", explain why: \_\_\_\_\_  
 \_\_\_\_\_
- b. by an aerial lift operator in conventional lift?  YES  NO  
 If "no", explain why: \_\_\_\_\_  
 \_\_\_\_\_
- c. by an aerial lift operator in extended-reach lift?  YES  NO  
 If "no", explain why: \_\_\_\_\_  
 \_\_\_\_\_
- d. by an arborist in a man-basket?  YES  NO  
 If "no", explain why: \_\_\_\_\_  
 \_\_\_\_\_
3. Can the tree be safely/feasibly removed, using a crane for the picks:
- a. by a climber  YES  NO  
 If "no", explain why: \_\_\_\_\_  
 \_\_\_\_\_
- b. by an aerial lift operator in conventional lift?  YES  NO  
 If "no", explain why: \_\_\_\_\_  
 \_\_\_\_\_
- c. by an aerial lift operator in "extended-reach" lift?  YES  NO  
 If "no", explain why: \_\_\_\_\_  
 \_\_\_\_\_
- d. arborist in man-basket, suspended from a 2<sup>nd</sup> crane?  YES  NO  
 If "no", explain why: \_\_\_\_\_  
 \_\_\_\_\_

## ANSI Z133-2012<sup>4</sup> Crane Language

KEY: terms in **bold print** in the body of the text are defined in ANSI Z133's *Glossary*.

### 5.7 Cranes and Knucklebooms

**5.7.1** The items contained in section 5.1 shall always be included in the review of this section.

**5.7.2** Cranes shall be inspected in accordance with ASME B30.5 or ASME B30.22 (articulating boom) standards and manufacturers' guidelines. Rigging equipment shall be inspected before each use in accordance with OSHA 1910.184 and manufacturers' guidelines.

**5.7.3** Operators of hoisting equipment shall be trained and shall maintain a 10-foot minimum approach distance from unguarded, overhead energized conductors, or greater separation in accordance with Table 2. A spotter shall be used when work is being performed that could encroach upon minimum approach distances from energized conductors. The spotter shall be positioned to effectively gauge the clearance distance and give timely information to the **qualified crane operator**.

**5.7.4** Only a qualified crane operator shall be used.

**5.7.5** Cranes shall be equipped to comply with the design standards published in ASME B30.5 or ASME-B30.22 (for articulating booms).

**5.7.6** Hooks on overhaul ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening.

**5.7.7** Crane operators shall remain at the controls while a load is **suspended**.

**5.7.8** Tree sections shall be rigged to minimize load shifting. Controlled load lowering shall be used. **Shock-loading** shall be avoided, and free fall is prohibited.

**5.7.9** The qualified arborist shall estimate the weight of the tree section to be suspended prior to cutting the section. The load weight estimate shall be communicated to the crane operator. After the pick is complete, the crane operator should verify, compare, and communicate the estimated weight to the qualified arborist. A green log weight chart (such as Annex E) shall be available to the crew. The suspended load should not exceed 80 percent of the load chart capacity of the crane.

**5.7.10** The qualified crane operator and the crew leader shall meet prior to the work to review procedures to be followed. If the work involves a designated **signal person** and/or an additional qualified arborist being hoisted by the crane, these persons shall participate in the review as well. A job briefing shall be done before any work begins in accordance with subsection 3.1.4.

**5.7.11** Cranes shall be set up in accordance with manufacturers' specifications.

**5.7.12** Radio communication between the qualified arborist and qualified crane operator should be used during **blind picks**. Radio communication should be hands-free.

**5.7.13** A qualified arborist may be hoisted into position utilizing a crane if the arborist he/she is tied in with an **arborist climbing line** and **arborist saddle** and secured to an anchor point on or above the crane hook or to the crane boom<sup>5</sup>. The following procedures shall be followed when a qualified arborist is to be hoisted by a crane:

<sup>4</sup> At the time this guidance was drafted, ANSI Z133.1-2012 was still in draft form, subject to further revision. This section was reproduced with the permission of the Secretary and the Chair of the ASC Z133 Committee.

<sup>5</sup> Guidance on industry-acceptable vs. unacceptable crane "primary" tie-in methods is provided on page 11 of this document. Please note that ANSI Z133.1-2012 will require a second, back-up attachment only while the climber is being hoisted, per 5.7.13.2. This is a new requirement in ANSI, consistent with existing OSHA guidance for hoisting personnel.



**5.7. 13.1** A qualified person shall only authorize the use of a crane for hoisting a qualified arborist into position when he/she has determined that it is the safest and/or only feasible method to perform the work or gain access to a tree.

**5.7. 13.2** The arborist climbing line shall be secured to the crane in such a way that it does not interfere with the function of any of the crane's components. No part of the crane shall be allowed to compromise the climbing line or any component of the climbing system. The qualified arborist shall use a second point of attachment on or above the crane hook or to the crane boom while being hoisted into position in the tree.

**5.7. 13.3** Constant communication between the crane operator and the qualified arborist being hoisted shall be maintained, either directly or through a designated signal person, using two-way radio, vocal communication or accepted hand signals (Annex G).

**5.7. 13.4** The qualified crane operator shall remain at the controls while the qualified arborist is attached to the crane.

**5.7. 13.5** When the qualified arborist is being hoisted, hoisting speed shall not exceed 100 feet/minute (0.5 m/sec). During hoisting operations, there shall be no sudden acceleration or deceleration of the moving load.

**5.7. 13.6** The load-line hoist drum shall have a system or other device on the power train, other than the load hoist brake, that regulates the lowering speed of the hoist mechanism. The crane carrier shall not travel at any time while a qualified arborist is attached.

**5.7. 13.7** An accurate estimation of the **load radius** to be used during lifting shall be made before a qualified arborist is hoisted.

## Z133 Definitions

**arborist climbing line** (5.7.9): A line designated to support the climber while aloft in a tree or attached to a crane, constructed according to specifications outlined in subsection 8.1.8.

**arborist saddle** (5.7.9): An arrangement of straps, fittings, and buckles or other elements in the form of a waist belt with a low attachment element or elements and connecting support encircling the legs, suitably arranged to support the body in a sitting position.

**blind pick** (5.7.12): A work situation where the qualified arborist or the load is not in full view of the qualified crane operator.

**qualified crane operator** (5.7.3): An individual who:

- o has demonstrated proficiency to operate the type and capacity of equipment he/she operates;
- o is familiar with the equipment and hazards involved with arboriculture crane operations and has demonstrated proficiency in performing the special techniques involved;
- o where applicable, meets federal, state, or local requirements for licensure or training.

**shock-load** (5.7.8): The force exerted by a falling or moving object on the structure supporting it, which is greater than the weight of the object. Also referred to as dynamic load.

**signal person, designated** (5.7.10): A qualified person assigned to monitor the crane operation and maintain appropriate communication with the qualified crane operator.

**suspended (load)** (5.7.7): Any attached load held off the ground and against the force of gravity by the crane.

## Recommended Skills/ Knowledge for the Qualified Arborist Being Hoisted by a Crane

- ❑ Qualified Line Clearance Arborist or Qualified Arborist – see ANSI Z133 definitions
- ❑ Proper Chain Saw techniques:
  - proper notches and hinges
  - bypass cuts
  - understanding of pinching and how to avoid it
  - understanding a rip cut and being able to use it on a slowly moving/twisting piece without getting pinched
- ❑ Advanced rigging skills:
  - working over obstacles with ropes to understand balance and how pieces react differently according to where and how they are tied
  - ability to use multiple slings for balancing, lifting, etc.
- ❑ Risk assessment to be able to identify when their positioning and or actions increase their risk and what to do to reduce their risk
- ❑ Tree risk assessment (able to thoroughly assess structural integrity and know “low impact” rigging techniques to minimize force on the tree)
- ❑ Crane hand signals:
  - hand signals in addition to the standard crane hand signals (e.g. one sling, two slings, balancer, big saw, what's that weigh?, etc.)
- ❑ Knowledge of how crane lifting capacity is affected by boom angle and length
- ❑ Ability to estimate wood weights of different tree species:
  - wood weights include not just trunk pieces, but branches, with and without foliage
- ❑ Understanding of crane limits (no side loading the boom to break pieces free)
- ❑ Understand how load line's deviation from plumb affects where the piece is going to go
- ❑ Understanding the importance of minimizing the shock load by how the pieces are cut:
  - Understanding how to minimize swing. Understanding how to cut pieces so that there is minimal movement/swing after the piece is free.
- ❑ Knowledge of how to use the type of sling / choker to be used and where to cut in relation to the side the choker is placed.
- ❑ Knowledge of the hazard unstable ground poses (saturated soil, buried septic tanks / fields, cisterns, pipes, building foundations, etc.)
- ❑ Understanding of ANSI Z133 standard as it relates to crane use.

## Crane Tie-In Methods



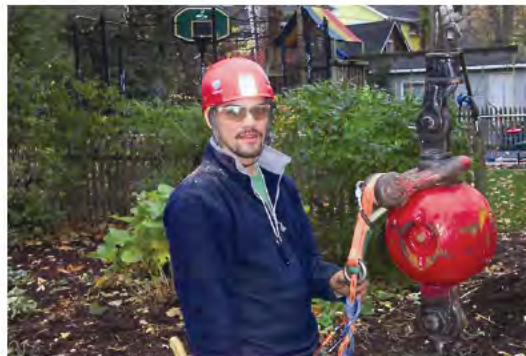
**UNACCEPTABLE:** Climbers must avoid placing climbing line or lanyard directly into the hook and certainly not in a hook that isn't latched and "locked".



**ACCEPTABLE:** Climbing line run through master link. Crane hook is latched and wired shut. Various size slings remain in the hook.



