

Este documento es muy importante. Si ud. No habla inglés,
busque un traductor o llame al (904) 232-2895.

U.S. Department of Labor Occupational Safety and Health Administration
1851 Executive Center Drive Suite 227
Jacksonville, FL 32207
Phone: (904) 232-2895 Fax: (904) 232-1294

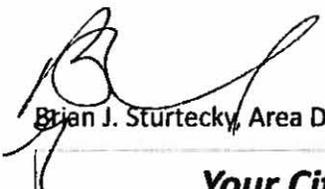


March 18, 2016

Dear Michael Winant,

On 10/01/2015, an OSHA compliance officer met with you or your representative as part of an inspection at Coggin Ford, 2655 N. Volusia Ave, Orange City, FL 32763. This letter includes the citations for the violations that were found (see summary below). Please choose one of the three options from the box to the right and complete the associated steps found on the following page **within 15 working days**. Please call us if you have any questions about the enclosed citation and/or penalties; we are here to help you choose the best option to resolve your citation as quickly as possible.

Sincerely,


Brian J. Sturtecky, Area Director

Your Citation Summary
TectaAmerica, SE Region
Inspection Number: 1095613

Total Amount Due: \$63,900.00
Payment Due Date: 15 working days
after receipt of
this letter

You must correct each violation by the date listed in the Citation and Notification of Penalty. Please see the violations and the correction deadline for each violation starting on page 6.

Total Number of Violations : Five (5)
Your First Correction Deadline is: 3/30/16

Step 1 – Choose a Response
Option and
Act within 15 working days

Respond now before you lose the ability to discuss potential adjustments to penalty amounts and/or due dates. Please choose one option below and complete the steps on the next page.

Option #1 – Discuss with OSHA

I would like to discuss the citation with an OSHA representative. This may lead to changes in the penalty amount, due date or correction deadlines (if appropriate).

Option #2 – Correct and Pay

I agree with the citation, penalties, and correction deadlines, and do not contest.

Option #3 – Contest the Citation

I do not agree with the citation, penalties, and/or correction deadlines, and would like to contest.

Questions or Concerns?

If you have any questions or concerns regarding the citation, penalties, and/or correction deadlines, please call us at (904) 232-2895.

Step 2 – Complete One Option Checklist

Please post a copy of the citation at or near the place where each violation occurred, even if you plan to contest. You can use the checklist to the right to help plan your next steps. Please do not send in your checklist.

Option #1 – Discuss with OSHA

I will complete by:



1. Call: Brian J. Sturtecky, Area Director, at (904) 232-2895 as soon as possible to schedule a meeting with an OSHA representative that must occur **within 15 working days** of receiving this citation. Bring supporting documentation of existing conditions and corrections done thus far. If necessary, you can still contest the citation after this meeting. ****This meeting does NOT extend your 15 working day deadline to contest the citation.****

 __ / __

2. Fill in and post the attached "Notice to Employees OSHA Informal Conference" after scheduling meeting.

 __ / __

Option #2 – Correct Violations and Pay Penalty

I will complete by:



1. Correct violations, then complete and mail the attached "Certification of Corrective Action Worksheet" along with the appropriate evidence of repair (e.g. photos, purchase orders, etc.) to the OSHA office listed on the first page, **postmarked within 10 calendar days after each violation's correction deadline and include any required evidence. If these documents are transmitted by means other than mailing, the date the Agency received the documents is the date of submission.**

 __ / __

2. Pay the **Total Penalty** by using one of the following methods:
****Include your Inspection Number (see first page) on the payment.****

 __ / __

Pay Online: Search "OSHA" on www.pay.gov and complete the "OSHA Penalty Payment Form." Pay by debit, credit or Automated Clearing House (ACH) **within 15 working days**. Penalties over \$25,000 must be paid by ACH and require a Transaction ID (Call 202-693-2170 to obtain one).

Pay by Check: Mail check or money order payable to "DOL-OSHA" for the Total Penalty to the OSHA office listed on the first page **within 15 working days**.

Option #3 – Contest the Citation

I will complete by:



Mail a letter of intent to legally contest to the OSHA office listed on the first page, postmarked within **15 working days**.

