

**BEFORE THE  
STATE OF CALIFORNIA  
OCCUPATIONAL SAFETY AND HEALTH  
APPEALS BOARD**

In the Matter of the Appeal of:

[REDACTED]

[REDACTED]

Los Angeles, CA [REDACTED]

Employer.

**DOCKET 13-R4D3-2027**

**TRANSMITTAL**

The attached Order was issued on the date indicated therein. If you are dissatisfied with the Order, you have thirty (30) days from the date of service of the Order in which to petition for reconsideration. The petition for reconsideration must be sent to:

**Occupational Safety and Health Appeals Board  
2520 Venture Oaks Way, Suite 300  
Sacramento, California 95833**

Your petition for reconsideration must fully comply with the requirements of Labor Code Sections 6616, 6617, 6618, and 6619 and with Title 8, California Code of Regulations, Section 390.1.

For further information, call: (916) 274-5751

**OSHAB 20 (9/99)**

BEFORE THE  
STATE OF CALIFORNIA  
OCCUPATIONAL SAFETY AND HEALTH  
APPEALS BOARD

In the Matter of the Appeal of:

DOCKET 13-R4D3-2027

[REDACTED]

[REDACTED]

Los Angeles, CA [REDACTED]

Employer.

**ORDER**

Good cause having been shown, the stipulation of the parties quoted below is accepted and the matter is resolved as set forth in the attached summary table.

The parties herein agreed as follows:

**IT IS STIPULATED** by the parties herein that the terms and conditions set forth in the above-described agreement, and the contents of any and all of the parties' settlement, including all files, records, and documents pertaining to this action in the possession of the Division or Appellant, are not intended to be and shall not be construed by anyone or any proceeding as an admission of negligence, fault, or wrongdoing whatsoever by Appellant.

The parties further stipulate that neither Appellant's agreement to compromise this matter nor any statement contained in this agreement shall be admissible in any other proceeding, either legal, equitable, or administrative, except for purposes of administration and enforcement of Title 8 of the California Code of Regulations.

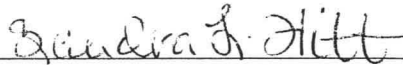
The parties further stipulate that Appellant has entered into this agreement in order to avoid protracted litigation and the costs associated therewith.

The parties further stipulate that no findings or conclusions have been made by any trier-of-fact regarding the citations and fine at issue herein.

The parties further stipulated that Employer's financial condition is such that an 18 month payment plan is necessary and appropriate. Employer may pay the total penalty amount of \$3,035 in 18 equal monthly installments of \$168.61 beginning with the first payment on or before March 1, 2014, and all other payments on or before the first of each following month. Any late or incomplete payment will cause the remaining balance to become immediately due and payable.

**IT IS SO ORDERED.**

Dated: January 27, 2014



**SANDRA L. HITT**

Administrative Law Judge

SLH:ml

Pursuant to § 364.2(d) of Title 8 of the California Code of Regulations, Employer shall post for 15 working days a copy of this Order.

Pursuant to § 364.2(b) of Title 8 of the California Code of Regulations, the Division shall serve a copy of this disposition on any authorized employee representative if known to the Division to represent affected employees.

In the Matter of the Appeal of:

**13-R4D3-2027**

IMIS No. 316669340

Site:   
Date of Inspection: 02/27/2013 – 06/19/2013

Date of Citation: 06/20/2013

Abbreviation Key: Reg=Regulatory  
G=General W=Willful  
S=Serious R=Repeat  
Er=Employer DOSH=Division

DOCKET	CITATION	ITEM	SECTION	TYPE	ALLEGED VIOLATION DESCRIPTION MODIFICATION OR WITHDRAWAL	AFV FAC IRATE MEDD	PENALTY PROPOSED BY DOSH IN CITATION	PENALTY PROPOSED BY DOSH AT PRE- HEARING	FINAL PENALTY ASSESSED BY BOARD
13-R4D3-2027	1		4206(a)	S	[Unguarded pt. of opr.] DOSH deleted accident-related characterization due to lack of a causal nexus and lowered the extent and likelihood ratings. ER w/d appeal.	X	\$12,600	\$3,035	<b>\$3,035</b>
Sub-Total							<b>\$12,600</b>	\$3,035	<b>\$3,035</b>

**Total Amount Due\***

**\$3,035**

NOTE: Payment of final penalty amount should be made to:

Accounting Office (OSH)  
Department of Industrial Relations  
P.O. Box 420603  
San Francisco, CA 94142

(INCLUDES APPEALED CITATIONS ONLY)

\*You will owe more than this amount if you did not appeal one or more citations or items containing penalties. Please call (415) 703-4291 if you have any questions. Employer may pay the total penalty amount in 18 equal monthly installments of \$168.61 beginning March 1, 2014, as set forth in the Order.

ALJ: SLH/ml  
POS: 1/27/14

**DECLARATION OF SERVICE BY MAIL**

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is Occupational Safety and Health Appeals Board, 100 North Barranca Street, Suite 410, West Covina, California, 91791.

On January 27, 2014, I served the attached **Order** by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at West Covina, California, with first-class postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

**Mike Rubell**, Safety Consultant  
SAFETY COMPLIANCE INSTITUTE  
24760 West Via Del Llano  
Calabasas, CA 91302

District Manager – DOSH  
6150 Van Nuys Boulevard  
Suite 405  
Van Nuys, CA 91401

Chief Counsel  
DOSH - Legal Unit  
1515 Clay Street, 19<sup>th</sup> Floor  
Oakland, CA 94612

DOSH – Legal Unit  
320 W. Fourth Street, Suite 400  
Los Angeles, CA 90013

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 27, 2014, at West Covina, California.

  
Declarant