**ACCEPTABLE:** shackle above the ball, pin wired in place, climbing line in friction-saver.



**ACCEPTABLE:** Locking carabiner simultaneously captures the friction-saver and "locks" the shackle pin.



**UNACCEPTABLE (opposite):** Climbing line running over the un-locked pin on a shackle. The line could cause the pin to loosen and fall out.

**ACCEPTABLE (not pictured):** Tying directly into the crane boom, usually via a shackle.



## Exceptions to the OSHA Rule

Through letters of interpretation and permanent “variances”, OSHA has allowed exceptions to the rule, “No hoisting workers with cranes.”

Permanent variances have been granted at the request of various construction-related trades involving cranes apply very narrowly to specific employers whose workers are engaged in the construction or maintenance of tapered chimneys. More information on the variance process can be found at <http://www.osha.gov/dts/otpca/variances>

OSHA interpretations allowing the use of a man-basket on the crane load line apply fairly broadly to crane users. Obviously, the presence of a man-basket on the end of the crane’s load line effectively turns that crane into a dedicated personnel hoisting device. In a tree work setting, this would necessitate a second crane on site for lifting tree sections. Very often, space limitations prevent the use of two cranes on one tree.

Our industry has attempted to use personnel lifting platforms or “man-cages” to enter trees under certain conditions, but at times the man-cage can actually place the tree worker in an extremely hazardous situation. Often, the lack of balance as well as the interference from the cables and metal structure while attempting to use a chain saw creates a situation that can jeopardize the lives of the workers. It is for these reasons that our industry’s safety professionals developed procedures for tying into a crane above the bucket (headache ball) or on a clevis near the jib or boom tip with an arborist saddle and climbing line meeting ANSI Z133 requirements.

*In partnership with our Crown partners:*

 **TEREX** | WOODSMAN

 **Husqvarna**

 **Altec**



**MORBARK**

**Vermeer**



**Bandit  
INDUSTRIES, INC.**



**TREE CARE INDUSTRY ASSOCIATION, INC.** *Established 1938*

136 Harvey Road, Suite 101, Londonderry, NH 03053 ■ Tel 603-314-5380 ■ Fax 603-314-5386 ■ [www.tcia.org](http://www.tcia.org)



**ACCEPTABLE:** shackle above the ball, pin wired in place, climbing line in friction-saver.







# YATES COUNTY SHERIFF'S OFFICE

## POLICE REPORT

### ACCIDENT/FATAL

Complaint  
**2022-04176**

Report Date & Time  
05/13/2022 07:21

#### INCIDENT

Address of Occurrence: 2661 W LAKE PY RD JERUSALEM  
 District: [Redacted] Tract: 0 Occ. Date & Time: 05/13/2022 07:21 Day of Week: Friday Type of Premise: [Redacted]  
 Clearance Status: Referred To TT Mess#: [Redacted] TT Entry Date: [Redacted] TT Cancel#: [Redacted] TT Cancel Date: [Redacted]

#### INVESTIGATION PENDING

Officers: MCGUIGAN, DANIEL F. - 1M27 NEMITZ, EDWIN C. - 1M04  
 RYAN, FRANCIS E. - 1M10  
 Notes: [Redacted]

#### MEDICAL PERSONNEL - 1

Last Name: DAILEY First Name: RONALD MI: E Ext: [Redacted] Birth Date: [Redacted] Race: [Redacted] Sex: [Redacted] Age: [Redacted] Juvenile: [Redacted] Arrested: [Redacted] Report: [Redacted]  
 Address: YATES COUNTY CORONER City: PENN YAN State: NY Zip: 14527  
 Height: [Redacted] Weight: [Redacted] Hair: [Redacted] Eyes: [Redacted] Build: [Redacted] Complexion: [Redacted] Glasses: [Redacted] Scars/Marks/Tattoos: [Redacted]

#### Contact Information

Mobile: [Redacted]

#### OTHER - 1

Last Name: [Redacted] First Name: [Redacted] MI: [Redacted] Ext: [Redacted] Birth Date: [Redacted] Race: [Redacted] Sex: [Redacted] Age: [Redacted] Juvenile: [Redacted] Arrested: [Redacted] Report: [Redacted]  
 Address: 2689 W LAKE RD City: PENN YAN State: NY Zip: [Redacted]  
 Height: [Redacted] Weight: [Redacted] Hair: XXX Eyes: XXX Build: X Complexion: UNK Glasses: Unknown Scars/Marks/Tattoos: [Redacted]

#### Contact Information

Home: [Redacted] Mobile: [Redacted]

#### PERSON INTERVIEWED - 1

Last Name: [Redacted] First Name: [Redacted] MI: [Redacted] Ext: [Redacted] Birth Date: [Redacted] Race: [Redacted] Sex: [Redacted] Age: [Redacted] Juvenile: [Redacted] Arrested: [Redacted] Report: [Redacted]  
 Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]  
 Height: [Redacted] Weight: [Redacted] Hair: [Redacted] Eyes: [Redacted] Build: [Redacted] Complexion: [Redacted] Glasses: [Redacted] Scars/Marks/Tattoos: [Redacted]

#### Contact Information

Mobile: [Redacted]

#### PERSON INTERVIEWED - 2

Last Name: [Redacted] First Name: [Redacted] MI: [Redacted] Ext: [Redacted] Birth Date: [Redacted] Race: [Redacted] Sex: [Redacted] Age: [Redacted] Juvenile: [Redacted] Arrested: [Redacted] Report: [Redacted]  
 Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]  
 Height: [Redacted] Weight: [Redacted] Hair: [Redacted] Eyes: [Redacted] Build: [Redacted] Complexion: [Redacted] Glasses: [Redacted] Scars/Marks/Tattoos: [Redacted]

#### Contact Information

Mobile: [Redacted]

#### RELATIVE - 1

Last Name: [Redacted] First Name: [Redacted] MI: [Redacted] Ext: [Redacted] Birth Date: [Redacted] Race: [Redacted] Sex: [Redacted] Age: [Redacted] Juvenile: [Redacted] Arrested: [Redacted] Report: [Redacted]  
 Address: [Redacted] City: [Redacted] State: [Redacted] Zip: [Redacted]  
 Height: [Redacted] Weight: [Redacted] Hair: XXX Eyes: XXX Build: X Complexion: UNK Glasses: Unknown Scars/Marks/Tattoos: [Redacted]

Notes: Step-father of Ryan J. Rector





**YATES COUNTY SHERIFF'S OFFICE**  
**POLICE REPORT**  
**ACCIDENT/FATAL**

Complaint  
**2022-04176**

Report Date & Time  
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**Contact Information**

Home

**REPORTING PERSON - 1**

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
HANGGI	TREVOR	S								
Address		City		State		Zip				
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos			

**Contact Information**

Mobile  
 (585) 233-0486

**VICTIM - 1**

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
RECTOR	RYAN			10/18/1994	White	M	27	N	N	PR
Address		City		State		Zip				
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos			

Victim DID receive information on Victim's Rights and Services pursuant to New York State Law **No**

**WITNESS - 1**

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
[Redacted]										
Address		City		State		Zip				
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos			

**Contact Information**

Mobile

Notes

**NARRATIVE**

POLICE REPORT Date Entered: 05/13/2022 11:02 Entered By: MCGUIGAN, DANIEL F. #1127 MCGUIGAN, DANIEL F. - 1M27

On May 13, 2022 at or about 0721 hours Yates County Deputy Sheriff McGuigan was dispatched to 2261 W. Lake Road, Penn Yan for the report of a male that had fallen 50-60 feet from a tree to the ground. At the time of dispatch the male was reported to be unconscious and the status of pulse and breathing was unknown. Also dispatched to the scene was Yates County OEM (Ryan Bailey), Branchport Fire Department (crew of 8 members, see attendance sheet), Penn Yan Ambulance ( Joseph Houck and Samuel Beckley), and Medic 55 (David Dowdle).

Deputy McGuigan and Branchport FD Deputy Chief Opiel arrived on scene at 0727 hours and found the victim, later identified as Ryan James Rector (DOB 10/18/1994) to be on the north east side of 2689 W. Lake road, between a terraced earth embankment and ground mounted air conditioning units. He was laying on his back, slightly turned towards his right side, with visible blood in the oral and nasal airway passages as well as blood on the ground behind the rear of his head. Also observed was a large crane on the roadway extending towards the tree directly above the victim as well as a chainsaw, helmet, tree climbing spikes and assorted ropes and harness gear in the immediate area of the body.

Deputy McGuigan checked for a carotid pulse and observed it to be very weak and slow. Rector also displayed agonal breathing noted by sound and bubbling in the blood coming from his mouth. Deputy McGuigan cut his shirt and applied his agency AED prior to arrival of EMS as the victims pulse and





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*Complaint*  
**2022-04176**

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respiratory efforts stopped. The AED analyzed the rhythm and no shock was advised. At that time Deputy Chief Oppel began chest compressions. Once on scene Medic 55 connected Rector to their cardiac monitor and advised that he was in asystole, at which time they palpated his head and neck and found their to be significant internal injury.

Deputy McGuigan informed Yates County Dispatch to contact a coroner and have a member of CID respond to the scene. Lt. Nemitz, F/Sgt Ryan, Inv Rayburn and Coroner Dailey responded to the scene to assist with the investigation. Coroner Dailey determined the time of death to be 0815 hours. Coroner Dailey made arrangements with Perkins Funeral Home (Gorham) to transport the body to the Monroe County Medical Examiners Office for autopsy and toxicology investigation. Photographs taken by Dep McGuigan and F/Sgt Ryan were secured through Axon.

Basic interviews conducted at the scene revealed that Rector owns his own business, Hillside Logging and Tree Service, and was trimming / removing a tree at the above address along with Wilcox Crane Company. Persons at the scene at the time of the incident included [REDACTED] (crane operator), Trevor Hanggi (Crane operator), [REDACTED] (owner of 2661 W. Lake Rd / private landscaper) and [REDACTED] (owner of 2689 W. Lake Rd / was inside residence when fall occurred). A [REDACTED] was at the scene prior to the incident to aid the crew in set up before going to another job in Bristol.