 __ / __

U.S. Department of Labor
Occupational Safety and Health Administration
1851 Executive Center Drive
Suite 227
Jacksonville, FL 32207
Phone: 904-232-2895 Fax: 904-232-1294



Citation and Notification of Penalty

To:
TectaAmerica, SE Region
588 Monroe Road
Sanford, FL 32771

Inspection Number: 1095613
Inspection Date(s): 10/01/2015 - 10/01/2015
Issuance Date: 03/18/2016

Inspection Site:
Coggin Ford
2655 N. Volusia Ave
Orange City, FL 32763

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. 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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on OSHA Penalty Payment Form. 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. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/18/2016. The conference will be held by telephone or at the OSHA office located at 1851 Executive Center Drive, Suite 227, Jacksonville, FL 32207 on _____ at

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

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1095613

Company Name: TectaAmerica, SE Region
Inspection Site: Coggin Ford, 2655 N. Volusia Ave, Orange City, FL 32763
Issuance Date: 03/18/2016

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, 1851 Executive Center Drive, Suite 227, Jacksonville, FL 32207**

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



Citation and Notification of Penalty

Company Name: TectaAmerica, SE Region
Inspection Site: Coggin Ford, 2655 N. Volusia Ave, Orange City, FL 32763

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

Section 5(a)(1) of the Occupational Safety and Health Act of 1970: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees operating JLG 450AJ Aerial Lift serial number 0300053935 were exposed to crushing and tipping hazards:

a). On or about October 1, 2015, and at times prior, employees operated the JLG 450AJ Aerial Lift serial number 0300053935. An employee moved the aerial lift into position, using the control panel located in the lift basket, and a malfunction of the lift controls caused the lift to move rapidly towards the roofline, crushing the operator between the roof edge and the control panel of the aerial lift, killing him and forcing another employee to jump from the basket, which resulted in a broken leg.

A feasible and acceptable abatement method to correct this hazard is to ensure that all recommended daily, and annual inspections be performed by a qualified person or company. Also, employer shall ensure all employees adhere to the company Safety Policy and procedures for working on aerial lifts.

Among others, a feasible and acceptable method of abatement to correct this hazard is to regularly inspect, service and maintain the JLG 450AJ Aerial Lift serial number 0300053935 and ensure that any damage, worn, broken, or obsolete parts are repaired or replaced per the manufactures recommended requirements and within established ANSI A92.5 2006.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	05/04/2016
Proposed Penalty:	\$7,000.00

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

Inspection Number: 1095613
Inspection Date(s): 10/01/2015 - 10/01/2015
Issuance Date: 03/18/2016



Citation and Notification of Penalty

Company Name: TectaAmerica, SE Region
Inspection Site: Coggin Ford, 2655 N. Volusia Ave, Orange City, FL 32763

Citation 1 Item 2 Type of Violation: **Serious**

29 CFR 1926.300(b)(1): Power operated tool(s), designed to accommodate guards, were not equipped with such guards when in use:

a). On or about October 1, 2015, an employee operated a Dewalt Brand 4-1/2" right angle grinders to remove existing aluminum gutters, nails and screws, from the existing building without a guard exposing the employee to the hazard of flying debris from the grinding a cutting of metal objects.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	03/30/2016
Proposed Penalty:	\$4,400.00

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

Inspection Number: 1095613
Inspection Date(s): 10/01/2015 - 10/01/2015
Issuance Date: 03/18/2016



Citation and Notification of Penalty

Company Name: TectaAmerica, SE Region
Inspection Site: Coggin Ford, 2655 N. Volusia Ave, Orange City, FL 32763

Citation 1 Item 3 Type of Violation: **Serious**

29 CFR 1926.404(f)(6): The path to ground from circuits, equipment, or enclosures was not permanent and continuous:

a). On or about October 1, 2015, employees were using a flexible extension cord to energize the outlet at the lift basket for the use of portable hand held electric tools and were not protected from electric shock hazards because the ground pin of the flexible cord had been removed/broken off.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$7,000.00

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

Inspection Number: 1095613
Inspection Date(s): 10/01/2015 - 10/01/2015
Issuance Date: 03/18/2016



Citation and Notification of Penalty

Company Name: TectaAmerica, SE Region
Inspection Site: Coggin Ford, 2655 N. Volusia Ave, Orange City, FL 32763

Citation 1 Item 4 Type of Violation: **Serious**

29 CFR 1926.453(b)(2)(i): Lift controls shall be tested each day prior to use to determine that such controls are in safe working condition.

a). On or about October 1, 2015, employees operating JLG 450AJ Aerial Lift were not required to operational test lift controls each day prior to use to determine that the controls were in safe working condition, exposing employees to crushing hazards.

To abate this violation the employer must ensure all employees follow the manufacturer recommendations on daily inspections of Aerial Lift controls prior to use. Employer shall ensure all employees follow the company Safety Policy and Procedures for the daily inspection and safe operation of Aerial lifts.

Pursuant to 29CFR 1903.19 the employer must submit documentation describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from future hazards.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:	04/06/2016
Proposed Penalty:	\$7,000.00

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



Citation and Notification of Penalty

Company Name: TectaAmerica, SE Region
Inspection Site: Coggin Ford, 2655 N. Volusia Ave, Orange City, FL 32763

Citation 2 Item 1 Type of Violation: **Repeat**

29 CFR 1926.453(b)(2)(v): A body belt was not worn and/or a lanyard was not attached to the boom or basket when working from an aerial lift: Note: As of January 1, 1998, subpart M of this part (1926.502(d)) provides that body belts are not acceptable as part of a personal fall arrest system. The use of a body belt in a tethering system or in a restraint system is acceptable and is regulated.

