

BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

In the Matter of the Appeal of:

[REDACTED]
[REDACTED]
San Dimas, CA [REDACTED]

Employer

**DOCKETS 13-R4D4-2134
through 2136**

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.

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In the Matter of the Appeal of:

[REDACTED]

[REDACTED]

San Dimas, CA [REDACTED]

Employer

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through 2136

ORDER

Good cause having been shown, the above captioned matter is resolved as set forth in the attached summary table.

It is stipulated by and between the parties that the terms and conditions set forth in the above-described agreement, 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 Employer.

The parties further stipulate that neither Employer's agreement to compromise this matter nor any statement contained in this agreement shall be admissible in any other proceeding, legal, equitable, or administrative, except for purposes of administration and enforcement of the California Occupational Safety and Health Act and in proceedings before the Appeals Board.

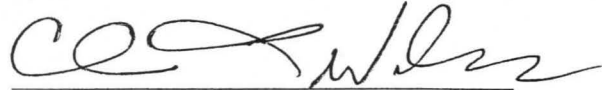
The parties further stipulate that Employer has entered into this agreement in order to avoid protracted litigation and costs associated thereto.

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

Employer may pay the total penalty of \$4,490 in 20 monthly payments with the first payment of \$234 beginning on March 1, 2014 and \$224 for all subsequent payments. Failure to pay an installment by the 15th day of any month will result in the entire balance becoming immediately due and payable without further Order.

IT IS SO ORDERED.

Dated: January 30, 2014

A handwritten signature in black ink, appearing to read 'CHW', is written over a horizontal line.

CLARA HILL WILLIAMS
Administrative Law Judge

CHW: ao

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.

SUMMARY TABLE ORDER

In the Matter of the Appeal of:

Dockets 13-R4D4-2134 through 2136

Abbreviation Key: Reg=Regulatory
G=General W=Willful
S=Serious R=Repeat
Er=Employer DOSH=Division
Ee=Employee
A/R=Accident Related

IMIS No. 316345974

Site:

Date of Inspection: 12/27/12-06/14/13 Date of Citation: 06/14/13

DOCKET	CITATION	ITEM	SECTION	TYPE	ALLEGED VIOLATION DESCRIPTION MODIFICATION OR WITHDRAWAL	A F F I R M E D	V A C A T E D	PENALTY PROPOSED BY DOSH IN CITATION	PENALTY PROPOSED BY DOSH AT PRE- HEARING or STATUS CONF.	FINAL PENALTY ASSESSED BY BOARD
13-R4D4-2134	1	1	3203(a)	G	(No effective written IIPP) Citation remains as issued	X		\$85	\$85	\$85
		2	3314(g)	G	(No written energy written control procedures) Citation remains as issued	X		195	195	195
		3	3314(j)	G	(No training provided in hazardous energy control procedures) Citation remains as issued	X		130	130	130
13-R4D4-2135	2		3314(c)	S AR	(Failure to de-energize machine before cleaning causing serious injury) Citation 2.1 combined with Cit.1.2 pursuant with 336(k).	X		10,800	1,080	1,080
13-R4D4-2136	3		4186(b)	S AR	(Point of operation guard not properly set up causing serious injury) DOSH RECLASSIFIED AS GENERAL -due to insufficient evidence of ER knowledge with a stipulated reduced penalty	X		10,800	3,000	3,000
Sub-Total								\$22,010	\$4,490	\$4,490
Total Amount Due*										\$4,490

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

and payable without further Order.

(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 of \$4,490 in 20 monthly payments with the first payment of \$234 beginning on March 1, 2014 and \$224 for all subsequent payments. Failure to pay an installment by the 15th day of any month will result in the entire balance becoming immediately due**

ALJ: CHW/ao
POS: 01/30/2014

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 30, 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 Lano
Calabasas, CA 91302

District Manager – DOSH
1906 West Garvey Avenue, Suite 200
West Covina, CA 91790

DOSH - Legal Unit
1515 Clay Street, 19th Floor
Oakland, CA 94612

Los Angeles Legal Unit
320 West Fourth Street, Suite 400
Los Angeles, CA 90013

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

Executed on January 30, 2014, at West Covina, California.


Declarant