Statements were secured from the crew members in which items of note included: That their was not anything out of the ordinary with the job, the job site or the crew members themselves that day. Ryan had donned his safety equipment at ground level and it appeared to be in working condition. Once lifted up with the crane he was talking through his head set with Trevor who was operating the crane. Trevor noted he observed him adjusting his rigging before he fell. [REDACTED] noted that he had seen Ryan go up the cable about 10 feet higher before hearing a metallic click and seeing him fall. At that time Trevor called 911 while [REDACTED] and [REDACTED] ran down to Ryan's Aid. They stated they removed his harness, helmet and climbing spike as he was tangled in ropes and wanted to get him to his side because he was choking on blood.

Once the rigging and safety equipment could be gathered and inspected, [REDACTED] stated that the only thing he could see that was abnormal was the fact that the safety lanyard was attached twice to the harness Ryan had been wearing. He stated that because it was hooked to him in twice, it would lead him to believe that he had not been using it at the time of the fall. [REDACTED] stated he also uses comparable gear as he has done some tree cutting as well.

Darryl Hanggi, Trevor's father and owner of Wilcox Crane Company arrived on scene with [REDACTED]. They state they were Ryan's cousins and had already made next of kin notifications. The incident remains under investigation by the Yates County Sheriff's Office and Yates County Coroner's Office.

SUPPLEMENT #1 Date Entered: 05/13/2022 16:35 Entered By: RAYBURN, KYLE W. - 1M06: RAYBURN, KYLE W. - 1M06

On 05/13/2022 at arond 07:47am IO responded to 2661 West Lake Road, Pann Yan NY, 14527 for a reported fatal accident involving a male falling 50-60 feet from a tree. IO photographed the scene with the OSCR 360 camera and took still photographs. Upon arrival the victim was near the base of the tree, slightly farther down hill, between a wooden retaining wall and an air conditioner unit. Victim was on his back. IO





YATES COUNTY SHERIFF'S OFFICE  
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took a statement from [REDACTED]. [REDACTED] stated he heard a metallic click and then saw Ryan start to fall. [REDACTED] ran down to help Ryan. [REDACTED] turned Ryan off of his side onto his back to help him from choking on blood. [REDACTED] also unhooked the climbing line from the saddle and took off one of Ryans spikes to allow first responders to provide aid to Ryan. [REDACTED] looked over Ryans climbing gear with IO and no items were noted as damaged or missing. [REDACTED] did see that Ryans safety lanyard was hooked to his belt twice, giving him the impression that it was not in use at the time of the fall.

IO also took a statement from [REDACTED]. [REDACTED] was the crane operator who drove the crane to the job site. Ryan left before the accident occurred but stated that when he left Ryan was working on his chain saw and had not put on his climbing gear yet.

IO collected Ryans climbing gear and the coroner turned over Ryans wallet to IO. Both were secured in evidence at YCSO.

IO contacted OSHA in Syracuse to notify them of the accident and left a message detailing the events that took place.

At this time it appears that Ryan was only attached to the crane with one point of contact. His safety lanyard did not appear to be in use. It is possible that Ryan went to unhook from the crane thinking his safety lanyard was attached properly and in use when it was not.

Investigation continues...

Officer: MCGUIGAN, DANIEL F. - 1M27 \_\_\_\_\_ Supervisor: RYAN, FRANCIS E. - 1M10 \_\_\_\_\_

Case Status: OPEN

Page: 4

Printed Date: 05/26/2022 10:07 AM

District Office 08 Industry Inspection Bureau 109 South Union St., Room 402 Rochester, NY 14607 (585) 258-8806 (voice)		Program Manager Industry Inspection Bureau State Office Campus, Room 157 Albany, NY 12240 (518) 457-2131
--	---	--

1. Supervisor Review	2. Date:
Larry E. Heffner	10/13/2023

3. Certificate holder name and address:			4. d/b/a		
Trevor S. Hanggi - 6942 Lee Road; Canandaigua, NY 14424			N/A		
5. Site Location:			6. Certificate Number		
2661 West Lake Road; Penn Yan, NY 14527			19-0038		
7. Jurisdiction:	8. Municipality	9. County	10. Type of Visit	11. Page:	
Crane	Town of Jerusalem	Yates	Other	1 of 1	
12. Not Complied:	14. Date:	16. Inspector	18. Out of Service Tag		
1	10/13/2023	Peter Turkow	<input type="checkbox"/>		
13. All Complied	15. Date	17. Inspector	19. Orders Voided		
<input type="checkbox"/>	*				

### Notice of Violation and Order to Comply

*You are hereby ordered to comply with the following requirements of NYS Industrial Code Rules at the above premises.*

*These requirements must be complied with IMMEDIATELY unless otherwise specified herein.*

20. Requirements explained to:	21. Violation Notice	Mailed to:	22. All violations shall be complied within:	
* Trevor Hanggi	* Trevor Hanggi	Trevor Hanggi	* N/A	

1) 12 NYCRR § 61-3.7 Reporting and Record Keeping. The reporting requirements of § 61-1.7 shall apply under this Subpart and shall include the name of the owner of the crane.

The certified individual, Trevor Hanggi, failed to notify the Commissioner of Labor of an unusual incident (fatality) before the close of the next business day as required by the reporting and recordkeeping requirements of 12 NYCRR § 61-3.7, which makes the reporting requirements of 12 NYCRR § 61-1.7 applicable to NY Certified Crane Operators.

According to 12 NYCRR § 61-1.7; Each individual who holds a Certificate of Competence issued under this part (61) shall report any unusual incident as herein defined. The report shall include the name and certificate number of the individual making the report, the name of the employer, contractor, owner, or entity employing or contracting for the services of such reporting individual, and a description of the unusual incident, including date, time, location and the nature of the personal injury or property damage, and in accordance with 12 NYCRR § 61-3.7, the report shall also include the name of the owner of the crane.

12 NYCRR § 61-1.2 (j) Defines an unusual incident as "any incident or event that results in personal injury requiring medical treatment beyond first aid, or in property damage in excess of \$1,000, or both, where such incident or event arises out of, or in the course of, performance of a certified occupation subject to the certification requirements of this Part."

Inspector's Observation: On May 20, 2022, I, Peter Turkow, was advised of a fatality that occurred on May 13, 2022, involving the operation of crane, owned by Wilcox Crane Co., Inc., that was used to hoist an individual approximately 50-60 feet into the air at 2661 West Lake Rd. Penn Yan, NY. On May 26, 2022, I interviewed certified crane operator, Trevor S. Hanggi, #19-0038. Mr. Hanggi stated that he was unaware that he needed to report this fatality (unusual incident) to the Commissioner of Labor.

Name:	<b>Peter Turkow</b>	Date:	10/13/2023
SH 998 (01/15)		Notice of Violation and Order to Comply v11	





**U.S. Department of Labor** Occupational Safety and Health Administration  
3300 Vickery Road  
North Syracuse, NY 13212



11/08/2022

Wilcox Crane Co., Inc.  
and its successors  
5835 Smith Rd  
Canandaigua, NY 14424

Dear Employer:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet entitled, "Employer Rights and Responsibilities Following an OSHA Inspection", (OSHA 3000-04R) revised 2018, which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussions in person or by telephone. Please contact me at (315) 451-0808.

You will note on page 6 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information will allow us to close the case.

As indicated on page 3 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of the citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the Citations as soon as the time, date and the place of the informal conference have been determined. Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

Sincerely,



**Jeff Prebish**  
Area Director

Enclosures



**U.S. Department of Labor**  
Occupational Safety and Health Administration  
3300 Vickery Road  
North Syracuse, NY 13212



## Citation and Notification of Penalty

**To:**  
Wilcox Crane Co., Inc.  
and its successors  
5835 Smith Rd  
Canandaigua, NY 14424

**Inspection Number:** 1596911  
**Inspection Date(s):** 05/16/2022 - 05/16/2022  
**Issuance Date:** 11/08/2022

**Inspection Site:**  
2661 W Lake PY RD  
Penn Yan, NY 14527

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

**Informal Conference** - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period by calling (315) 451-0808. During such an informal conference, you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).



If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

**Right to Contest** – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

**Penalty Payment** – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to "DOL-OSHA". Please indicate the Inspection Number on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the [pay.gov](http://www.pay.gov) homepage, type "OSHA" in the Search field and select Search. From **OSHA Penalty Payment Form** search result, select Continue. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

**Notification of Corrective Action** – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

**Employer Discrimination Unlawful** – The law prohibits discrimination by an employer against an

employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

**Employer Rights and Responsibilities** – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

**Inspection Activity Data** – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

**U.S. Department of Labor**  
Occupational Safety and Health Administration



## NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 11/08/2022. The conference will be held by telephone or at the OSHA office located at 3300 Vickery Road, North Syracuse, NY 13212 on \_\_\_\_\_ at \_\_\_\_\_.

Employees and/or representatives of employees have a right to attend an informal conference.

**CERTIFICATION OF CORRECTIVE ACTION WORKSHEET**

**Inspection Number: 1596911**

Company Name: Wilcox Crane Co., Inc.  
Inspection Site: 2661 W Lake PY RD, Penn Yan, NY 14527  
Issuance Date: 11/08/2022

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 3300 Vickery Road, North Syracuse, NY 13212.**

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

Citation Number \_\_\_\_\_ and Item Number \_\_\_\_\_ was corrected on \_\_\_\_\_  
By (Method of Abatement): \_\_\_\_\_

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed or Printed Name

\_\_\_\_\_  
Title

**NOTE: 29 USC 666(g)** whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

**POSTING:** A copy of completed Corrective Action Worksheet should be posted for employee review



**U.S. Department of Labor**  
Occupational Safety and Health Administration

Inspection Number: 1596911  
Inspection Date(s): 05/16/2022 - 05/16/2022  
Issuance Date: 11/08/2022



**Citation and Notification of Penalty**

**Company Name:** Wilcox Crane Co., Inc.  
**Inspection Site:** 2661 W Lake PY RD, Penn Yan, NY 14527

**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.180(h)(3)(v): Hoisting, lowering, swinging, or traveling operations were performed while an individual was on the load or hook.

a) In the Northeast side yard of 2689 W. Lake Road, on or about May 13th, 2022: A crane was operated while an individual, a self-employed contractor, was inadequately attached to the load and subsequently fell to his death.