On or about October 1, 2015, an employee was working approximately 20 feet above the ground from the basket of a JGL Model AJ450 Aerial Lift and were not secured to the lift basket by means of the required body belt, exposed to a 20 foot fall hazard.

TectaAmerica Southeast Region, was previously cited for a violation of this occupational safety and health standard or its equivalent standard 29CFR 1926.453(b)(2)(v), which was contained in OSHA inspection number 961204, citation number 1, item number 2, and was affirmed as a final order on April 8, 2014, with respect to a workplace located at 1904 W. Vine Street, Kissimmee, FL 34741.

To abate this violation the employer must ensure all employees follow the manufacturer recommendations on Aerial Lift ladder use and positioning. Employer shall ensure all employees follow the company Safety Policy and Procedures for working in Aerial Lifts.

Pursuant to 29 CFR 1903.19, the employer must submit documents describing the steps it is taking to ensure compliance, including an explanation of how these steps protect its employees from the hazards associated with Aerial Lifts.

Date By Which Violation Must be Abated:
Proposed Penalty:

Corrected During Inspection
\$38,500.00


Brian J. Sturtecky
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
1851 Executive Center Drive
Suite 227
Jacksonville, FL 32207
Phone: 904-232-2895 Fax: 904-232-1294



INVOICE / DEBT COLLECTION NOTICE

Company Name: TectaAmerica, SE Region
Inspection Site: Coggin Ford, 2655 N. Volusia Ave, Orange City, FL 32763
Issuance Date: 03/18/2016

Summary of Penalties for Inspection Number	1095613
Citation 1, Serious	\$25,400.00
Citation 2, Repeat	\$38,500.00
TOTAL PROPOSED PENALTIES	\$63,900.00

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 on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. 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 2 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.



Brian J. Sturtecky
Area Director

3/18/16

Date

U.S. Department of Labor

Occupational Safety and Health Administration

Jacksonville Area Office
1851 Executive Center Drive
Suite 227
Jacksonville, FL 32207
Phone: (904) 232-2895 Fax: (904) 232-1294
<http://www.osha.gov>



March 18, 2016

Laura Heyman
1218 Bailey Ave
Deltona, FL 32725

Dear Ms. Heyman:

We are writing to share with you the findings of the recent Occupational Safety and Health Administration (OSHA) inspection into the death of your husband.

OSHA's inspection determined that the aerial lift Mr. Heyman was operating at the time of the accident was not inspected and was not maintained properly and there had been parts replaced on the control panel that were not approved by the manufacturer. Additionally employees were operating the lift without the use of fall protection and we cited the material condition of the powered hand tools and cords that were not being maintain in accordance with OSHA standards.

Enclosed is a copy of the citations and proposed penalties against TectaAmerica, SE Region. OSHA citations state the alleged violations of safety and health standards at the worksite. They also note which alleged violations OSHA has determined to be specifically associated with Mr. Heyman's death.

We would like to emphasize that, under the Occupational Safety and Health Act, civil penalties that OSHA imposes are not based on the occurrence of a fatality. Instead, the gravity of the violation, which factors in severity of injury and probability of occurrence, is one consideration in penalty calculation. Penalties may be reduced from the maximum allowable by law based on the company's size and history of previous violations. In some cases, penalties may be reduced in exchange for a company's prompt correction of problems in order to protect other employees at the site and to resolve the hazards promptly.

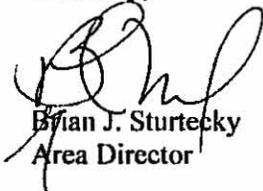
Enclosed is a brief fact sheet that further explains OSHA's citation and penalty policy and should help in understanding the citations. We know that no amount of money or compensation can measure the loss you and your family have suffered, and that your lives have been changed forever because of this tragedy. I would like to express to you my deepest sympathy. If you have any questions about our inspection or any of the information enclosed, please contact me:

Brian J. Sturtecky
USDOL/OSHA
Jacksonville Area Office Area Office
1851 Executive Center Drive
Jacksonville, FL 32207

Phone: (904) 232-2895
Fax: (904) 232-1294
E-Mail: Sturtecky.brian@dol.gov

The Freedom of Information Act (FOIA) governs the release of information concerning accident inspections conducted by OSHA. The releasable portions of the file will be made available to you upon written request. OSHA's policy is to waive fees for FOIA requests in these circumstances, subject to the requirements of 29 CFR Part 70.

Sincerely,



Bryan J. Sturtecky
Area Director

Enclosures