Date By Which Violation Must be Abated:  
Proposed Penalty:

Corrected During Inspection  
\$4,351.00

A handwritten signature in black ink, appearing to read "Jeff Prebish". The signature is written over a horizontal line.

**Jeff Prebish**  
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**U.S. Department of Labor**  
Occupational Safety and Health Administration  
3300 Vickery Road  
North Syracuse, NY 13212




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**INVOICE /  
DEBT COLLECTION NOTICE**

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**Company Name:** Wilcox Crane Co., Inc.  
**Inspection Site:** 2661 W Lake PY RD, Penn Yan, NY 14527  
**Issuance Date:** 11/08/2022

Summary of Penalties for Inspection Number: 1596911

Citation I Item 1, Serious \$4,351.00

**TOTAL PROPOSED PENALTIES:** **\$4,351.00**

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically at [www.pay.gov](http://www.pay.gov). At the top of the pay.gov homepage, type "OSHA" in the Search field and select Search. From the **OSHA Penalty Payment Form** search result, select Continue. The direct link is: <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$25,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to two times.

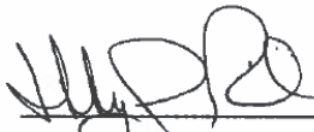
Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational

**Safety and Health Act.**

**Interest:** Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

**Delinquent Charges:** A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

**Administrative Costs:** Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.



Jeff Prebush

Area Director

11-8-2022

Date



## SAFETY NARRATIVE

Establishment Name	Wilcox Crane Co., Inc.
Inspection Number	1596911

**COVERAGE INFORMATION:** Wilcox Crane Co, Inc. is a contractor engaged in Interstate Commerce through the purchase and/or use of supplies, tools, materials, equipment, and services from outside of the State of New York and maintains a website that can be viewed worldwide on the internet.

**NATURE AND SCOPE:** A Voice Message was left in the Syracuse inbox on Friday 5/13/22 from the Yates County Sheriff's Department. The Duty Officer, on Monday 5/16/22, received the message that on 5/13/22, at approximately 7 AM, an arborist had been hoisted by a crane, from Wilcox Crane Co., Inc., to trim a tree for his company and subsequently fell 50 to 60 feet to his death. The Duty Officer contacted the Sherriff's Department, researched for more information, advised the AAD and CSHO's (b) (7)(C) were directed to investigate.

Check Applicable Boxes and Explain Findings:

- Complaint Items
- Referral Items (Fatality of Sole Proprietor of Hillside Firewood & Tree Service)
- Accident Investigation Summary & Findings

(b) (7)(C) Homeowner of 2689 W. Lake Road, Penn Yan NY had contacted (b) (7)(C), a tree service provider, to look at a rotted tree that needed to be removed in his side yard. (b) (7)(C) looked at the tree and told (b) (7)(C) it was too big of a job for him to do but he did know someone, Ryan Rector, that did larger tree removals. Ryan Rector was contacted to look at the tree. Ryan Rector determined due to the placement of the tree he would not be able to use his arial lift and would need to hire a crane for the pick. A formal contract was not written up for the project. The removal of the tree was scheduled for 5/13/2022.

Early in the morning on Friday, 5/13/2022 at approximately 6:45 AM, near 2689 W. Lake Road, Penn Yan, (b) (7)(C) Crane operator/estimator for Wilcox Crane Co., Inc., began to set up the approved road closure while the crane was placed in position and set up for the project by (b) (7)(C). (b) (7)(C) lowered the ball to reaching distance from the ground prior to getting out of the operator's seat. The landing zone was in place. The pick was planned for 7AM. The tree that was going to be taken down was rotten and was estimated that it was going to take 4-5 picks using the zigzag method, similar to how a Chinese finger trap toy works, to complete the project. The arborist, Ryan Rector, needed to assess the tree and would be directing the process. Ryan Rector was particular on his safety gear and his set up. He was an experienced climber, Fire Chief, and had completed many rope rescues. Ryan Rector put on his headset, helmet, climbing gear, safety gear and attached his chainsaw to himself. Ryan Rector then attached himself to the crane, with a shackle to the line, so he could do a visual inspection of the tree from above. (b) (7)(C) got into the operators chair to get ready for the lift. Ryan Rector communicated with (b) (7)(C) to start hoisting him. Trevor Hanggi started hoisting Ryan Rector. Approximately 30 seconds into the lift, and at an estimated height of 50-60 feet above the ground, (b) (7)(C) saw Ryan Rector slightly adjusting himself in the harness straps, heard a metallic click sound, and saw Ryan Rector falling.

Ryan Rector landed on the ground, on the northeast side of 2689 W. Lake Road, between a terraced earth embankment and ground mounted air conditioning unit. (b) (7)(C) owner of the house, stated he was inside his home, just on the other side of the wall near the air conditioning unit. He heard the thud and ran outside. (b) (7)(C) sole proprietor of another tree service, was on site helping with the project and immediately ran down to Ryan Rector. (b) (7)(C) unhooked the climbing line from the saddle and took off one of Ryan Rector's spikes. (b) (7)(C) stated nothing appeared to be wrong with the gear. Emergency personnel arrived at the scene at 7:27 AM, provided aid and medical support. Ryan Rector succumbed to his injuries at 8:15 AM.

On Tuesday, 5/24/2022 CSHO's (b) (7)(C) revisited the Yates County Sheriff's Office for additional information. At that time Ryan Rector's gear was obtained from evidence storage and was able to be inspected by the CSHO's. It was noted that nothing appeared wrong with the gear, and everything was intact. The only thing unusual was that the safety lanyard had been hooked back to itself. That had also been mentioned by (b) (7)(C). After review of the facts, it appears Ryan Rector had not attached the safety lanyard and likely placed his shackle on the dead end of the Crane line. When he adjusted himself, his load shifted, bent the dead end over, and the shackle slipped over the end.

- LEP  
 Planned Inspection  
 Follow-up Inspection

**NATURE AND SCOPE – UNUSUAL CIRCUMSTANCES (Mark X and explain all the apply:)**

- None  
 Denial of entry (see denial memo)  
 Delays in conducting the inspection  
 Strikes  
 Jurisdictional Issues

(No jurisdiction for the deceased owner of Hillside Firewood & Tree Service)

- Trade Secrets  
 Others

(Wilcox Crane Company, Inc did not expose any of their employees to the hazard of being hoisted but did allow the deceased to be exposed to the hazard of being hoisted.)

Comments: (b) (7)(C) Darryl Hanggi, owns Wilcox Crane Co., Inc. Ryan Rector was (b) (7)(C) Darryl Hanggi's nephew. Ryan Rector was a Fire Chief and had been at a fire scene the prior night, on fire watch until 2 AM, and was having coffee on site at 6:30 AM.

**OPENING CONFERENCE NOTES:** On 5/19/22 CSHO (b) (7)(C) called and spoke with (b) (7)(C) the owner's son, and operator of the crane. CSHO (b) (7)(C) identified himself and stated the reason for the call. During the call, all applicable opening conference topics were discussed. All inspection procedure were discussed, including employer representatives, photographs, PPE, employee interviews, 11(c) program, and company safety programs. Information was obtained or requested and a time for interviews was established. On 5/24 CSHO's (b) (7)(C) conducted interviews at the shop with (b) (7)(C) and sole proprietor (b) (7)(C). CSHO's (b) (7)(C) went to a site location and conducted interviews with employees (b) (7)(C).

## US DEPARTMENT OF LABOR PHOTO MOUNTING WORKSHEET

**Inspection: 1596911**

**Photo ID Number: Photo 6**

**Date: 5/13/2022 provided by resident**

**Establishment: Wilcox Crane Co., Inc.**

**Description: This photo depicts Wilcox Crane Co., Inc. Crane being set up for the lift on site that morning.**





**Inspection: 1596911**

**Photo ID Number: Photo 5**

**Date: 5/13/2022 provided by resident**

**Establishment: Wilcox Crane Co., Inc.**

**Description: This photo depicts another view of Wilcox Crane Co., Inc. Crane being set up for the lift on site that morning.**



**Inspection: 1596911**

**Photo ID Number: Photo 7**

**Date: 5/13/2022 provided by resident**

**Establishment: Wilcox Crane Co., Inc.**

**Description: This photo depicts another view of Wilcox Crane Co., Inc. Crane being set up for the lift on site that morning.**



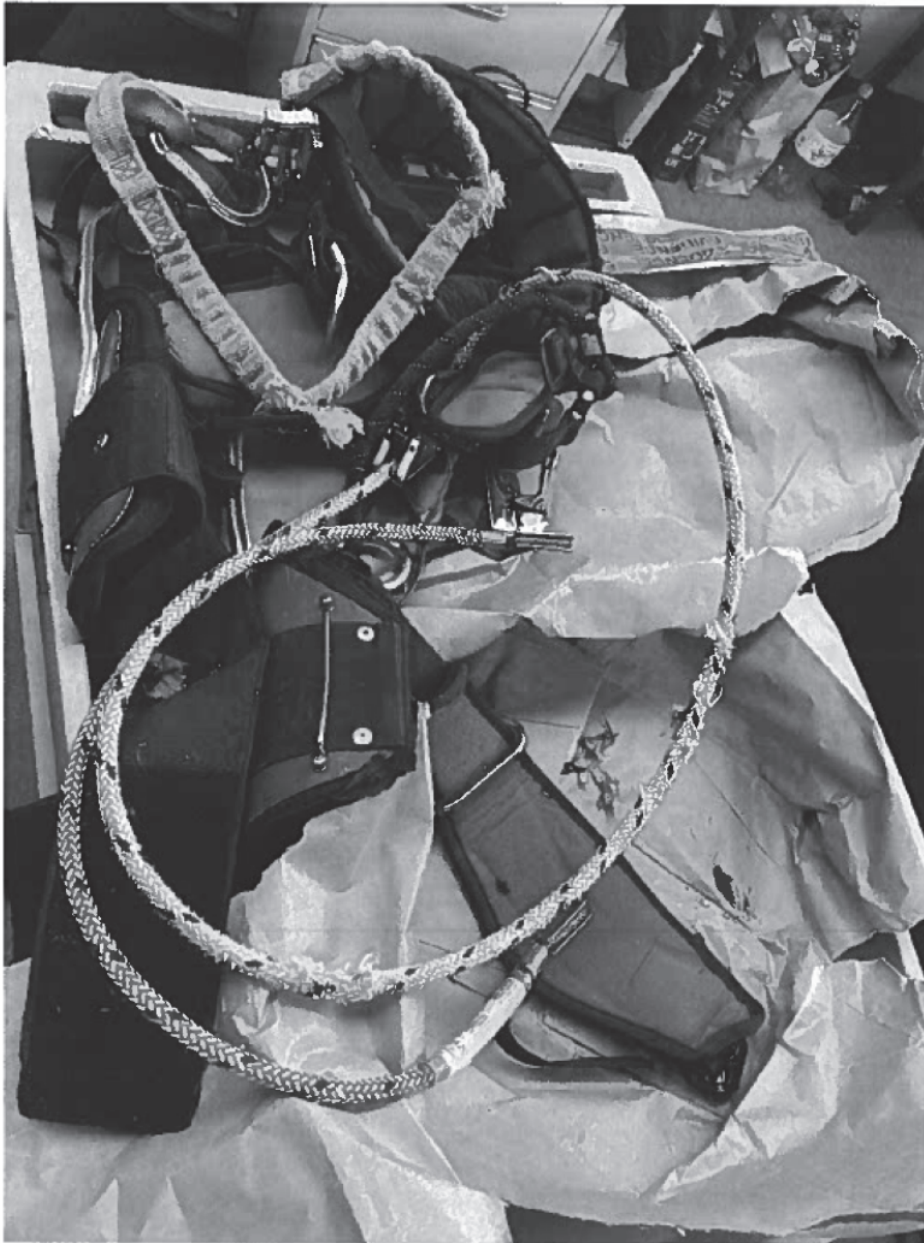
**Inspection: 1596911**

**Photo ID Number: IMG\_0536**

**Date: 5/24/2022**

**Establishment: Wilcox Crane Co., Inc.**

**Description: This photo depicts Hillside Firewood & Tree Service rigging and safety gear.**





**Inspection: 1596911**

**Photo ID Number: IMG\_0545**

**Date: 5/24/2022**

**Establishment: Wilcox Crane Co., Inc.**

**Description: This photo depicts another view of Hillside Firewood & Tree Service rigging and safety gear.**



**Inspection: 1596911**

**Photo ID Number: IMG\_0541**

**Date: 5/24/2022**

**Establishment: Wilcox Crane Co., Inc.**

**Description: This photo depicts Hillside Firewood & Tree Service double shackle that was used the day of the incident and showed no defects.**





**Inspection: 1596911**

**Photo ID Number: IMG\_0543**

**Date: 5/24/2022**

**Establishment: Wilcox Crane Co., Inc.**

**Description: This photo depicts Hillside Firewood & Tree Service helmet and safety gear.**





STATEMENT

YATES COUNTY SHERIFF'S DEPARTMENT  
PUBLIC SAFETY BUILDING  
PENN YAN, NEW YORK 14527

CR: 2022-04176

Date 5-13-2022 Time 9:28am Place West Lake Rd

I, (b) (7)(C) my s and I make this statement to \_\_\_\_\_ of the Yates County Sheriff's Department:

Q-What did you see this morning?  
A- I repositioned my truck on the road. I drove up on the High road and came back down the other side. When I came back he was already getting hoisted by the crane. I walked down to the landing and he was up about 100 feet. He was hanging from the hook of the hoist. He went up another 10 feet and stopped. Then I heard a metallic click and he started free falling. He brushed the edge of tree. I couldn't see him land on the ground. I ran down there, called out for someone to call 911. He was on his back and gagging on blood. I rolled him on his side to help clear the blood out of his mouth. I unhooked the climbing line from the saddle. He was tangled up in it. I took off one of his spikes. left leg I believe.

Q-Did you see Ryan put on his climbing gear?  
A- No

Q-When Deputies brought up Ryans gear did you notice anything broken or out of place?  
A- Just that the safety lanyard was hooked to his belt in two spots like it wasn't being used. Everything else looked normal.

Q-Anything else you can think of that you saw or heard?  
A- No

JRD

I have (read this statement) (had this statement read to me) consisting of 1 page(s) and the facts contained herein are true and correct. I have also been told and I understand that making a false written statement is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law of the State of New York.

\* Affirmed under penalty of perjury this 13<sup>th</sup> day of May, 2022.

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Title: \_\_\_\_\_

Signed (b) (7)(C) \_\_\_\_\_  
Witness: \_\_\_\_\_  
Witness: \_\_\_\_\_

STATEMENT

YATES COUNTY SHERIFF'S DEPARTMENT  
PUBLIC SAFETY BUILDING  
PENN YAN, NEW YORK 14527

CR: 2022-04176

Date 5-13-2022 Time 11:50 Place West Lake Road

I, (b) (7)(C)  
my (b) (7)(C)  
and I make this statement to (b) (7)(C) of the Yates County

Sheriff's Department:

Q-What did you see this morning while you were at the West Lake Road job site?  
A- I drove the crane in this morning. Me Sam + Trevor set the crane up. Crane was set up when I left to go to another job site. I did not see Ryan put his climbing gear on. He was working on his saw when I left. I think I left around 7am. When I was in Penn Yan I saw the ambulance and a cop car heading this way.  
Q-Is there anything else you can think of?  
A- No

CR

I have (read this statement) (had this statement read to me) consisting of 1 page(s) and the facts contained herein are true and correct. I have also been told and I understand that making a false written statement is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law of the State of New York.

\* Affirmed under penalty of perjury this 13<sup>th</sup> day of May, 20 22.


Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_  
Title: \_\_\_\_\_

Signed: (b) (7)(C)  
\_\_\_\_\_  
Witness: \_\_\_\_\_  
Witness: \_\_\_\_\_

STATEMENT

YATES COUNTY SHERIFF'S DEPARTMENT  
PUBLIC SAFETY BUILDING  
PENN YAN, NEW YORK 14527

CR: 2022-04176

Date 05/13/2022 Time 0807hrs Place 2061 W Lake Rd Penn Yan  
I,  Sheriff's Department: \_\_\_\_\_  
my \_\_\_\_\_  
an \_\_\_\_\_ County

Shackles would normally be attached to the cable of the crane and the climber would put on his climbing spikes and harness and attached to the shackles above the ball with a climbing rope.

I watched Ryan fit his climbing spikes and safety gear. I walked away for a minute to check safety cones and for vehicles and then saw Ryan ~~falling~~ falling mid way down the tree and ran down to check on him. We removed his climbing spikes after he fell and climbing harness and rolled him on his side to help him breathe. I saw a car call 911 before we removed Ryan's gear and moved him. We moved his car. I saw a car from Ryan and I went back up to the board and waited for help.

Q: Was the chainsaw running when he fell?

A: No

Q: When you say "we" removed his gear, who was that including?

A: My self and Jeff and Trevor was calling 911

Q: Did his safety gear appear to be correctly donned, when you removed it?

A: Yes it did

Q: Did anything appear out of normal with crew members or circumstances on today's job?

A: Nothing seemed out of the normal ~~day~~ day

I have ~~read this statement~~ (had this statement read to me) consisting of 1 page(s) and the facts contained herein are true and correct. I have also been told and I understand that making a false written statement is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law of the State of New York.

\* Affirmed under penalty of perjury this 13<sup>th</sup> day of MAY, 2022.

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Title: \_\_\_\_\_  
Witness: \_\_\_\_\_



STATEMENT

YATES COUNTY SHERIFF'S DEPARTMENT  
PUBLIC SAFETY BUILDING  
PENN YAN, NEW YORK 14527

Date 5/13/2022 Time 8:35am Place St. Rt 54 A @ Lower West Lake Rd

I, (b) (7)(C)  
m  
a

Sheriff's Department: \_\_\_\_\_

Q: How did you job start this morning?

A: I was setting out Traffic Cones on both sides of Highway, our other operator Coline Rogers was setting up the job site

Q: after you set cones did you return to job site?

A: yes

Q: what did you see or do?

A: They moved the crane into position I helped Ryan change on bar and saw Colin and Ryan were tracking the rigging that Ryan was wearing to the crane. I got into operator's cab and I lifted Ryan up to inspect the tree. Ryan and I were talking on phone because he wanted to do a visual inspection I could see he was adjusting his rigging when he fell. We were still on phone when he fell I jumped out, called 911 and went to meet them. Jeff and Sam stayed with Ryan

Q: who does Ryan work for?

A: Self employed

Q: Did you see any of the rigging being done?

A: No, Coline was with Ryan

Q: Do you have anything else you can think of relating to this incident?

A: No

TSH

I have (read this statement) (had this statement read to me) consisting of 1 page(s) and the facts contained herein are true and correct. I have also been told and I understand that making a false written statement is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law of the State of New York.

\* Affirmed under penalty of perjury this 13 day of MAY, 2022

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_

Sig: (b) (7)(C)  
Wit: \_\_\_\_\_  
Witness: \_\_\_\_\_

U.S. Department of Labor  
Occupational Safety and Health Administration



Statement Page 1 of Pages

(b) (7) (C)

I understand that this statement will be held in confidence until such time as I may be called to testify in a court proceeding, at which time it may be produced upon demand of opposing counsel. Additionally, this statement may be made available to other agencies if it will assist them in the performance of their statutory functions. Upon the closing of this case, this statement may be subject to disclosure only in accordance with applicable statute(s) and agency policy.

I hereby depose and say: On the morning of 5/13/22  
I arrived at the jobsite at approximately 6:45 AM.  
At that time I began to set up the road  
closure while the crane was moved  
into position & set up by (b) (7) (C)  
After Ryan put on all of his climbing gear  
I got into the operators cab of the crane  
and Ryan attached all of his own safety

OSHA Form 181A, May 1988

Statement (Affirmation)

Statement of (b) (7)(C) Page 2 of Pages

and Climbing equipment to the crane so that we could perform a visual inspection of the tree and decide if the tree was safe enough for him to get into. It was during the visual inspection when the accident occurred and Ryan fell.

TSH

I have read and had the opportunity to correct this statement consisting of \_\_\_\_\_ handwritten pages, and these facts are true and correct to the best of my knowledge and belief. Public Law 91-586, Paragraph 17(g) makes it a criminal offense to knowingly make a false statement or misrepresentation in this statement.

Witness:	(b) (7)(C)
Signature	Date 5-24-22
Address	
City, State, ZIP Code	
Phone Number	

OSHA Form 181C, May 1998



USPS TRACKING#



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

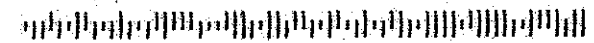
9590 9402 6969 1225 0907 19

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

Evon Zablou  
NYS DOL  
503C Bldg 12 Rm 509  
Albany, NY 12240

EZ



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Trevor S. Hanggi  
6942 Lee Rd.  
Canandaigua, NY 14424



9590 9402 6969 1225 0907 19

2. Article Number (Transfer from)  
7019 0160 0000 5280 9192

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 *TSH*  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
Trevor Hanggi 5/31/24

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       |   |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

STATE OF NEW YORK DEPARTMENT OF LABOR

In the Matter of the Suspension, Revocation, or Restriction of:

**TREVOR S. HANGGI  
CRANE CERTIFICATE NO 19-0038**

**RESPONDENT'S  
EXHIBIT LIST**

Pursuant to Section 61-1.5(f) of Title 12 of the New York  
Codes, Rules and Regulations


File # DSH - 0164327

Respondent, Trevor S. Hanggi, Crane Certificate No. 19-0038 intends to offer the following exhibits at the hearing on this matter:

Resp. Ex. A	Notice of Violation dated October 13, 2023
Resp. Ex. B	Yates County Sheriff's Office Police Report dated May 13, 2022
Resp. Ex. C	Statement of Jeffrey Denee affirmed May 13, 2022
Resp. Ex. D	Statement of Samuel H. Bean affirmed May 13, 2022
Resp. Ex. E	Statement of Trevor S. Hanggi affirmed May 13, 2022
Resp. Ex. F	Accident Scene Photograph
Resp. Ex. G	Accident Scene Photograph
Resp. Ex. H	Accident Scene Photograph
Resp. Ex. I	Accident Scene Photograph
Resp. Ex. J	Accident Scene Photograph
Resp. Ex. K	ANSI Arboricultural Safety Standards

Dated: August 28, 2024

**BARCLAY DAMON LLP**

By:   
David M. Fulvio, Esq.  
*Attorneys for Respondent*  
2000 Five Star Bank Plaza  
100 Chestnut Street  
Rochester, New York 14605  
Tel: (315) 425-2788



# Exhibit

A

District Office 08  
 Industry Inspection Bureau  
 109 South Union St., Room 402  
 Rochester, NY 14607  
 (585) 258-8806 (voice)



Program Manager  
 Industry Inspection Bureau  
 State Office Campus, Room 157  
 Albany, NY 12240  
 (518) 457-2131

1. Supervisor Review	2. Date:
Larry E. Heffner	10/13/2023

3. Certificate holder name and address: Trevor S. Hanggi - 6942 Lee Road; Canandaigua, NY 14424			4. d/b/a N/A	
5. Site Location: 2661 West Lake Road; Penn Yan, NY 14527			6. Certificate Number 19-0038	
7. Jurisdiction: Crane	8. Municipality Town of Jerusalem	9. County Yates	10. Type of Visit Other	11. Page: 1 of 1
12. Not Complied: 1	14. Date: 10/13/2023	16. Inspector Peter Turkow	18. Out of Service Tag Γ	
13. All Complied Γ	15. Date *	17. Inspector	19. Orders Voided	

**Notice of Violation and Order to Comply**

*You are hereby ordered to comply with the following requirements of NYS Industrial Code Rules at the above premises.*

*These requirements must be complied with IMMEDIATELY unless otherwise specified herein.*

20. Requirements explained to: * Trevor Hanggi	21. Violation Notice * Trevor Hanggi	Mailed to: *	22. All violations shall be complied within: N/A
---	---	-----------------	---

1) 12 NYCRR § 61-3.7 Reporting and Record Keeping. The reporting requirements of § 61-1.7 shall apply under this Subpart and shall include the name of the owner of the crane.

The certified individual, Trevor Hanggi, failed to notify the Commissioner of Labor of an unusual incident (fatality) before the close of the next business day as required by the reporting and recordkeeping requirements of 12 NYCRR § 61-3.7, which makes the reporting requirements of 12 NYCRR § 61-1.7 applicable to NY Certified Crane Operators.

According to 12 NYCRR § 61-1.7; Each individual who holds a Certificate of Competence issued under this part (61) shall report any unusual incident as herein defined. The report shall include the name and certificate number of the individual making the report, the name of the employer, contractor, owner, or entity employing or contracting for the services of such reporting individual, and a description of the unusual incident, including date, time, location and the nature of the personal injury or property damage, and in accordance with 12 NYCRR § 61-3.7, the report shall also include the name of the owner of the crane.

12 NYCRR § 61-1.2 (j) Defines an unusual incident as "any incident or event that results in personal injury requiring medical treatment beyond first aid, or in property damage in excess of \$1,000, or both, where such incident or event arises out of, or in the course of, performance of a certified occupation subject to the certification requirements of this Part."

Inspector's Observation: On May 20, 2022, I, Peter Turkow, was advised of a fatality that occurred on May 13, 2022, involving the operation of crane, owned by Wilcox Crane Co., Inc., that was used to hoist an individual approximately 50-60 feet into the air at 2661 West Lake Rd Penn Yan, NY. On May 26, 2022, I interviewed certified crane operator, Trevor S. Hanggi, #19-0038. Mr Hanggi stated that he was unaware that he needed to report this fatality (unusual incident) to the Commissioner of Labor.

Name SH 998 (01/15)	Peter Turkow	Date: 10/13/2023
------------------------	--------------	---------------------

# Exhibit B





# YATES COUNTY SHERIFF'S OFFICE

## POLICE REPORT

### ACCIDENT/FATAL

**Complaint**  
**2022-04176**

Report Date & Time  
05/13/2022 07:21

#### INCIDENT

Address of Occurrence <b>2661 W LAKE PY RD JERUSALEM</b>		District	Tract <b>0</b>	Occ. Date & Time <b>05/13/2022 07:21</b>	Day of Week <b>Friday</b>	Type of Premise	
Clearance Status <b>INVESTIGATION PENDING</b>		Referred To	TT Mess#	TT Entry Date	TT Cancel#	TT Cancel Date	
Officers <b>MCGUIGAN, DANIEL F. - 1M27</b> <b>RYAN, FRANCIS E. - 1M10</b>			Officer <b>NEMITZ, EDWIN C. - 1M04</b>				
Notes							

#### MEDICAL PERSONNEL - 1

Last Name <b>DAILEY</b>	First Name <b>RONALD</b>	MI <b>E</b>	Ext	Birth Date	Race <b>White</b>	Sex <b>M</b>	Age <b>53</b>	Juvenile <b>N</b>	Arrested <b>N</b>	Report <b>PR</b>
Address <b>YATES COUNTY CORONER</b>		City <b>PENN YAN</b>	State <b>NY</b>	Zip <b>14527</b>						
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos			

#### Contact Information

#### OTHER - 1

Last Name <b>MATHEY</b>	First Name <b>JOSEPH</b>	MI <b>W</b>	Ext <b>III</b>	Birth Date	Race <b>Unknown</b>	Sex <b>U</b>	Age <b>73</b>	Juvenile <b>N</b>	Arrested <b>N</b>	Report <b>PR</b>
Address <b>2689 W LAKE RD</b>		City <b>PENN YAN</b>	State <b>NY</b>	Zip						
Height	Weight	Hair <b>XXX</b>	Eyes <b>XXX</b>	Build <b>X</b>	Complexion <b>UNK</b>	Glasses <b>Unknown</b>	Scars/Marks/Tattoos			

#### Contact Information

#### PERSON INTERVIEWED - 1

Last Name <b>ROGERS</b>	First Name <b>COLIN</b>	MI	Ext	Birth Date	Race <b>White</b>	Sex <b>M</b>	Age <b>33</b>	Juvenile <b>N</b>	Arrested <b>N</b>	Report <b>PR</b>
Address <b>6211 COUNTY RD 33</b>		City <b>NAPLES</b>	State <b>NY</b>	Zip <b>14512</b>						
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos			

#### Contact Information

#### PERSON INTERVIEWED - 2

Last Name <b>BEAN</b>	First Name <b>SAMUEL</b>	MI <b>H</b>	Ext	Birth Date	Race <b>White</b>	Sex <b>M</b>	Age <b>23</b>	Juvenile <b>N</b>	Arrested <b>N</b>	Report <b>PR</b>
Address <b>2831 SPANGLE ST</b>		City <b>CANANDAIGUA</b>	State <b>NY</b>	Zip <b>14424</b>						
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos			

#### Contact Information

#### REPORTING PERSON - 1

Last Name <b>HANGGI</b>	First Name <b>TREVOR</b>	MI <b>S</b>	Ext	Birth Date	Race <b>White</b>	Sex <b>M</b>	Age <b>24</b>	Juvenile <b>N</b>	Arrested <b>N</b>	Report <b>PR</b>
Address <b>4028 RT 5 &amp; 20</b>		City <b>CANANDAIGUA</b>	State <b>NY</b>	Zip <b>14424</b>						
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos			

Notes



**YATES COUNTY SHERIFF'S OFFICE  
POLICE REPORT  
ACCIDENT/FATAL**

Complaint  
**2022-04176**

Report Date & Time  
05/13/2022 07:21

**Contact Information**

**VICTIM - 1**

Last Name	First Name	MI	Ext	Race	Sex	Age	Juvenile	Arrested	Report
RECTOR	RYAN			White	M	27	N	N	PR
Address		City		State	Zip				
33 CLARK ST Apt: POB33		NAPLES		NY	14512				
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos		
5' 11"			BLU	M					
Victim DID receive information on Victim's Rights and Services pursuant to New York State Law								No	

**WITNESS - 1**

Last Name	First Name	MI	Ext	Race	Sex	Age	Juvenile	Arrested	Report
DENNEE	JEFFREY			White	M	55	N	N	PR
Address		City		State	Zip				
6962 W GULICK RD		NAPLES		NY	14512				
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos		

**Contact Information**

Notes

**NARRATIVE**

POLICE REPORT Date Entered: 05/13/2022 11:02 Entered By: MCGUIGAN, DANIEL FO#1M27MCGUIGAN, DANIEL F - 1M27

On May 13, 2022 at or about 0721 hours Yates County Deputy Sheriff McGuigan was dispatched to 2261 W. Lake Road, Penn Yan for the report of a male that had fallen 50-60 feet from a tree to the ground. At the time of dispatch the male was reported to be unconscious and the status of pulse and breathing was unknown. Also dispatched to the scene was Yates County OEM (Ryan Bailey), Branchport Fire Department (crew of 8 members, see attendance sheet), Penn Yan Ambulance ( Joseph Houck and Samuel Beckley), and Medic 55 (David Dowdle).

Deputy McGuigan and Branchport FD Deputy Chief Oppel arrived on scene at 0727 hours and found the victim, later identified as Ryan James Rector (DOB [REDACTED]) to be on the north east side of 2689 W. Lake road, between a terraced earth embankment and ground mounted air conditioning units. He was laying on his back, slightly turned towards his right side, with visible blood in the oral and nasal airway passages as well as blood on the ground behind the rear of his head. Also observed was a large crane on the roadway extending towards the tree directly above the victim as well as a chainsaw, helmet, tree climbing spikes and assorted ropes and harness gear in the immediate area of the body.

Deputy McGuigan checked for a carotid pulse and observed it to be very weak and slow. Rector also displayed agonal breathing noted by sound and bubbling in the blood coming from his mouth. Deputy McGuigan cut his shirt and applied his agency AED prior to arrival of EMS as the victims pulse and respiratory efforts stopped. The AED analyzed the rhythm and no shock was advised. At that time Deputy Chief Oppel began chest compressions. Once on scene Medic 55 connected Rector to their cardiac monitor and advised that he was in asystole, at which time they palpated his head and neck and found their to be significant internal injury.

Deputy McGuigan informed Yates County Dispatch to contact a coroner and have a member of CID respond to the scene. Lt. Nemitz, F/Sgt Ryan, Inv Rayburn and Coroner Dailey responded to the scene to assist with the investigation. Coroner Dailey determined the time of death to be 0815 hours. Coroner Dailey made arrangements with Perkins Funeral Home (Gorham) to transport the body to the Monroe County



**YATES COUNTY SHERIFF'S OFFICE  
POLICE REPORT  
ACCIDENT/FATAL**

*Complaint*  
**2022-04176**

*Report Date & Time*  
05/13/2022 07:21

Medical Examiners Office for autopsy and toxicology investigation. Photographs taken by Dep McGuigan and F/Sgt Ryan were secured through Axon.

Basic interviews conducted at the scene revealed that Rector owns his own business, Hillside Logging and Tree Service, and was trimming / removing a tree at the above address along with Wilcox Crane Company. Persons at the scene at the time of the incident included Samuel Bean (crane operator), Trevor Hanggi (Crane operator), Jeffrey Dennee (owner of 2661 W. Lake Rd / private landscaper) and Joseph Mathey (owner of 2689 W. Lake Rd / was inside residence when fall occurred). A Colin Rogers was at the scene prior to the incident to aid the crew in set up before going to another job in Bristol.

Statements were secured from the crew members in which items of note included: That their was not anything out of the ordinary with the job, the job site or the crew members themselves that day. Ryan had donned his safety equipment at ground level and it appeared to be in working condition. Once lifted up with the crane he was talking through his head set with Trevor who was operating the crane. Trevor noted he observed him adjusting his rigging before he fell. Jeffrey noted that he had seen Ryan go up the cable about 10 feet higher before hearing a metallic click and seeing him fall. At that time Trevor called 911 while Jeffrey and Samuel ran down to Ryan's Aid. They stated they removed his harness, helmet and climbing spike as he was tangled in ropes and wanted to get him to his side because he was choking on blood.

Once the rigging and safety equipment could be gathered and inspected, Jeffrey stated that the only thing he could see that was abnormal was the fact that the safety lanyard was attached twice to the harness Ryan had been wearing. He stated that because it was hooked to him in twice, it would lead him to believe that he had not been using it at the time of the fall. Jeffrey stated he also uses comparable gear as he has done some tree cutting as well.

Darryl Hanggi, Trevor's father and owner of Wilcox Crane Company arrived on scene with his daughter Lauren Hanggi. They state they were Ryan's cousins and had already made next of kin notifications. The incident remains under investigation by the Yates County Sheriff's Office and Yates County Coroner's Office.

*LT. Arlyn Cunningham*

Officer: MCGUIGAN, DANIEL F. - 1M27 *Daniel F. McGuigan* Supervisor: RYAN, FRANCIS E. - 1M10 *Francis E. Ryan*

Case Status: OPEN

Page: 3

Printed Date: 05/13/2022 04:34 PM





# YATES COUNTY SHERIFF'S OFFICE

## SUPPLEMENTARY POLICE REPORT # 1

### ACCIDENT/FATAL

Complaint  
**2022-04176**

Report Date & Time  
05/13/2022 07:21

#### INCIDENT

Address of Occurrence	District	Tract	Occ. Date & Time	Day of Week	Type of Premise
2661 W LAKE PY RD JERUSALEM		0	05/13/2022 07:21	Friday	

Clearance Status	Referred To	TT Mess#	TT Entry Date	TT Cancel#	TT Cancel Date
INVESTIGATION PENDING					

Officers
MCGUIGAN, DANIEL F. - 1M27 RYAN, FRANCIS E. - 1M10
NEMITZ, EDWIN C. - 1M04

Notes

#### MEDICAL PERSONNEL - 1

Last Name	First Name	Mi	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
DAILEY	RONALD	E			White	M	53	N	N	PR

Address	City	State	Zip
YATES COUNTY CORONER	PENN YAN	NY	14527

Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos

#### Contact Information

Mobile

#### OTHER - 1

Last Name	First Name	Mi	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
MATHEY	JOSEPH	W	III		Unknown	U	73	N	N	PR

Address	City	State	Zip
2689 W LAKE RD	PENN YAN	NY	

Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos
		XXX	XXX	X	UNK	Unknown	

#### Contact Information

Mobile

#### PERSON INTERVIEWED - 1

Last Name	First Name	Mi	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
ROGERS	COLIN				White	M	33	N	N	PR

Address	City	State	Zip
6211 COUNTY RD 33	NAPLES	NY	14512

Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos

#### Contact Information

Mobile

#### PERSON INTERVIEWED - 2

Last Name	First Name	Mi	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
BEAN	SAMUEL	H			White	M	23	N	N	PR

Address	City	State	Zip
2831 SPANGLE ST	CANANDAIGUA	NY	14424

Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos

#### Contact Information

Mobile

#### REPORTING PERSON - 1

Last Name	First Name	Mi	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
HANGGI	TREVOR	S			White	M	24	N	N	PR

Address	City	State	Zip
4028 RT 5 & 20	CANANDAIGUA	NY	14424

Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos

Notes



# YATES COUNTY SHERIFF'S OFFICE

## SUPPLEMENTARY POLICE REPORT # 1

### ACCIDENT/FATAL

Complaint  
**2022-04176**

Report Date & Time  
05/13/2022 07:21

#### Contact Information

Mobile

#### VICTIM - 1

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
RECTOR	RYAN				White	M	27	N	N	PR
Address		City		State	Zip					
33 CLARK ST Apt: POB33		NAPLES		NY	14512					
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos			
5' 11"			BLU	M						
Victim DID receive information on Victim's Rights and Services pursuant to New York State Law							No			

#### WITNESS - 1

Last Name	First Name	MI	Ext	Birth Date	Race	Sex	Age	Juvenile	Arrested	Report
DENNEE	JEFFREY				White	M	55	N	N	PR
Address		City		State	Zip					
6962 W GULICK RD		NAPLES		NY	14512					
Height	Weight	Hair	Eyes	Build	Complexion	Glasses	Scars/Marks/Tattoos			

#### Contact Information

Mobile

Notes

#### NARRATIVE

SUPPLEMENT # 1 Date Entered: 05/13/2022 16:35 Entered By: RAYBURN,KYLE W. - 0009 RAYBURN,KYLE W. - 1M06

On 05/13/2022 at arond 07:47am IO responded to 2661 West Lake Road, Pann Yan NY, 14527 for a reported fatal accident involving a male falling 50-60 feet from a tree. IO photographed the scene with the OSCR 360 camera and took still photographs. Upon arrival the victim was near the base of the tree, slightly farther down hill, between a wooden retaining wall and an air conditioner unit. Victim was on his back. IO took a statement from Jeffrey Dennee. Jeffrey stated he heard a metallic click and then saw Ryan start to fall. Jeffrey ran down to help Ryan. Jeffrey turned Ryan off of his side onto his back to help him from choking on blood. Jeffrey also unhooked the climbing line from the saddle and took off one of Ryans spikes to allow first responders to provide aid to Ryan. Jeffrey looked over Ryans climbing gear with IO and no items were noted as damaged or missing. Jeffrey did see that Ryans safety lanyard was hooked to his belt twice, giving him the impression that it was not in use at the time of the fall.

IO also took a statement from Colin Rogers. Colin was the crane operator who drove the crane to the job site. Ryan left before the accident occurred but stated that when he left Ryan was working on his chain saw and had not put on his climbing gear yet.

IO collected Ryans climbing gear and the coroner turned over Ryans wallet to IO. Both were secured in evidence at YCSO.

IO contacted OSHA in Syracuse to notify them of the accident and left a message detailing the events that took place.

At this time it appears that Ryan was only attached to the crane with one point of contact. His safety lanyard did not appear to be in use. It is possible that Ryan went to unhook from the crane thinking his safety lanyard was attached properly and in use when it was not.

Investigation continues...



**YATES COUNTY SHERIFF'S OFFICE**

**SUPPLEMENTARY POLICE REPORT # 1**

**ACCIDENT/FATAL**

Complaint  
**2022-04176**

Report Date & Time  
05/13/2022 07:21

Officer: RAYBURN, KYLE W. - 1M06

Supervisor: CUNNINGHAM, ARLYN C. - 1M07



# Exhibit C

STATEMENT

YATES COUNTY SHERIFF'S DEPARTMENT  
PUBLIC SAFETY BUILDING  
PENN YAN, NEW YORK 14527

CR: 2022-04176

Date 5-13-2022 Time 9:28am Place West Lake Rd  
I, Seamus K Denie, am 9:29 years of age, born on 55  
my address is 6962 West Glen Rd, Mosby NY 14512  
and I make this statement to Inv. Kyle Rayburn of the Yates County  
Sheriff's Department:

Q-What did you see this morning?

A- I repositioned my truck on the road. I drove up on the High road and came back down the other side. When I came back he was already getting hoisted by the crane. I walked down to the landing and he was up about 60 feet. He was hanging from the hook of the hoist. He went up another 10 feet and stopped. Then I heard a metallic click and he started free falling. He brushed the edge of tree. I couldn't see him land on the ground. I ran down there, called out for someone to call 911. He was on his back and gagging on blood. I rolled him on his side to help clear the blood out of his mouth. I unhooked the climbing line from the saddle. He was tangled up in it. I took off one of his spikes. Left leg I believe.

Q-Did you see Ryan put on his climbing gear?

A- No

Q-When Deputies brought up Ryans gear did you notice anything broken or out of place?

A- Just that the safety lanyard was hooked to his belt in two spots like it wasn't being used. Everything else looked normal.

Q-Anything else you can think of that you saw or heard?

A- No

JKD

I have (read this statement) (had this statement read to me) consisting of 1 page(s) and the facts contained herein are true and correct. I have also been told and I understand that making a false written statement is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law of the State of New York.

\* Affirmed under penalty of perjury this 13<sup>th</sup> day of May, 2022.

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: Seamus K Denie

Page 1 of 1 page(s).

Witness: Kyle W. Rayburn

Witness: \_\_\_\_\_

Title: \_\_\_\_\_

# Exhibit D





# Exhibit

# E

STATEMENT

YATES COUNTY SHERIFF'S DEPARTMENT  
PUBLIC SAFETY BUILDING  
PENN YAN, NEW YORK 14527

Page ONE

Date 5/13/2022 Time 8:35 AM Place St. Rt. 54 A @ Lower West Lake Rd  
I, Trevor S. Haggis, am 27 years of age, born on \_\_\_\_\_,  
my address is 6942 Lee Rd Canandaigua NY,  
and I make this statement to Sgt Francis Ryan of the Yates County  
Sheriff's Department:

Q: How did you job start this morning?

A: I WAS setting out Traffic Cones on both sides of Highway,  
our other operator Colin Rogers was setting up the job site.

Q: after you set cones did you return to job site?

A: yes

Q: what did you see or do?

A: They moved the crane into position I helped Ryan change a bar  
on saw Colin and Ryan were hooking the rigging that Ryan was  
wearing to the crane. I got into operators cabin I lifted  
Ryan up to inspect the tree. Ryan and I were talking on phone  
because he wanted to do a visual inspection I could see  
he was adjusting his rigging when he fell we were still  
on phone when he fell I jumped out, called 911 and  
went to meet them Jeff and Sam stayed with Ryan

Q: who does Ryan work for?

A: self employed

Q: Did you see any of the rigging being done?

A: No, Colin was with Ryan

Q: Do you have anything else you can think of relating to this incident?

A: No

TSH

I have (read this statement) (had this statement read to me), consisting of 1 page(s) and the facts contained herein  
are true and correct. I have also been told and I understand that making a false written statement is punishable as a Class A  
misdemeanor pursuant to section 210.45 of the Penal Law of the State of New York.

\* Affirmed under penalty of perjury this 13 day of MAY, 2022

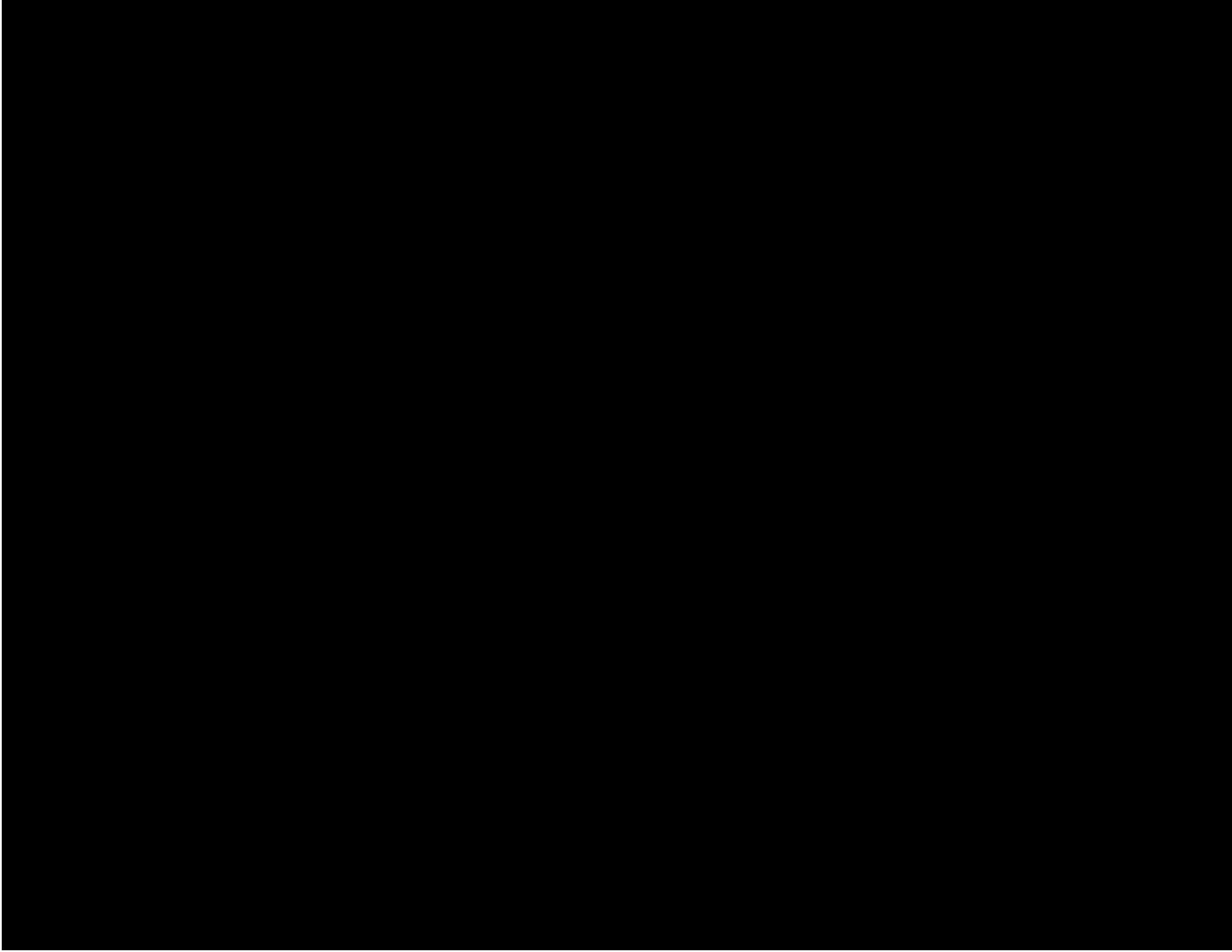
Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_  
Title: \_\_\_\_\_

Signed: Trevor S Haggis  
Page \_\_\_\_\_ of \_\_\_\_\_ page(s).  
Witness: [Signature]  
Witness: \_\_\_\_\_



# Exhibit

# F



# Exhibit G







Exhibit

H





# Exhibit

# I



# Exhibit

# J









